

Chapter 35 ZONING¹

ARTICLE 1. TITLE AND PURPOSE

Sec. 35-1. Short Title.

This chapter shall be known and may be cited as the "City of Farmington Zoning Ordinance" and may hereinafter be referred to as "this chapter."

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-2. Purpose.

This chapter is based on the adopted City of Farmington Master Plan and any similar plans addressing development patterns and goals. It is intended to regulate the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- A. Establishing zoning districts and regulations applicable to each district governing the use of the land, and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this chapter.
- B. Accommodating and promoting land uses which are compatible with the city's character.
- C. Conserving the property values and long term stability of residential neighborhoods, commercial districts, and industrial areas.
- D. Encouraging use of land and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the city, such as wetlands, topography, open space, mature vegetation and wildlife habitat; this chapter acknowledges the importance of these features on the long-term economic climate of all uses in the city and the overall quality of life for city residents.
- E. Limiting or prohibiting improper use of land.

¹Editor's note(s)—Section 1 of Ord. No. C-746-2010, amended Ch. 35, Zoning, in its entirety to read as herein set out. The provisions have been included as adopted with the exception of uniformity of use of numbers, capitalization, and obvious misspellings. Former Ch. 35 derived from Ord. No. C-691-2002, adopted Sept. 16, 2002; Ord. No. C-698-2003, adopted Dec. 1, 2003; Ord. No. C-701-2005, adopted March 7, 2005; Ord. No. C-710-2006, adopted Jan. 17, 2006; Ord. No. C-711-2006, adopted Jan. 17, 2006; Ord. No. C-712-2006, adopted Jan. 17, 2006; Ord. No. C-713-2006, adopted Jan. 17, 2006; Ord. No. C-717-2006, adopted Sept. 5, 2006; Ord. No. C-721-2006, adopted Nov. 20, 2006; Ord. No. C-738-2009, adopted March 16, 2009; and Ord. No. C-739-2009, adopted March 16, 2009.

Cross reference(s)—Buildings and building regulations, Ch. 7; community development, Ch. 11; fences, Ch. 13; historical preservation, Ch. 17; planning, Ch. 23; property maintenance, Ch. 24; signs, Ch. 25; streets, sidewalks and other public places, Ch. 28; subdivision regulations, Ch. 29.

State law reference(s)—Authority to regulate land use, MCL 125.581 et seq.

-
- F. Reducing hazards to life and property.
 - G. Promoting safe conditions for motorists, pedestrians and bicyclists by maintaining an acceptable level of service along streets and at driveways within the city.
 - H. Facilitating adequate and cost-effective infrastructure systems, and protecting the substantial public interest in those systems, including: transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.
 - I. Establishing controls over incompatible land uses and uses which may need particular regulations as special land uses to be compatible with surrounding development patterns and zoning.
 - J. Promoting the gradual elimination of uses, buildings and structures which do not conform with the regulations and standards of this chapter.
 - K. Providing for the administration of this chapter, including resolving conflicts with other chapters, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended.
 - L. Balancing the city's right to require compatible and quality development with the property owners' right to a reasonable rate of return on investment.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-3. Conflicting Regulations.

- A. Where any provision of this chapter imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards; wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this chapter, the provision or standard which is more restrictive or limiting shall govern.
- B. Except as otherwise provided in this chapter, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure; and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter which are applicable in the zoning district in which such use, building or structure is located.
- C. No setback area or lot existing at the time of adoption of this chapter shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established herein.
- D. This chapter shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement.
- E. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare. Any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this chapter.
- F. Uses that are contrary to or in violation of local, state, or federal law, ordinances, or other regulations are prohibited.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-4. Vested Rights.

- A. Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this chapter, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one (1) year of the effective date of this chapter.
- B. If a lot has an approved site plan, special land use or has been approved as a planned unit development (PUD) within six (6) months prior to the effective date of this chapter, such site plan, special land use or PUD shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this chapter. If such construction has not commenced in such a time period, the approval is void.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-5—35-20. Reserved.

ARTICLE 2. GENERAL PROVISIONS²

Sec. 35-21. Lot Area Allocation.

No portion of a lot can be used more than once in determining compliance with the lot area and yard provisions for construction or alteration of buildings.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-22. Municipal Buildings and Uses.

All municipal owned and operated buildings and uses shall be permitted after a finding by the planning commission that the particular use and development would not be injurious to the surrounding neighborhoods and would not be contrary to the spirit and purpose of this chapter. In the event the planning commission does not approve the use or site plan, city council may grant such approval by an affirmative vote of no less than four (4) of the five (5) members.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-23. Principal Buildings, Structures and Uses.

No lot may contain more than one (1) principal building, structure or use, excepting groups of multiple-family dwellings or retail business buildings or other groups of buildings contained within a single, integrated complex, sharing parking, access, signs and other similar features which together provide a unified function and appearance.

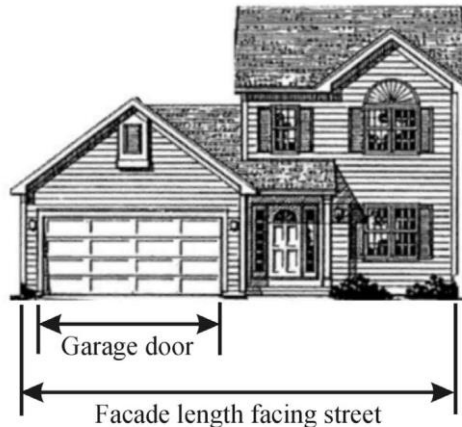
(Ord. No. C-746-2010, § 1, 4-19-10)

²Note(s)—The regulations contained within this article shall apply to all parcels within the city, regardless of zoning designation, unless otherwise noted.

Sec. 35-24. Residential Development Regulations.

- A. *Intent.* The development standards contained herein are intended to regulate the character of new infill housing development in established single-family residential subdivisions or neighborhoods, including the Historic District. These regulations are based on a finding that the cohesiveness and character of the city's existing neighborhoods are significant factors in the city's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. The purpose of these regulations is to ensure new housing units are harmonious with the general character of the adjacent houses and the neighborhood in general in terms of building mass and height, building arrangement, location and design of garages, amount of pervious surface, architectural design and building materials. While some level of diversity is acceptable, the review procedures outlined herein are intended to ensure the design variation of new homes is similar to the level of variation in existing homes.
- B. *Approval Required for Residential Construction.*
1. For any type of construction where a building permit is required, a building permit application shall be submitted to the building official for review and approval. The following types of residential construction shall also require review and approval by the Planning Commission:
 - a. Construction of a new residential dwelling on an existing vacant lot of record or on a lot where the existing structure has been, or will be, removed.
 - b. Construction of a new residential dwelling on a new lot created through a land division, subdivision, or condominium; provided, however, the planning commission may approve typical model home designs at the time of approval of a subdivision or condominium, and individual dwellings within the development that are substantially in conformance with these typical plans can be approved by the building official.
 - c. New construction, expansion, or demolition of any residential dwelling or accessory building in the historic district.
 - d. Construction or expansion of three (3) or more residential dwellings on a lot, such as condominiums or multiple-family residential.
 - e. Expansion of an existing single or two-family dwelling that will result in a floor area that is more than two hundred (200) percent of the average of surrounding homes within three hundred (300) feet.
 2. Any renovation or expansion of an existing dwelling or accessory building that will result in a floor area that is no more than two hundred (200) percent of the average of surrounding homes within three hundred (300) feet, and does not otherwise require planning commission approval in subsection 1., above, may be approved administratively by the building official.
- C. *Standards for Planning Commission Approval of Single-Family and Two-Family Dwellings.*
1. Where planning commission approval is required by this section, a residential site plan, including building footprint with building size, setback dimensions, and lot coverage calculations, elevations for all sides of the building, and details on building materials shall be provided for planning commission review. The planning commission may also require the applicant provide additional information to demonstrate that the requested construction meets the standards of this section. Such information may include a photographic inventory of nearby homes, cross sections or plan views that illustrate the relationship to adjacent homes or a report by an architect.
 2. The application shall be reviewed based upon the following standards:

- a. The building massing, height, and orientation shall not unreasonably impact adjacent property privacy, views, access to light, or the continuity of open yard spaces within the neighborhood.
- b. The proposed building's appearance shall be compatible with the general character of the neighborhood in terms of architectural styles, details, building materials, roof pitch, building massing, height, and garage orientation.
- c. The proposed building shall be in accordance with the area and bulk regulations of the district in which it is situated. If an addition is proposed to a nonconforming dwelling, the proposed expansion shall not increase the degree of nonconformity with regard to setback, lot coverage, or building height requirements. If variances are necessary, they shall be approved by the zoning board of appeals and shall be limited to the minimum necessary to provide reasonable development of the property similar to other residential owners in the area.



$$50\% \geq \frac{\text{Garage door length facing street}}{\text{Total facade length facing street}}$$

- D. *Minimum Floor Area.* The gross floor area of any proposed single-family or two-family dwelling unit shall be no less than ninety (90) percent of the average floor area of other single-family or two-family dwelling units within three hundred (300) feet of the subject lot.
- E. *Dimensional Requirements.* All residential dwellings shall be in accordance with the area and bulk regulations of the district in which they are situated, unless variances are first obtained from the board of zoning appeals.
- F. *Front Yard Setbacks.* In addition to the minimum setback requirements of the zoning district, the front yard setback of any proposed single family or two-family dwelling unit shall be no less than ninety (90) percent and no more one hundred thirty-five (135) percent of the average established front setback of other single-family or two-family dwelling units within three hundred (300) feet, on the same side of the street, of the subject lot.
- G. *Building Appearance.* Building appearance for new single-family and two-family dwelling units shall be similar and compatible with the general character of the area and reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials and design themes of dwelling units within three hundred (300) feet of the subject lot.
- H. *Garages.* In order to protect the historic or traditional quality of the city's neighborhoods and maintain the pedestrian-oriented nature of the city, the front facade of single-family and two-family dwellings shall not be dominated by garage doors. For dwellings with a front-loaded attached garage, garage doors facing the street shall not constitute more than fifty (50) percent of the linear facade length facing the street.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-25. Adult and Child Care Facilities.

- A. Adult and child residential care facilities, as defined in Article 21, Definitions, are allowed only as provided for in the following table and in accordance with State of Michigan licensing regulations. Applicable conditions are listed as footnotes to the table.

Type of Facility	Zoning District			
	R1, R1A, R1B, R1C, R1D, R1P, R2	R3, R4, R5, R6	O, OS, CBD, C2, C3	IND
P: Use is permitted by right in district				
SLU: Use is permitted in accordance with Article 12, Special Land Uses				
SLU as accessory or re-use: Use is permitted only as an accessory to a quasi-institutional use, or as re-use of a site previously occupied by a quasi-institutional use				
NP: Not permitted				
<i>Foster Care Uses (24 hours a day):</i>				
Adult foster care family home (6 or fewer adults) (1,2)	P	P	NP	NP
Adult foster care small group home (12 or fewer adults) (1,2)	SLU	SLU	NP	NP
Adult foster care large group home (13 to 20 adults) (1,2)	NP	SLU	NP	NP
Foster family home (4 or fewer children 24 hours per day)	P	P	NP	NP
Foster family group home (5 to 6 children 24 hours per day) (1,2)	SLU	P	NP	NP
<i>Day Care Uses (less than 24 hours):</i>				
Adult day care facilities (6 or fewer adults) (1,2)	P	P	P	P
Adult day care facilities (6 or more adults) (1,2,3)	SLU as accessory or re-use	SLU	SLU	SLU
Family day care home (6 or fewer children less than 24 hours per day) (1,2,3,4)	P	P	NP	NP
Group day care home (7 to 12 children less than 24 hours per day) (1,2,3,4)	SLU	SLU	NP	NP
Child care center or day care center (more than 6 children less than 24 hours per day) (1,2,3,4)	SLU as accessory or re-use	SLU	SLU	SLU
<i>Institutional and Congregate Uses:</i>				

Created: 2022-04-23 16:39:22 [EST]

(Supp. No. 19)

Child caring institution (1,2,3,4)	NP	SLU	SLU	SLU
Adult foster care congregate facility (more than 20 adults) (1,2,3)	NP	SLU	NP	NP

Footnotes:

1. Off-street parking shall be provided for the number of employees on site at any one (1) time.
 2. The building shall have an appearance which is nonintrusive and consistent in color, materials, roof line and architecture with the single-family or multiple-family residential district in which it is located, as determined by the planning commission.
 3. An on-site drive shall be provided for drop-off/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
 4. The facility shall operate a maximum of sixteen (16) hours per day.
 5. Re-use of existing quasi-public institutional buildings, such as schools, churches, or other civic buildings may be permitted if in compliance with the following:
 - a. Adult and child care uses only shall be permitted. Re-use for social clubs, etc., shall not be considered under this section.
 - b. No special medical services may be offered at the facility, except as normally associated with day care uses.
- B. A residential adult or child care facility existing prior to the effective date of this chapter, that has been operating under a valid state license following the effective date of this chapter, shall be considered an approved special land use, provided such use conforms with the conditions of this section. Any change in the class of the use to a larger care facility shall require approval in accordance with the requirements of this chapter. Any modification to the use shall require approval following the standards of Article 13, Site Plan Review, as applicable.

(Ord. No. C-746-2010, § 1, 4-19-10; Ord. No. C-751-2010, §§ 1, 2, 1-18-11)

Sec. 35-26. Regulations Applicable to Single-Family Dwellings Outside Manufactured Housing Communities.

Any single-family dwelling, constructed and erected on a lot outside a manufactured housing community, shall be permitted only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must be one (1) of the following:
 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standard which may be promulgated; or
 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection 1., above, and found, on inspection by the building official, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the city, provided, however, that where a dwelling unit is required by law to comply with any federal or state standard or regulation for construction, and where

such standard or regulation for construction is different than that imposed by city codes, the federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building official.

- C. The dwelling unit shall comply with all restrictions and requirements of this chapter, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located. If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed.
- D. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty-four (24) feet and thirty-four (34) feet across any front elevation. The structure shall be placed on the lot so that the portions nearest the principal street frontage are at least thirty-four (34) feet in dimension parallel to the street.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation shall have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a mobile home, its foundation and skirting shall fully enclose the chassis, undercarriage and towing mechanism.
- F. A storage area within a building with an area of no less than one hundred twenty (120) square feet shall be provided. This storage area may consist of a basement, closet area, attic or attached garage in a principal building, or in a detached accessory building that is in compliance with all other applicable provisions of this chapter pertaining to accessory buildings.
- G. Permanently attached steps or porch areas at least three (3) feet in width shall be provided in accordance with the city building code egress standards where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the city building code.
- H. The main roof of the dwelling unit shall have a pitch of not less than five (5) feet of rise for each twelve (12) feet of horizontal run and shall have not less than a six-inch overhang.
- I. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- J. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
- K. The dwelling shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- L. The above standards may be modified by the building official or the planning commission, as applicable, upon determination that the proposed design is consistent with the predominant standard in the block or neighborhood.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-27. Home Occupations.

Home occupations are permitted in any residential district with the following conditions:

- A. There shall be no sale of products or service on the premises where the home occupation is located except those that are produced, used or incidental to the normal conduct of the home occupation. A retail showroom, sales area, outlet or similar facility is prohibited.

-
- B. The use of the dwelling for the home occupation shall be clearly accessory, incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
 - C. There shall be no change in the outside appearance of the dwelling or accessory building, or any other visible evidence of the conduct of the home occupation provided, however, that there may be one (1) nonilluminated sign, not exceeding two (2) square feet in area, and mounted flat against the wall of the dwelling. There shall be no other signs either on the building or in the windows of the dwelling related to the home occupation.
 - D. No more than one (1) employee other than members of the family residing in the dwelling shall be permitted to be engaged in the operation of the home occupation.
 - E. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - F. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process that causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises shall be used in the home occupation.
 - G. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, and generally no more than ten (10) vehicular trips per day.
 - H. The home occupation, including any storage of materials or goods, shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or other detached accessory structure. This provision is to ensure adequate parking is provided on-site and to reduce negative impacts on the neighborhood.
 - I. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard area.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-28. Temporary Buildings, Structures, Uses and Events.

- A. *Temporary Construction Buildings and Storage Trailers.* Temporary construction buildings, structures, uses and storage trailers may be permitted, after review and approval of the building official, subject to the following conditions:
 - 1. *Temporary Construction Buildings.*
 - a. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot.
 - b. No temporary building or structure shall be used as a dwelling unit.
 - 2. *Temporary Trailers.*
 - a. Enclosed trailers may be used for the temporary storage of materials only in the IND Industrial District and when such materials are in the process of being received or shipped.
 - b. The trailer(s) shall not be used for permanent storage of materials.

-
- c. Each trailer shall be equipped with a current trailer license as issued by a state and be in proper operating condition to be used upon the streets and roadways of this state.
 - d. The use of trailer(s) for temporary storage shall be limited to three (3) trailers for the permitted principal use.

B. *Temporary Outdoor Uses, Activities and Special Events.*

- 1. All special events, as defined in Article 21, Definitions, shall be subject to Chapter 4, Article VI, Special Events, of the Farmington City Code.
- 2. Temporary outdoor uses and activities, such as but not limited to art shows, sidewalk sales, carnivals, auto shows, and boat shows, may be approved for a period not to exceed ten (10) consecutive days; provided, the proposed use or event is found to be: temporary in character; not detrimental to adjacent property; not disturbing to the public peace; and will not create undue traffic congestion or hazards. Temporary events, accessory to and on the same lot as a principal permitted use, may be approved by the building official. Any temporary event that is conducted on public right-of-way or city owned property shall require city council approval.
- 3. Tent sales in a parking lot for individual businesses shall be permitted in the CBD, C2 and C3 districts as an accessory use to a permitted retail use. All merchandise sold shall be that of the regular retail use in the principal building of the site. Each business shall be limited to one (1) tent sale per calendar year for a maximum of ten (10) consecutive days. The area occupied by the tent sale shall not exceed ten (10) percent of the floor area of the permanent retail space of the business and the longest dimension of the tent shall not exceed the width of the permanent retail space of the business. Tent sales shall be located in a manner that does not conflict with site circulation for vehicles or pedestrians. A site plan shall be provided for administrative approval by the building official showing the location of the proposed tent, existing structures, sufficient off-street parking, utilities, lighting and signs prior to initiation of such activity. If the tent sale will be located on a municipally owned parking lot, then city council approval shall be required, based upon the recommendation of the planning commission.
- 4. The approval shall specify such conditions and standards as are found necessary by the city to assure compliance with the above criteria.

C. *Temporary Living Quarters.* The building official may permit temporary living quarters not to exceed six (6) months provided that all requirements and conditions relative to the use and timing are specified in writing.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-29. Nonresidential and Residential Uses.

Except in the CBD District and where specifically provided for in this chapter, nonresidential and residential use on the same lot in the same building is prohibited.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-30. Determination of Similar Use.

- A. This chapter acknowledges that all potential uses of land cannot be specifically identified in the zoning districts. All applications for a use not specifically addressed in any zoning district shall be submitted to the planning commission for review and decision, based on the following standards:
 - 1. The planning commission shall identify a use listed in the zoning ordinance that most closely resembles the proposed use. Such similar use shall be determined using criteria such as potential impact on

property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on the health, safety and welfare of the city.

2. If a similar use is determined, the proposed use shall comply with any special land use standards or other zoning ordinance requirements that apply to the similar use.
- B. The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the planning commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.
- C. Any use not listed or found similar to another permitted or special land use is prohibited.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-31. Essential Public Services.

The erection, construction, alteration or maintenance of essential public services, as defined in Article 21, Definitions, authorized under any franchise in effect within the city shall be permitted subject to regulation as provided in any law in the State of Michigan or in any city ordinance. It is the intention of this chapter to ensure conformity of all structures and uses to the requirements of this chapter wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or city ordinance. In absence of such conflict, the standards of this chapter shall prevail.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-32. Electric Distribution and Service Lines.

The electric distribution system for new residential developments shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rules 460.511—460.512). Electric lines servicing new office, commercial and industrial developments shall be located underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513) unless the practical difficulty associated with such action shall result in an undue burden to the customer as determined by the city council.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-33. Voting Place.

The provisions of this chapter shall not be construed to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-34. River Valley Floodplain Overlay District.

- A. The floodplain of the Upper River Rouge and Tarabusi Creek, known as the "River Valley" is designated and described in the report "Flood Insurance Study" (FIS) City of Farmington Supp. No. 4. Rev. dated July 16, 1980. The floodplain constitutes all land lying within a line delineating and designated as the 100-year flood, which is all of the land contained in Zone A and B on the "Flood Insurance Rate Map" (FIRM) which is an integral part of the "Flood Insurance Study".

-
- B. The River Valley Floodplain District will function as an overlay district.
 - 1. Areas outside of the "base floodplain" or 100-year flood, as described in the FIRM and FIS, are allowed to be used for uses and accessory uses otherwise permitted by the applicable zoning district, subject to the regulations set out in the applicable district.
 - 2. The following other uses are permitted within this overlay district: gardening and horticulture; parks, playgrounds, and athletic fields; golf courses; and off-street parking accessory to a use which is outside the base floodplain on the same lot.
 - 3. The following uses are considered special land uses and are subject to the provisions in Article 12, Special Land Uses, bridges; dumping or backfilling of material in the base floodplain; and outdoor play equipment, including bleachers, in the base floodplain.
 - C. In an area at or within the "base floodplain" (100-year flood), land may be used to supply open space or lot area requirements of a lot partially in the base floodplain. However, no building or structure shall be located within the base floodplain.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-35. Illegal Dwellings.

For the express purpose of protecting the health, safety and general welfare of the inhabitants of the city and of reducing hazards to life and property, no garage, accessory building or other similar structure or building shall hereafter be occupied, erected or moved upon any premises and occupied or used for dwelling purposes unless otherwise permitted in this chapter. A basement dwelling or other habitable area may be permitted provided it complies with the building code.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-36. Commercial Vehicle Parking and Storage.

- A. Commercial vehicles shall not be considered as an accessory use to a single-family dwelling except as permitted below:
 - 1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 - 2. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker or semi-tractor.
 - 3. No part of the vehicle may exceed seven (7) feet in overall height, measured from grade.
 - 4. The vehicle shall not have ladders, tools, pipes or other similar equipment attached to the exterior.
 - 5. The vehicle shall not have more than four (4) rear wheels.
 - 6. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
 - 7. The vehicle shall not display markings or advertising identifying a company, firm, corporation or other place of business. Such vehicles are permitted if all advertising markings are covered while the vehicle is on the residential premises.
- B. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- C. Commercial vehicles which are employed in conjunction with the permitted use of a lot, parcel or any premises shall be parked or stored in compliance with the following provisions:

-
1. For sites with a site plan approved subsequent to the effective date of this section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan.
 2. For situations not covered under 1., above, such vehicles shall not be parked while the commercial establishment is closed to the public or stored in any parking space adjacent to the public right-of-way except when the number of commercial vehicles under control of the owner and/or occupant exceeds the number of available parking spaces.
- D. Commercial vehicles used as signs are prohibited. No commercial vehicle may be parked on a business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose, as determined by the building official, of advertising a product or serving as a business sign.
- E. In any multiple-family residential district, the property owner or the controlling association shall provide a designated area, approved by the planning commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this chapter shall not be used for the parking or storage of commercial vehicles.
- F. The parking or storage of commercial vehicles for residential, office or storage purposes shall not be permitted.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-37. Repair of Vehicles.

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

- A. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
- B. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-38. Recreational Vehicle and Equipment Parking and Storage.

- A. Recreational vehicles and equipment shall include, but not be limited to: travel trailers; camp trailers; tent trailers; campers and pickup campers; folding tent trailers; utility trailers; boats and boat trailers; floats and rafts, including transportation equipment; and manufactured motor homes and motorbuses, all designed to be used as a temporary dwelling for travel, recreational and vacation use or periodical and occasional family recreational and vacation use.
- B. The following standards shall apply in all residential districts:
 1. Except as otherwise permitted in this section, recreational vehicles and equipment greater than eight (8) feet in width or thirty-two (32) feet in length shall not be parked or stored on any lot or parcel or on the street in any residential district.
 2. Recreational vehicles and equipment shall be parked and stored in the rear yard, behind the rear building line. On a corner lot, vehicles and equipment must be parked or stored behind the side yard building line of the yard adjacent to the public right-of-way.
 3. Recreational vehicles and equipment may be parked anywhere on the owner's premises for loading and unloading purposes not to exceed a period of forty-eight (48) hours.

(Supp. No. 19)

Created: 2022-04-23 16:39:23 [EST]

-
4. Recreational vehicles or equipment shall not be parked or stored overnight on any public right-of-way.
 5. Recreational vehicles and equipment shall not be used for living purposes nor may they be connected to water or sanitary sewer facilities.
 6. Recreational vehicles must have a current or prior year license plate and registered to an occupant of the dwelling unit.
- C. In any multiple-family residential district, the property owner or the controlling association shall provide a designated area, approved by the planning commission to park or store recreational vehicles and equipment. Parking spaces required to meet the parking requirements of this chapter shall not be used for the parking or storage of recreational vehicles or utility trailers.
 - D. Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or equipment.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-39. Projections into Yards.

- A. Architectural elements attached to the building such as sills, belt courses, cornices, eaves, gutters, chimneys, pilasters and similar features shall be permitted to encroach into the minimum setback requirements of this chapter, not more than fourteen (14) inches.
- B. Unenclosed steps, fire escapes, balconies which are open and unenclosed, and marquees, may project not more than five (5) feet into any required yard.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-40. Awnings and Canopies.

- A. Awnings and canopies projecting from the facade of a building are permitted to occupy any required setback area provided the awning or canopy is retractable or can be readily disassembled without damage to the building.
- B. For nonresidential developments subject to site plan review, awnings and canopies shall be shown on a site plan.
- C. Permanent canopies such as those covering gasoline pump islands and other drive-through facilities may not extend into any required setback.
- D. Signs on awnings and canopies shall be subject to the requirements of Chapter 25, Signs, of the Farmington City Code.
- E. All lighting for awnings and canopies shall be shielded so that the light source does not adversely affect driver or pedestrian visibility or affect adjacent property and shall otherwise comply with section 35-48, exterior lighting, in this article.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-41. Decks, Patios and Porches.

- A. Uncovered and unenclosed decks, patios, terraces and porches elevated six (6) inches or more above grade in any residential district shall be set back a minimum of three (3) feet from any side or rear lot line and may:

-
1. Encroach into the required front yard setback not more than eight (8) feet;
 2. Encroach into the minimum rear yard setback not more than twenty (20) feet provided that such distance shall not exceed fifty (50) percent of the depth of the rear yard; and
 3. Be covered with an open-type canopy or sunscreen not to exceed fifty (50) percent of the area of the deck, patio, terrace or porch.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-42. Exceptions to Height Limit.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, HVAC units, or similar mechanical equipment required to operate and maintain a building and fire, or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, individual domestic television, and radio antennas, satellite dishes a meter or less in diameter or similar structures may be erected above the height limits herein prescribed. These structures may exceed the height limit of the district in which they are located by no more than twelve (12) feet; except that parapet walls may be no more than six (6) feet above the height requirement of the district. Such structure(s) shall not have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for a residential, commercial or industrial purpose other than a use incidental to the principal use of the building.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-43. Accessory Buildings and Structures—In General.

- A. Accessory buildings and structures are permitted only in connection with and incidental to a principal building or structure that is permitted in the particular zoning district. No accessory building or structure may be placed on a lot without a principal building or structure.
- B. No accessory building or structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- C. An accessory building or structure must be in the same zoning district as the principal building or structure on a lot.
- D. Where the accessory building or structure is structurally attached to a principal building or structure, it shall be subject to all the regulations of this chapter applicable to principal buildings and structures except as otherwise noted in this article.
- E. Accessory buildings and structures shall not be occupied for dwelling purposes.
- F. Accessory buildings and structures shall not be permitted in any front yard.
- G. Accessory buildings and structures shall not be located closer than three (3) feet from any side or rear lot line. Buildings located within five (5) feet of any property line must provide proper fire-resistant exterior walls as required by the 2006 Michigan Residential Code, as amended.
- H. All accessory buildings and structures combined shall cover no more than thirty-five (35) percent of the required rear yard.
- I. The maximum cumulative square footage of all accessory buildings and structures shall be as follows unless otherwise noted:

(Supp. No. 19)

Created: 2022-04-23 16:39:23 [EST]

-
1. On lots up to two (2) acres in size, the cumulative square footage of all detached accessory buildings and structures shall not exceed one-half (½) the occupiable square footage of the principal building. Occupiable square footage shall be defined as all living areas excluding a basement or garage.
 2. On lots over two (2) acres in size, the cumulative square footage of the detached accessory buildings and structures shall not exceed two (2) times the occupiable square footage of the principle building.
- J. No more than two (2) detached accessory buildings shall be permitted on any lot in a residential district.
- K. The maximum building height of any detached accessory building shall be fifteen (15) feet, in accordance with Article 21, Definitions, Building Height.
- L. The design and building materials of any accessory building shall be consistent with the character of the principal building on the property as determined by the planning commission, city council or building official.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-44. Accessory Buildings and Structures—Residential Districts.

- A. No accessory building or structure shall be erected in any yard with public street right-of-way frontage, including all such sides of a corner lot unless otherwise noted.
- B. No accessory building or structure shall be erected in any required front or side yard unless otherwise noted.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-45. Pedestrian Walkways.

- A. *Walkways from the Sidewalk to Building Entrances.*
1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
 2. The walkways shall be a minimum of five (5) feet wide.
 3. The walkways shall be lighted for safe use in the evening, as applicable.
 4. The walkways shall be distinguished from the parking and driving areas. This may be accomplished with a raised speed table or with the use of any following materials: special pavers, bricks, scored/stamped concrete, landscaping, or bollards. Other materials may be used if they are appropriate to and harmonious with the overall design of the site and building as determined by the approving body (city council, planning commission, or building official, as appropriate).
 5. Internal walkways shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least fifty (50) percent of the length of the walkway.
 6. Walkways shall be connected to adjacent sites wherever practicable.
- B. *Walkways from Parking Areas, or Other Public Spaces to Building Entrances.*
1. Internal pedestrian walkways shall be provided to the building(s) from internal parking areas, or other on-site or nearby public spaces such as transit stops or public gathering area.
 2. The walkways shall be a minimum of five (5) feet wide.
 3. The walkways shall be lighted for safe use in the evening, as applicable.

-
4. The walkways shall be distinguished from the parking and driving areas. This may be accomplished with a raised elevation or with the use of any of the following materials: special pavers, bricks, scored/stamped concrete, landscaping, or bollards. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the city council, planning commission or building official. Where parking is provided to the rear of the site, this standard shall apply to alleys, as well as parking and driving areas, in a manner that helps to guide pedestrians to secondary building access locations.
- C. *Sidewalks.* Sidewalks shall be provided in accordance with Chapter 28, Streets, Sidewalks and Other Public Places, of the City of Farmington Code.
- (Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-46. Reception Antenna Facilities.

- A. In all single-family zoning districts, the installation and/or use of a reception antenna facility having a diameter in excess of three (3) feet shall be subject to planning commission site plan approval, and shall be permitted only as an accessory use and only as authorized in this section.
- B. A ground-mounted reception antenna facility shall be located in the rear yard only and shall be located no closer than six (6) feet from a side or rear lot line.
- C. A roof-mounted reception antenna facility shall be located on that portion of the roof adjacent to the rear yard of the property and a structure-mounted facility shall be located in the rear yard only.
- D. All reception antenna facilities shall be of mesh or rod and/or pole construction, and shall not be of solid sheet or panel construction and shall be black in color.
- E. The foregoing regulations have been determined to be the minimum necessary to achieve the health and safety objectives of:
 1. Preventing inappropriate overcrowding of residential streetscapes which obstruct clear vision of pedestrians and motorists and distracts motorists' attention from traffic conditions; and
 2. Promoting the appropriate relationship in the location of mechanical structures and devices relative to single-family residences and to avoid blighting conditions.
- F. Excluded from the regulations of this section are conventional VHF and UHF television antennae based upon the following findings:
 1. There is relatively small concern for wind and snow load issues;
 2. There has been a long-demonstrated safety record;
 3. There has been a historical acceptance of such facilities from an architectural and aesthetic standpoint; and
 4. The cost of complying with the procedure for application and review would be great in relation to the cost of purchasing and installing the facility.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-47. Roof-Mounted Cellular Towers and Antennas.

Antennas for cellular telephone transmission and similar communication technology shall be permitted to be placed on the roofs of buildings in the O, OS, CBD, C2, C3, and IND Districts subject to the following conditions:

-
- A. The principal use of the site is a conforming use and the building is a conforming structure.
 - B. The antenna shall not exceed the height of its supporting structure by more than twelve (12) feet.
 - C. The top of the antenna's supporting structure may exceed the height requirements of the district in which it is located by not more than ten (10) feet.
 - D. The antenna's supporting structure shall be set back from the outermost vertical wall or parapet of the building a distance equal to at least two (2) times the height of such structure.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-48. Exterior Lighting.

All exterior lighting including freestanding poles and building-mounted lights, shall be fully shielded and directed downward to prevent off-site glare on streets or adjacent property. Lighting shall be so arranged that such lighting does not produce any glare which is a nuisance, or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

- A. *Intensity.*
 - 1. With the exception of gas station canopies and automobile dealerships, the intensity of lighting on any site shall not exceed ten (10) footcandles within the site and one (1) footcandle at any property line, except where adjacent to a public right-of-way or parking lot. Where a site abuts a residentially used or zoned site, a maximum of 0.5 footcandles is permitted at the property line.
 - 2. For gas station canopies and automobile dealerships, a maximum of twenty-two (22) footcandles is permitted within the site but the above standards shall apply to intensity at the property line.
 - 3. In the CBD, a greater intensity may be approved by the planning commission when the higher intensity level will result in a safer lighting design for a public area such as a parking lot, pedestrian walkway, or public gathering area.
- B. *Fixtures (for Non-Single-Family Residential Uses).*
 - 1. Metal halide "shoe box" type fixtures shall be used and directed downward in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
 - 2. In the CBD, decorative fixtures that reflect a traditional downtown character and that are consistent with other predominant decorative fixtures in the CBD are required in lieu of "shoe box" fixtures.
 - 3. In all other districts, the planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be demonstrated that there will be no off-site glare, that permissible lighting levels will not be exceeded and the proposed fixtures will improve the appearance of the site.
- C. *Pole Height.* The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the planning commission may permit a maximum height of thirty (30) feet in commercial or industrial districts for poles at least one hundred fifty (150) feet from a residential district.
- D. *Location of Poles in Parking Lots.* Parking lot poles shall be located in the parking lot islands or along the edge of the parking lot. Light poles shall be prohibited in parking spaces, loading spaces or maneuvering areas.
- E. *Window Lighting.* Any light fixtures visible through a window must be shielded to prevent glare at the property line.

-
- F. *Luminous Tube (Neon) and Exposed Bulb Lighting (for Non-Single-Family Residential Uses).*
1. Luminous tube (neon) and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings (e.g., along the roofline and eaves, around windows, etc.). The planning commission may approve internally illuminated architectural bands when such bands will enhance the appearance of the building.
 2. Luminous tube (neon) and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of Chapter 25, Signs.
- G. *Other Lighting.*
1. The internal illumination of building-mounted canopies is prohibited.
 2. Indirect illumination of signs, canopies and buildings is permitted provided a maximum one hundred twenty-five (125) watt bulb is utilized and there is no glare.
 3. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited unless approved by the city as part of a special event.
 4. Except as may be permitted in 3., above, lighting shall not be of a flashing, moving or intermittent type.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-49. Fences.

- A. All fences shall be erected and maintained in accordance with the provisions of this section. No fence may be erected, enlarged, extended, relocated or altered with a zoning compliance permit having been issued therefor except as provided in section 35-49.C. Decorative Fences and Landscape Features. An application for a permit shall be made upon forms provided by the building official and shall include:
1. Plans and specifications reasonably sufficient to show the dimensions, material and details of the fence;
 2. A plot plan of the premises upon which the fence is to be located, showing the property line, the location of any building on the lot, and the positions of the fence in relation to adjoining streets, buildings, structures and driveways; and
 3. Such other information as the building official may require to determine full compliance will be made with the requirements of this chapter; permits secured after construction of the fence being commenced shall require a fee which is double the amount established for timely permit applications.
- B. *Residential, Commercial and Office Districts.* In residential, commercial and office districts, the following provisions apply:
1. No fence may be located within a required front yard.
 2. No fence may be located within the required rear yard on a through lot.
 3. In no case shall the required rear yard be smaller than the minimum front yard of the zoning district.
 4. No more than one (1) fence may occupy a building line or rear or side lot line or an area ten (10) feet either side of such lot line, except for a perpendicular connection to a fence occupying a lot line.
 5. No fence may exceed six (6) feet two (2) inches in height, measured from the surface of the ground to the highest point of the fence. Supporting posts may measure six (6) feet, four (4) inches; provided,

that where a fence extends in front of a rear building line, the height above ground shall not exceed four (4) feet.

C. *Decorative Fences and Landscape Features.*

1. Decorative fences and landscape features which are less than thirty (30) inches in height with supporting structural posts no greater than thirty-six (36) inches in height may be considered a landscape element and may be located within a front or side yard, without a permit, subject to the following conditions:
 - a. They shall not exceed forty (40) feet in total length nor exceed twenty (20) feet in any continuous direction;
 - b. They are located a minimum of two (2) feet from any public sidewalk;
 - c. They are located a minimum of two (2) feet from any lot line;
 - d. They are constructed of wood or material having the appearance of wood or wrought iron and they are finished in earth tone shades, black or white; and
 - e. The area within the single continuous perimeter of the extreme limits of the structure is not more than twenty (20) percent obstructed.
2. Fences which are less than thirty (30) inches in height with supporting structural posts no greater than thirty-six (36) inches in height may be located within a rear yard, without a permit, provided that they are located a minimum of five (5) feet from any lot line, except for perpendicular connection to a fence occupying a lot line.

D. *Industrial Districts.* In industrial districts the following provisions apply:

1. No fences may be located within the required front yard.
2. On a lot occupied by a principal structure, no fence may be located within the required front yard.
3. On a through lot, no fence may be located within an area of the rear yard equal to the minimum front yard required by this chapter.
4. No more than one (1) fence may occupy a rear or side lot line or an area ten (10) feet either side of a rear or side lot line, except for a perpendicular connection to a fence occupying a lot line.
5. No fence may exceed eight (8) feet in height measured from the surface of the ground to the highest point of the fence.

E. *Prohibited Fences.* The following fences are prohibited:

1. A fence consisting in whole or part of coils of barbed wire, concertina wire or razor wire.
2. A fence with razored edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind or description attached; fence gates shall not be constructed so as to create a hazard to the public by the projection of any pointed instrument or member when open or partially open.
3. A fence charged or connected with an electrical current, provided however, this provision shall not be construed to apply to electrical fences installed below ground as elements of an animal control or security system.
4. A standard barb wire fence except upon essential service sites or industrial properties which do not abut property zoned or used for residential purposes; in such locations standards barb wire may be installed on the top of a fence on arms or cradles extending inward over the owner's property provided that the fence has a minimum height of six (6) feet above the adjacent grade and the combined height

of the fence and barbed wire and arms or cradles does not exceed eight (8) feet above the adjacent grade; and

5. A fence which consists in whole or part of woven plastic or plastic panels.

F. *Construction and Maintenance.*

1. All fences shall be constructed of posts sunk in the soil at least three (3) feet. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot, or be centered between the two (2) vertical exterior surfaces of the fence.
2. The fence shall be stable and properly supported, posts shall be at right angles to the horizon and not be raised above grade as a result of frost heave. All fences shall have posts made of either iron pipe, one and five-eighths (1 $\frac{5}{8}$) inch outside diameter, or wood posts, four (4) inches in diameter, or concrete posts, four (4) inches across, or other suitable material of equal stability. Support posts shall not be further than ten (10) feet apart. Metal terminal posts and gate shall not be less than two (2) inches outside diameter.
3. All supporting structural members of all fences shall be kept sound, free of deterioration and maintained in a condition capable of safely bearing the dead and live loads imposed upon them.
4. All exterior surfaces materials including, without limitation, wood, wire or metal shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration. Breaks, loose or rotting pieces, or other conditions of deterioration, regardless of cost, shall be repaired.
5. A permit shall not be required to conduct the routine maintenance and repair of fences mandated by this section of this chapter.

G. *Unsafe or Dangerous Fences.*

1. All fences which have any or all of the following defects shall be deemed "unsafe fences":
 - a. Those whose vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside one-third ($\frac{1}{3}$) of its base;
 - b. Those which show damage or deterioration of the support members or exterior surfaces to such extent as to be soon unable to bear dead or live loads imposed on them;
 - c. Those which have parts thereof which are so attached that they may fall and injure persons and property; and
 - d. Those which are partially completed unless such fences are in the course of construction in accordance with the valid fence permit issued by the city and unless its construction is completed within a reasonable time;
2. An unsafe fence is deemed to be a nuisance. Upon determination by the building official that a fence is unsafe, he shall:
 - a. Cause a report to be filed on a docket of unsafe fences, stating the use of the fence, the nature and estimate of the extent of damages, if any, and such other particulars as may be appropriate; and
 - b. Notify, in writing, the owner of record as reflected on the city's tax rolls of his determination of the existence of an unsafe fence, and that such fence must be repaired or removed in accordance with the terms of the notice and this chapter.
3. Notwithstanding any civil infraction proceeding commenced alleged violation of this chapter, or the lack of such a proceeding, if the owner or occupant shall fail to remove or repair the fence, the building official may notify the city manager who shall give written notice to the owner or occupant for

-
- purposes of a hearing on a specific date to show cause why the fence should not be removed or repaired.
4. The notice of show cause referred to above shall be specific as to the cause of the unsafe fence condition and shall be served on the necessary parties personally or by registered mail, return receipt requested. In addition, a copy of the notice of hearing shall be posted on a conspicuous place on the premises where the unsafe fence is found to exist. No further notice shall be necessary.
 5. At the hearing to be conducted by the city manager, the manager or his designee shall hear such statements and consider such evidence as the building official or the owner or occupant or other witnesses shall offer relative to the existence of and removal or repair of the unsafe fence. The city manager or his designee shall make findings of fact on the statements and evidence offered as to whether or not the unsafe fence conditions exist and whether the fences shall be removed or repaired. If the city manager or his designee determines that an unsafe fence does exist and should be removed or repaired, he or she shall issue an order based upon findings of fact made pursuant herewith commencing the owner or occupant to remove or repair the unsafe fence.
 6. If an order issued by the city manager or the manager's designee has not been complied with within ten (10) days after its issuance, the city, at the direction of the city manager, may cause the removal of the unsafe fence or its repair and shall cause the cost of removal or repair to be charged as a lien against the property on which the unsafe fence exists, or cause such cost to be added to the tax roll as an assessment, or to be levied as a special tax against the property, or to be recovered in a suit at law against the owner. The manner in which the costs will be collected by the city shall be left to the discretion of the city manager or his designee. The cost to be collected by the city may include administrative costs and expenses including, but not limited to, inspections, postal charges, legal expenses and the like.
- H. *Corner Lots.* Notwithstanding the setback requirements of this chapter, fences may be permitted in exterior side yards of corner lots in residential districts upon approval of the building official subject to the following conditions:
1. The corner lot shall be located in an area of the city where fences have historically been constructed and presently exist on at least two (2) of the lots situated at the intersection.
 2. No fence shall exceed four (4) feet in height.
 3. For corner lots where the rear yard abuts the side yard of an adjacent lot, a fence in the exterior side yard may not project beyond the front building line of the adjacent building.
 4. The fence shall be of a vinyl-coated or wrought iron picket style or if another style is proposed the fence shall be set back from the property line sufficient space for landscape material to be provided for screening (a minimum of three (3) feet high evergreen, spaced five (5) feet on center).
- I. *Corrals for the Keeping of Horses.*
1. Fencing to contain horses shall be a minimum of five (5) feet in height.
 2. Fencing with open areas larger than twelve (12) inches by twelve (12) inches shall be installed a minimum of ten (10) feet from property lines. This setback may be reduced to five (5) feet for fences with smaller openings.

(Ord. No. C-746-2010, § 1, 4-19-10; Ord. No. C-767-2012, § 2, 12-17-12)

Sec. 35-50. Private Roads.

- A. Construction of private roads shall be subject to planning commission approval.

-
- B. All private roads in the city shall be constructed to the City of Farmington standards.
 - C. All private roads must be continuously accessible for emergency vehicles as determined by the City of Farmington Public Safety Department.
 - D. The owners accessing private roads assume full liability and maintenance responsibilities for the private road. A copy of a private road maintenance agreement between all affected property owners shall be provided to the city in a manner acceptable to the city attorney and approved by the city council to assure property owner maintenance of the private road.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-51. Waste Receptacles and Enclosures.

- A. A space for the location of a waste receptacle, including a dumpster or compactor, paved with a concrete pad, shall be provided for each zoning lot in all nonresidential districts, except the CBD, regardless of whether or not use of a waste receptacle is intended. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- B. In the CBD, the requirement for a waste receptacle shall be determined on a case-by-case basis. In determining whether a waste receptacle is required, the approving body shall consider whether a shared or public receptacle is available for use and conveniently located. If a receptacle is determined to be required, it shall also be determined whether it is appropriate or feasible to locate it on-site or in a common, public location such as within a public parking lot. Regardless of location, all receptacles shall meet the design requirements of this section.
- C. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- D. Waste receptacles may be permitted as accessory to any use except single-family residential.
- E. Waste receptacles are permitted provided that:
 - 1. The waste receptacle is located in a rear yard or interior side yard and is clearly accessible to servicing vehicles.
 - 2. Waste receptacles shall be screened from view on all sides. Such screening shall consist of any permanent building wall or obscuring wall constructed of brick or other masonry material that matches the building decorative concrete material colored to match the building or other material approved by the planning commission which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed waste receptacle, whichever is greater. Gates providing access shall also provide screening.
- F. Waste receptacles and their screening enclosures shall be located as far as practicable from any adjoining residential district or use.
- G. The location of waste receptacles shall be indicated on site plans and the location and screening shall be subject to the approval of the planning commission unless otherwise provided in section 35-162, uses subject to site plan review.
- H. To minimize the number of waste receptacles, the shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste and necessary shared use agreements are in place.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-52. Mechanical Equipment.

Ground-mounted and building-mounted mechanical equipment including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing and tanks are subject to the following regulations:

- A. Mechanical equipment and utilities located on or around any nonresidential or multiple-family building shall be screened from public view. Such screening shall be of a height sufficient to screen the equipment.
- B. Screening materials for ground-mounted mechanical equipment and utilities shall include a solid wall, fence, plantings, berms and/or other decorative features compatible with the materials used on the principal building. In a nonresidential district, ground-mounted mechanical equipment shall not be located within twenty (20) feet of any residential district.
- C. Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen (15) percent of the total roof area.
- D. All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment and the screening shall be integrated into the architectural design of the building meeting the standards noted in section 35-53, nonresidential design requirements. Screening is not required where such equipment is not visible from a distance of not less than two hundred (200) feet at grade level from the front entrance of the building. Where adjacent to any residential district, all roof-mounted mechanical units must be set back a minimum of twenty (20) feet from the side of the building facing the residential district and screened using solid architectural materials that meet the standards noted in section 35-53, nonresidential design requirements, and that provide sound attenuation.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-53. Nonresidential Design Requirements.

For the review and approval of all nonresidential developments, except in the CBD, including new construction, expansions, renovations and facade changes in accordance with section [35-]162, uses subject to site plan approval [review], the planning commission, city council and building official shall consider the following standards. These exterior building design standards shall apply to all walls intended for public view from any of the following: the street, alleys used for public access to a business, pedestrian walkways, public parking located to the front side, or rear of the building and adjacent residential areas. Design requirements applicable to development in the CBD are outlined in Article 7, Commercial Districts.

- A. *Building Location and Orientation.* New buildings shall have at least one (1) principal building entrance oriented toward the front lot line.
- B. *Exterior Building Design.*
 - 1. Exterior building walls which can be viewed from public streets or residential uses shall be designed using architectural features with a variety of materials and landscaping (near the building) for at least thirty (30) percent of the wall length, as determined by the planning commission, city council or building official.
 - 2. Windows shall make up at least twenty (20) percent of the exterior wall area facing the principal street(s) from which access is gained.
- C. *Architectural Features.*

-
1. Architectural features shall include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure as determined by the planning commission, city council or building official.
 2. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this chapter must also be satisfied.
- D. *Building Materials.*
1. The predominant building materials should be materials that are characteristic of Michigan such as brick, decorative tilt-up panels, wood, native stone and tinted/textured concrete masonry units and/or glass products. Highly reflective or metallic tinting of windows shall not be permitted.
 2. Other materials, such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
 3. Metal roofs may be allowed if deemed by the planning commission or city council to be compatible with the overall architectural design of the building.
- E. *Signs.* Signs shall be in accordance with Chapter 25, Signs, of the City of Farmington Code. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- F. *Building and Sign Colors.* Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved by the planning commission for building trim.
- G. *Roof Design.*
1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building.
 2. Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
 3. Architectural methods shall be used to conceal flat rooftops and roof-mounted mechanical equipment.
 4. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.
- H. *Customer Entrances.* Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls and integral planters are highly encouraged.
- I. *Community Amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged.
- J. *Natural Features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees) and rock outcroppings. These areas are encouraged to be incorporated into the overall site plan and existing vegetation may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

(Ord. No. C-746-2010, § 1, 4-19-10)

Created: 2022-04-23 16:39:23 [EST]

(Supp. No. 19)

Sec. 35-54. Preservation of Historical Structures Within Nonresidential Districts.

- A. In order to preserve structures which have historic interest in the city, the city may allow a change in occupancy or use of residential buildings located with the commercial and office districts.
- B. Such buildings shall be in an area zoned for commercial and office district use. Prior to occupancy of any part thereof for commercial or office use, the owner or lessee shall receive site plan approval in accordance with Article 13, Site Plan Review. In addition to the aforementioned site plan approval, the planning commission shall give consideration and approve the appropriateness of the proposed occupancy or use by reviewing and approving the following items:
 - 1. Exterior architectural features, including all signs which are subject to public view from any public street, way or place; the signing may be more restrictive than permitted on other buildings or properties.
 - 2. The general design and arrangement of the building and grounds.
 - 3. Texture, materials and color of the exterior surfaces.
 - 4. The relationship of the factors in 1. through 3., above, to similar features of buildings and structures in the immediate surroundings.
 - 5. The extent to which a modification, repair or addition to a building or structure would be harmonious to the historic aspects of the surrounding buildings.
 - 6. The extent to which the building or structure will preserve or protect historic places of interest in the city.
 - 7. The extent to which the use, addition or modification would protect the general welfare by maintaining and increasing real estate values, generating new business and adding to the viability of the business district in which the building is located.
- C. Prior to occupancy, the owner or lessee shall secure a certificate of occupancy to be issued by the building official with the approval of the fire marshal. Such certification of occupancy shall be valid until a change of occupancy or failure to pass an inspection as provided for in this section. The premises may be inspected annually by the building official and the fire marshal. The owner or lessee shall pay to the city treasurer the sum as prescribed by resolution of the city council to cover the cost of such inspections for the original permit and a like sum for any renewal or extension thereof.
- D. No addition shall be made to such building which would reduce the front lawn extension other than that required by the building official to secure compliance with appropriate ordinances relative to exit requirements; to provide for adequate light, air and sanitary facilities; and to meet handicapped access requirements. Nothing in this section shall be construed to permit the owner to add an additional building to the parcel or to replace the building with one of similar size or location on the parcel in the event of its destruction. In the case in which the building is destroyed by fire or other causes, the owner shall comply with all provisions of this chapter in the construction of a new building.
- E. No portion of such building below the first floor shall be used for business or residential purposes unless such use is specifically approved by the planning commission, except that the basement area may be used to house the mechanical equipment for the building.
- F. The off-street parking required for the occupancy shall be determined by the provisions of Article 14, Off-Street Parking and Loading. If the parking lot provided for the building is located to the rear of the building, the planning commission may allow a reduction in the width of the ingress and egress lane which connects the parking lot to the public roadway. No parking shall be permitted on any egress or ingress lane which

connects the parking lot to the public roadway. All other provisions of the parking regulations shall be adhered to.

- G. The building official, prior to the issuance of a certificate of occupancy under this chapter, shall determine the maximum number of persons who may occupy any portion of such building at any one (1) time, according to the code, and shall provide the occupant with a card for each room setting forth the maximum number of persons permitted in such room at any one (1) time, which card shall be conspicuously displayed at all times in the portions of such buildings to which the same applies. It shall be the duty of the occupant of such building to comply with the provisions relative to occupancy, as designated on such cards, and violations thereof shall constitute grounds for revocation of the certificate of occupancy.
- H. Where a portion of a building is to be used for a business, and a portion thereof for residential occupancy, such business occupancy shall be accessory to the residential occupancy. Residential occupancy will be permitted only if the same meets the floor area requirements for a multiple-family dwelling, and only if there is provided off-street parking facilities as required for a residential occupancy.
- I. Prior to submittal of a site plan to the planning commission, the owner or lessee shall submit the site plan to the city historical commission for its review and comment. The historical commission shall submit its recommendation to the planning commission within thirty (30) days of the receipt of the site plan documents from the owner or lessee.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-55. Fees in Escrow for Professional Review.

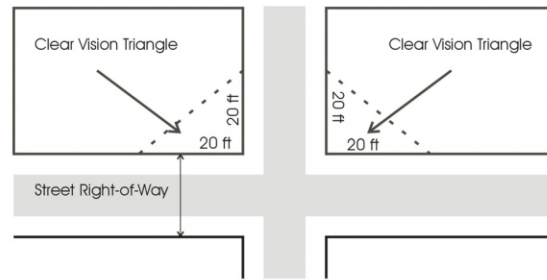
- A. Any application for rezoning, site plan review, special land use, planned unit development, variance, or other use or activity requiring a permit under this chapter above the following threshold, may also require a deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required by either the building official or the planning commission for any project that requires review by a professional.
- B. The escrow shall be used to pay professional review.
- C. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the City of Farmington treasurer. The amount of the escrow fee shall be established based upon an estimate of the cost of the services to be rendered by the professionals contacted by the building official. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-56. Intersection Visibility.

- A. No fence, wall, sign, hedge, screen or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines.

Intersection Visibility



- B. The three-foot and eight-foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lays between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-57. Street Access and Frontage.

Any lot created after the effective date of this chapter shall have frontage upon a public street right-of-way or legally recorded access easement at least sixty (60) feet in width, unless a private road of lesser width has been approved by the city council.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-58. Domesticated animals.

The keeping of exotic or vicious animals is prohibited. This prohibition shall not, however, preclude the keeping of a domesticated animal/pet to the extent and as otherwise regulated under this Code of Ordinances.

(Ord. No. C-760-2012, § 1, 3-19-12)

Sec. 35-59. Reserved.

Sec. 35-60. Keeping of horses.

- (1) Notwithstanding any other provision in this Code of Ordinances, the keeping of horses shall be permitted in a single-family residential district, subject to the requirements of this section.
- (2) Horses may be kept on lots of two (2) acres or more.
- (3) Up to two (2) horses may be kept on the first two (2) acres, plus one additional horse for each additional full acre.
- (4) Horse(s) shall be kept within a fenced area (or corral) at all times, and shall not be permitted to run at large in any street, alley, or public place, or upon the premises of another. Fences and corrals shall be installed in accordance with section 35-49, Fences.

(Supp. No. 19)

Created: 2022-04-23 16:39:23 [EST]

-
- (5) Structures used to house the horse(s) shall be erected in accordance with section 35-43, Accessory buildings and structures—In general, and section 35-44, Accessory buildings and structures—Residential districts, in addition to following:
 - (a) Structures used to house horses shall be a minimum of fifteen (15) feet from the property line.
 - (b) Structures shall be located at least one hundred seventy-five (175) feet from residential dwellings located on adjacent properties.
 - (c) Structures shall be properly ventilated to prevent drafts and remove odors, shall be of sufficient size to accommodate the animal, and shall be designed so as to prevent rats, mice, or other rodents from being harbored underneath, inside, or inside the walls of the enclosure.
 - (6) Areas used for the keeping of horses, including structures and grazing areas, shall be kept in a clean and sanitary condition.
 - (7) Removal or appropriate disposal of droppings is required. Droppings not used for composting or fertilizer shall be removed. All provisions of the Code of Ordinances relating to noise, odor, and sanitation, including the provisions of this article, shall apply to the keeping of animals under this section.
 - (8) The keeping of horses shall be for private use only.
- (Ord. No. C-767-2012, § 1, 12-17-12)

ARTICLE 3. ZONING DISTRICTS IN GENERAL

Sec. 35-61. Districts Established.

For the purpose of this chapter, the City of Farmington is hereby divided into the following zoning districts:

R1	Single-Family Residential
R1A	Single-Family Residential
R1B	Single-Family Residential
R1C	Single-Family Country Estates
R1D	Single-Family Residential PUD
R1P	Single-Family Parking
R2	Two-Family Residential
R3	Multiple-Family Residential
R5	Townhouse Residential
R6	Single-Family Cluster
O	Office
OS	Office Service
CBD	Central Business District
C2	Community Commercial
C3	General Business
IND	Industrial

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-62. Zoning Map.

The zoning district boundaries as hereby established are shown on the zoning map on file in the office of the city clerk. The zoning map shall bear the date adopted or amended and is hereby made a part of this chapter.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-63. Interpretation of Zoning District Boundaries.

Where, due to the scale, lack of detail or illegibility of the zoning map accompanying this chapter, there is an uncertainty, contradiction or conflict as to the intended location of any district boundary as shown thereon, interpretation concerning the exact location of the district boundary line shall be determined by the board of zoning appeals in accordance with Article 18, Board of Zoning Appeals.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-64. Zoning of Vacated Public Rights-of-Way.

Whenever any street or other public way within the city is vacated, such street, alley or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the centerline.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-65—35-70. Reserved.

ARTICLE 4. R1, R1A, R1B SINGLE-FAMILY RESIDENTIAL, R1C SINGLE-FAMILY RESIDENTIAL (COUNTRY ESTATES), AND R1D SINGLE-FAMILY RESIDENTIAL (PLANNED UNIT DEVELOPMENT) DISTRICTS

Sec. 35-71. Intent.

The regulations of these districts are intended to encourage a suitable environment for low to moderate density residential development and compatible, supportive recreational, religious and educational uses. The R1, R1A, R1B and R1C districts are intended to preserve existing residential neighborhoods and provide for those uses that add to the residents' quality of life. The R1D district is a Planned Unit Development (PUD), intended to provide large lots and open space, created through the preservation of natural features.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-72. Table of Uses.

Use	R1	R1A	R1B	R1C	R1D
P: Use is permitted by right in district					

SLU: Special Land Use in accordance with Article 12, Special Land Uses					
<i>RESIDENTIAL:</i>					
Single-family detached dwellings	P	P	P	P	P
<i>SERVICES/OFFICE:</i>					
Bed and breakfasts	SLU	SLU	SLU	SLU	SLU
Home occupations	In accordance with Sec. 35-27, Home Occupations				
Kennels (as accessory use only)				SLU	
<i>ENTERTAINMENT AND RECREATION:</i>					
Public and private parks and open space	P	P	P	P	P
Municipal recreation centers	SLU	SLU	SLU	SLU	SLU
<i>INSTITUTIONAL:</i>					
Adult and child care facilities	In accordance with Sec. 35-25, Adult and Child Care Residential Care Facilities				
Cemeteries	SLU	SLU	SLU	SLU	SLU
Churches, temples and similar places of worship and related establishments less than 35,000 square feet with a seating capacity less than 1,000 persons	P	P	P	P	P
Churches, temples and similar places of worship and related establishments greater than 35,000 square feet with a seating capacity greater than 1,000 persons	SLU	SLU	SLU	SLU	SLU
Public or private primary and secondary schools	SLU	SLU	SLU	SLU	SLU
Municipal buildings and structures	P	P	P	P	P
Public and quasi-public institutional buildings, structures and uses	SLU	SLU	SLU	SLU	SLU
<i>OTHER/ACCESSORY:</i>					
Essential public services	P	P	P	P	P
Essential public service buildings	SLU	SLU	SLU	SLU	SLU
Buildings and uses accessory to single-family dwellings	In accordance with Secs. 35-43 and 35-44, Accessory Buildings, Structures and Uses				
Buildings and uses accessory to any other use	SLU	SLU	SLU	SLU	SLU

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-73. Lot and Yard Requirements.

Residential Buildings					
	R1	R1A	R1B	R1C	R1D (a)
Minimum Lot Area (square feet)	8,500	10,050	12,500	15,000	18,000

Minimum Lot Width (feet)	70	85	100	100	100
Minimum Front Yard Setback (feet)	25(b)	25	25	40	40
Minimum Side Yard Setback - least one (feet)	6	6	6	10	10
Minimum Side Yard Setback - total (feet) (c)	16	16	16	20	20
Minimum Rear Yard Setback (feet)	25	50	50	50	35
Maximum Height of Building					
- In feet	30	30	30	30	30
- In stories	(b)	2	2	2	2
Maximum Lot Coverage (buildings)	40%	25%	25%	25%	35%

Nonresidential Buildings					
	R1	R1A	R1B	R1C	R1D
Minimum Front Yard Setback (feet) (b)	40	40	40	40	40
Minimum Side Yard Setback (feet) (c)	20	20	20	20	20
Minimum Rear Yard Setback (feet)	35	35	35	35	35
Minimum Parking Setback	In accordance with Sec. 35-171.C., Parking Lot Setbacks for Nonresidential Uses				
Maximum Height of Building					
- In feet	30	30	30	30	30
- In stories	2	2	2	2	2
Maximum Lot Coverage (buildings)	35%	35%	35%	35%	35%

Special Provisions

- (a) *R1D Single-Family PUD District*. Modifications to the standards for platting land as prescribed in the city Code and the dimensional provisions of the article, may be permitted in the R1D district in accordance with the following:
1. Lot dimensions in the R1D district may be reduced in accordance with the following schedule provided the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each single-family district under this article.
 - a. Gross density (including roads) shall be not greater than 1.8 units per acre.
 - b. Lot widths shall not be less than ninety (90) feet.
 - c. Lot depths shall not be less than one hundred twenty (120) feet. Lot depths may be reduced to not less than one hundred (100) feet when such lots abut common open space within the development.
 - d. Minimum yard setbacks shall be as provided in this article.
 - e. Rear yards may be reduced to not less than twenty (20) feet when such yards abut common open space within the development.
 2. For each square foot of land gained under the provisions above through the reduction in lot size below minimum requirements, equal amounts of land shall be dedicated to common open space within the development, as approved by the city.

-
3. The area to be dedicated for common open space shall in no instance be less than two (2) acres and shall be in a location and shape approved by the city. A parcel divided by a road or stream shall be considered as one (1) parcel. Under this PUD, the developer shall dedicate the total open space area pursuant to the provisions of the open space agreement.
 4. Access to the common open space shall be by means of streets or pedestrian walkways.
 5. In approving subdivision plats, the city council shall consider the following objectives:
 - a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets; and
 - b. To encourage the provision of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities and areas.
 6. Application for approval of a PUD shall be submitted at the time of submission of the proposed plat for approval as required by the Land Division Act of 1967 and any subdivision regulations or construction standards adopted by the city. Application shall contain calculations showing justification for lot size reduction.
- (b) *Front Yard Setback/Building Height.* Front yard setbacks may be reduced to a minimum fifteen (15) feet, and building height may be increased to a maximum of thirty-five (35) feet, in the R1 district if the building official determines that the following are met:
1. The proposed development uses an open air, unenclosed porch, spanning at least forty (40) percent of the building frontage.
 2. The front façade is made up of at least twenty-five (25) percent windows and doorways per floor.
 3. The side and front yard landscaping plans exceed ordinance requirements and include significantly enhanced landscape features such as raised beds, ornamental trees, and garden lighting to create an aesthetically pleasing environment for surrounding properties.

The building official may, at his or her option, refer the request for such deviations to the planning commission for determination.

- (c) *Distance Between Buildings.* The total side yard setback requirement shall also be the minimum distance required between principal buildings.
- (d) *Minimum Size of Single-Family Dwelling Units.*
- 1 story: 1,000 sq. ft.
 - 1½ stories: 900 sq. ft. (first story), 1,200 sq. ft. (total).
 - 2 stories: 800 sq. ft. (first story), 1,600 sq. ft. (total).

(Ord. No. C-746-2010, § 1, 4-19-10; Ord. No. C-780-2015, § 1, 9-21-15)

Sec. 35-74. Site Development Requirements.

All uses permitted by right and special land uses are subject to the following site development requirements:

1. General provisions in accordance with Article 2, General Provisions.
2. Site plan review as may be required in accordance with Article 13, Site Plan Review.
3. Off-street parking and loading as may be required in accordance with Article 14, Off-Street Parking and Loading Standards and Access Design.

4. Landscaping and tree replacement as may be required in accordance with Article 15, Landscape Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-75—35-80. Reserved.

ARTICLE 5. R2 TWO-FAMILY RESIDENTIAL, R3 MULTIPLE-FAMILY RESIDENTIAL, R5 TOWNHOUSE RESIDENTIAL AND R6 SINGLE-FAMILY CLUSTER RESIDENTIAL DISTRICTS

Sec. 35-81. Intent.

The intent of these districts is to provide variety and diversification of housing types along with other residentially related facilities which serve the residents in the districts. The districts will generally serve as transitional zones between nonresidential uses or arterial streets and single-family residential districts. The districts are intended to serve the limited needs for multiple-family dwelling units in an otherwise medium density, single-family community. The design of multiple-family should maintain and enhance traditional, walkable, pedestrian-oriented neighborhoods and to provide for infill development that is of a form and character consistent with the planned character of the city. A range of multiple-family residential districts are provided to meet an assortment of housing needs:

- (a) *R2 Two-Family Residential.* This district is established to allow development of duplex-style dwelling units as infill or transitional residential between single-family neighborhoods and higher-density areas.
- (b) *R3 Multiple-Family Residential.* This district is established to allow development of higher-density apartment-style multiple family development as well as townhouse development.
- (c) *R5 Townhouse Residential.* This district is established to allow development of townhouses with attached units each having individual entrances and yard spaces.
- (d) *R6 Single-Family Cluster.* This district is established to allow development of dwellings that are low-density single-family in character, but clustered with common side walls to preserve open space.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-82. Table of Uses.

Use	R2	R3	R5	R6
P: Use is permitted by right in district				
SLU: Special Land Use in accordance with Article 12, Special Land Uses				
RESIDENTIAL:				
Single-family attached dwellings	P	P	P	P
Two-family dwellings	P	P	P	-

Single-family attached dwellings/townhouses	P	P	P	P
Multiple-family dwellings	-	P	P	-
Senior apartments and independent living facilities	-	P	P	-
Senior assisted living facilities, convalescent and nursing homes	SLU	P	SLU	-
<i>SERVICES/OFFICE:</i>				
Home occupations	In accordance with Sec. 35-27, Home Occupations			
<i>ENTERTAINMENT AND RECREATION:</i>				
Municipal recreation centers	SLU	SLU	SLU	-
Public and private parks and open space	P	P	P	-
<i>INSTITUTIONAL:</i>				
Adult and child care facilities	In accordance with Sec. 35-25, Adult and Child Residential Care Facilities			
Cemeteries	SLU	SLU	SLU	-
Churches, temples and similar places of worship and related facilities	SLU	SLU	SLU	-
Municipal buildings and structures	P	P	P	P
Public or private primary and secondary schools	SLU	SLU	SLU	-
Public and quasi-public institutional buildings, structures and uses	SLU	SLU	SLU	-
<i>OTHER/ACCESSORY:</i>				
Essential public services	P	P	P	P
Essential public service buildings	SLU	SLU	SLU	SLU
Accessory buildings, structures and uses	In accordance with Secs. 35-43 and 35-44, Accessory Buildings, Structures and Uses			

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-83. Lot and Yard Requirements.

Residential Buildings				
	R2	R3	R5	R6 (b)
<i>Density and Lot Size:</i>				
Maximum density	2 d.u. per lot	18 d.u. per ac.	10 d.u. per ac.	3.8 d.u. per ac.
Minimum lot area (square feet)	8,500	10,000	100,000	-
Minimum lot width (feet)	70	85	200	200
<i>Maximum Height of Buildings:</i>				
In feet	30	35	30	30
In stories	2	3	2.5	2
<i>Minimum Required Setbacks:</i>				

Created: 2022-04-23 16:39:24 [EST]

(Supp. No. 19)

Front yard setback from exterior street (feet)	25	25	40	50 (b)
Front yard setback from internal street (feet)	25	15	15	25 (b)
Side yard setback - Each (feet)	10	10	20 (a)	40 (b)
Building spacing	20	20	20	40 (b)
Rear yard setback (feet)	30	30	50 (a)	40 (b)
Parking setback (feet)	In accordance with Sec. 35-171.C., Parking Lot Setbacks for Nonresidential Uses			
<i>Minimum Size of Dwellings (square feet) (c):</i>				
1 bedroom and studio units	1,000	600	900	(b)
2 or more bedroom units	1,000	800	1,100	(b)
<i>Lot Coverage:</i>				
Maximum lot coverage	25%	40%	30%	25%

Nonresidential Buildings				
	R2	R3	R5	R6
<i>Maximum Height of Buildings:</i>				
In feet	30	30	30	-
In stories	2	2	2	-
<i>Minimum Required Setbacks:</i>				
Front yard setback (feet)	40	40	40	-
Side yard setback (feet)	50	50	50	-
Rear yard setback (feet)	50	50	50	-
Parking setback (feet)	In accordance with Sec. 35-171.C., Parking Lot Setbacks for Nonresidential Uses			
Maximum Lot Coverage (building)	35%	35%	35%	-

Special Provisions

- (a) *R5 District Standards.* In the R5 district when a yard abuts a single-family district, a fifty-foot setback, including a thirty-foot greenbelt, shall be required.
- (b) *R6 District Standards.* For the R6 district the following provisions apply:
1. Density calculations shall include all internal roadways.
 2. All buildings shall be set back as follows:
 - From a major or secondary thoroughfare: Fifty (50) feet.
 - From the perimeter lot line of the site: Forty (40) feet.
 - From a single-family residential district: Eighty (80) feet.
 - From any internal roadway (public or private): Twenty-five (25) feet.
 3. The minimum distance between separate principal buildings shall be forty (40) feet.
 4. No part of any dwelling unit shall be below grade unless approved by the planning commission, based on consideration of sloping topography which provides unique design opportunities.

-
5. The planning commission may reduce the setback and road width requirements when in the opinion of the commission, the parcel of land under consideration has characteristics such as size, shape or other conditions that make the development difficult as required. In no case shall the setback requirements be less than those required in the R1 district.
 6. Units that are attached may not exceed six (6) units per one (1) cluster.
 7. The minimum size of dwelling units shall be as follows:
 - 1 story: 1,000 sq. ft.
 - 1½ stories: 900 sq. ft. (first story), 1,200 sq. ft. (total).
 - 2 stories: 800 sq. ft. (first story), 1,600 sq. ft. (total).
 8. The common wall between units shall not be common to more than seventy (70) percent of its area in common with an abutting unit, provided further that all common walls within a cluster shall not have more than fifty (50) percent average of its area in common with abutting units.
 9. The planning commission shall review and approve recreational, park or open space as part of its approval. Such areas once established shall be preserved and maintained for their intended purpose. The city may require the depositing of a performance bond or letter of credit in an amount sufficient to complete the recreational facilities or open space improvements in the event that the project is over one-half (½) completed and the recreational facilities and open space improvements have not been completed in accordance with the approved site plan.
 10. If access is available directly to a major street or thoroughfare, then access to the cluster housing shall not be provided through local or subdivision streets.
- (c) *Senior Housing.* Dwelling unit floor area requirements for senior housing may be reduced by five (5) percent when the same total floor area of unit reduction is provided as common areas, such as recreational or activity rooms. Dwelling unit floor area requirements for senior housing may be further reduced by twenty (20) percent when the common area includes complete dining facilities where the residents are offered at least two (2) meals each day.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-84. Site Development Requirements.

All uses permitted by right and special land uses are subject to the following site development requirements:

1. General provisions in accordance with Article 2, General Provisions.
2. Site plan review as may be required in accordance with Article 13, Site Plan Review.
3. Off-street parking and loading as may be required in accordance with Article 14, Off-Street Parking and Loading Standards and Access Design.
4. Landscaping and tree replacement as may be required in accordance with Article 15, Landscape Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-85—35-90. Reserved.

ARTICLE 6. O OFFICE AND OS OFFICE SERVICE DISTRICTS

Sec. 35-91. Intent.

The regulations of the O Office and OS Office Service districts are intended to encourage office uses of a business and professional nature. The OS Office Service district will generally serve as a transitional area between residential and commercial districts or as a buffer between residential neighborhoods and arterial roadways.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-92. Table of Uses.

Use	O	OS (a)
P: Use is permitted by right in district		
SLU: Special Land Use in accordance with Article 12, Special Land Uses		
<i>RESIDENTIAL:</i>		
Residential dwelling units existing on the date of this chapter's adoption	P	P
Senior housing, assisted living facilities, convalescent and nursing homes	SLU	SLU
<i>SERVICES/OFFICE:</i>		
Banks, credit unions and similar financial institutions	P	SLU
Banking centers including ATMs and 24-hour ready tellers separate from a principal building; drive-through window facilities	P	SLU
Business offices and service establishments	P	SLU
Professional offices and service establishments	P	SLU
Medical and dental offices and clinics	P	SLU
Veterinary offices, clinics and hospitals	SLU	SLU
Personal service establishments accessory to principal use	P	SLU
Funeral homes and mortuary establishments	P	SLU
Studios for photography, dance, music, art and similar uses	P	SLU
<i>ENTERTAINMENT AND RECREATION:</i>		
Fitness centers and health clubs	SLU	SLU
Municipal recreation centers	SLU	SLU
Public and private parks and open space	P	P
Social clubs, halls and similar uses	SLU	SLU
<i>INSTITUTIONAL:</i>		
Adult and child care facilities	In accordance with Sec. 35-25, Adult and Child Residential Care Facilities	
Cemeteries	SLU	SLU
Churches, temples and similar places of worship and related facilities	SLU	SLU
Municipal buildings and structures	P	P
Public and quasi-public institutional buildings, structures and uses	SLU	SLU

Public or private primary and secondary schools; colleges and universities; business, trade and vocational schools	SLU	SLU
<i>OTHER/ACCESSORY:</i>		
Off-street parking	SLU	SLU
Uses which generate over 300 trips in a peak hour or 3,000 trips daily	SLU	-
Essential public services	P	P
Essential public service buildings	SLU	SLU
Accessory buildings, structures and uses	In accordance with Sec. 35-43, Accessory Buildings	

Special Provisions

- (a) No office use shall be allowed in an existing residential unit nor can a residential unit be converted to office use under this district except as may be permitted by section 35-54, preservation of historical structures within nonresidential districts.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-93. Lot and Yard Requirements.

	O	OS
Minimum lot size (square feet)	150,000	8,500
Minimum lot width (feet)	200	70
Maximum height of building (feet)		
- in feet	30	30
- in stories	2	2
Minimum front yard setback (feet)	100 (a)	25 (a)
Minimum side yard setback - least one (feet)	50 (b)(d)	6 (b)
Minimum side yard setback - total (feet)	70 (b)(d)	16 (b)
Minimum rear yard setback (feet)	150 (c)	30 (c)
Minimum useable floor area (square feet)	800	800
Maximum lot coverage (building)	40%	40%

Special Provisions

- (a) *Front Parking Setback.* No parking shall be permitted in the required front yard setback.
- (b) *Side Parking Setback.* No parking shall be permitted in the required side setbacks if adjacent to a residential district.
- (c) *Rear Parking Setback.* No parking shall be permitted in the required rear setback if adjacent to a residential district.
- (d) *Side Building Setback.* Where a side yard abuts a residential district, the side yard principal building setback shall be seventy-five (75) feet.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-94. Site Development Requirements.

All uses permitted by right and special land uses are subject to the following site development requirements:

1. General provisions in accordance with Article 2, General Provisions.
2. Site plan review as may be required in accordance with Article 13, Site Plan Review.
3. Off-street parking and loading as may be required in accordance with Article 14, Off-Street Parking and Loading Standards and Access Design.
4. Landscaping and tree replacement as may be required in accordance with Article 15, Landscape Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-95—35-100. Reserved.

ARTICLE 7. CBD CENTRAL BUSINESS, C2 COMMUNITY COMMERCIAL, C3 GENERAL COMMERCIAL AND RO REDEVELOPMENT OVERLAY DISTRICTS

Sec. 35-101. Intent.

- A. *CBD Central Business District.* The CBD Central Business district is intended to provide for a traditional mixture of office buildings, retail stores, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of both the city and surrounding communities. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented unified setting, with shared parking.
- B. *C2 Community Commercial District.* The C2 Community Commercial district is intended to create mixed-use neighborhood centers with retail services that provide convenience shopping of persons residing in nearby residential areas. The intent of this district is to concentrate businesses that harmonize with the character of the surrounding uses, and to prohibit uses that might create traffic hazards, offensive noises and late hours of operation. As a mixed use neighborhood center, this district may also include multiple-family residential, such as apartments above retail uses.
- C. *C3 General Business District.* The C3 General Business district is intended to accommodate commercial establishments that serve community-wide shopping and service needs. This district is intended to create cohesive commercial areas that take advantage of access provided by the city's transportation system, but also provide convenient vehicular access between businesses in attractive settings, thereby ensuring safety and discouraging undesirable strip commercial development.
- D. *Redevelopment Overlay District.* The RO district is intended to encourage the redevelopment of commercial sites that have constraints due to small lot size, irregular configuration, lack of parking or obsolete buildings. This district is intended to facilitate redevelopment of commercial sites that are on small lots following the recommendations of the Master Plan. The RO district is not intended to facilitate the removal of historic buildings within the CBD, nor is it intended to circumvent the requirements of this ordinance on sites that could otherwise be redeveloped based upon the existing underlying zoning.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-102. Table of Uses.

Use	CBD	C2	C3
P: Use is permitted by right in district			
SLU: Special Land Use in accordance with Article 12, Special Land Uses			
<i>RETAIL:</i>			
General commercial/retail businesses and shopping centers 50,000 square feet of floor area or less	P	P	P
General commercial/retail business or shopping center exceeding 50,000 square feet of floor area	SLU	SLU	SLU
Drive-through accessory to a retail use, not specified elsewhere		-	SLU (c)
Drive-through accessory to a pharmacy	-	SLU	P
Commercial outdoor display, sales or storage (accessory only)	P (a)	SLU (a)	P (a)
Garden centers and nurseries	P (a)	P (a)	P (a)
Home improvement showrooms and supply stores	SLU	P	P
Smoke shop	-	-	SLU
Wholesale establishments	-	-	P
<i>RESTAURANTS: (see definitions in Article 21, Definitions)</i>			
Standard restaurant	P	P	P
Banquet facilities	P	-	P
Bars, taverns, lounges	P	SLU	SLU
Carry-out	P	P	P
Drive-in	-	-	SLU
Drive-through	-	SLU (c)	SLU (c)
Open front window (when principal or accessory use)	P	P	P
Outdoor seating accessory to a restaurant use	P (b)	P (b)	P (b)
<i>SERVICES/OFFICE:</i>			
Animal grooming and training establishments (without 24-hour services or boarding)	SLU	SLU	SLU
Banks, credit unions and similar financial institutions	P	P	P
Banks with drive-through facilities		SLU (c)	SLU (c)
Banking centers separate from a financial institution (including ATMs)	P	P	P
Bed and breakfasts and boarding houses	SLU	SLU	SLU
Business offices and service establishments	P	P	P
Dry cleaning establishments and laundromats	P	P	P
Drive-through accessory to a dry cleaning establishment	-	SLU (c)	P (c)

Dry cleaning plants	-	-	SLU
Funeral homes and mortuary establishments	P	P	P
Hotels and motels	P (d)	P	P
Medical and dental offices and clinics	P	P	P
Personal service establishments	P	P	P
Professional offices and service establishments	P	P	P
Repair service establishments	P	P	P
Showrooms for contractors	P	SLU	SLU
Studios for photography, dance, music, art and similar uses	P	P	P
Tattoo establishment	-	-	SLU
Tool and equipment rental	-	-	SLU
Veterinary office and clinics (not 24-hour)	P	P	P
Veterinary clinics and hospitals (24-hour)	SLU	SLU	SLU
<i>AUTOMOBILE USES:</i>			
Automobile gasoline stations	-	SLU	SLU
Automobile service/maintenance facilities	-	-	SLU
Automobile wash establishments	-	-	SLU
Automobile and vehicle dealerships, new and used	-	-	SLU
Automobile, vehicle and truck rental and leasing establishments	-	-	SLU
<i>ENTERTAINMENT AND RECREATION:</i>			
Fitness centers and health clubs	P	P	P
Golf courses	-	-	P
Indoor entertainment and amusement establishments	P	SLU	P
Instructional entertainment uses	P (i)	P (i)	P (i)
Recreation facilities (municipal)	P	P	P
Recreation facilities (commercial)	P (e)	P (e)	P (e)
Social clubs, halls and similar uses	SLU	P	P
Theaters (indoor), cinemas and auditoriums	SLU	-	P
<i>INSTITUTIONAL:</i>			
Adult and child care facilities	In accordance with Sec. 35-25, Adult and Child Care Facilities		
Churches, temples and similar places of worship and related facilities	SLU	P	P
Municipal buildings and structures	P (f)	P (f)	P (f)
Public or private primary and secondary schools; colleges and universities; business, trade and vocational schools	SLU	SLU	SLU
Public and quasi-public institutional buildings, structures and uses	SLU	P	P
<i>RESIDENTIAL:</i>			
Single-family attached dwellings/townhouses	P	P (g)	PUD
Multiple-family dwelling units	P	P (g)	PUD

Residential dwellings in upper stories of mixed-use buildings	P	P (g)	PUD
Nursing homes and senior assisted living	P	P (g)	P
<i>OTHER:</i>			
Off-street parking as a principal use, including parking decks	P	-	-
Essential public services	P	P	P
Essential public service buildings	P	SLU	SLU
Accessory buildings, structures and uses	In accordance with Sec. 35-43, Accessory Buildings		

Special Provisions

- (a) All retail businesses shall be conducted within a completely enclosed building; provided, however, that a site plan may be approved by the planning commission for accessory outdoor display, sales, or storage, including garden centers and nurseries, subject to article 13, site plan approval and the following requirements:
1. Outdoor display, sales, or storage may be considered for the following businesses:
 - a. Businesses located within a shopping center as defined in this section.
 - b. Businesses located within a building that exceeds 10,000 square feet in size.
 - c. Businesses located within the central business district (CBD).
 - d. Service stations located within a "C" commercial district.
 2. Items sold shall:
 - a. Relate and be accessory to the permanent business conducted within the building in which the business is located, such as the sale of flowers at a home improvement store, or sale of ice melt at automobile service stations, and shall be owned and operated by the same merchant operating within the building.
 - b. Not include items that are customarily sold inside the building. For example, furniture stores may not place furniture outside for sale.
 - c. Be located on a durable and dustless surface and shall be graded and drained to dispose of all surface water.
 - d. Be arranged and constructed so as not to pose a hazard to pedestrians and to minimize risk of fire hazard.
 3. Outdoor storage, sales, or display is allowed outside of the required yards and is confined to areas shown on an approved site plan. The planning commission may require that areas where outdoor display, sales, or storage are permitted be clearly marked with pavement markings or other means for purposes of enforcement and ensure maintenance of fire lanes.
 4. Outdoor vending machines and drop boxes or donation bins shall be prohibited. This provision shall not apply to ice machines and newspaper stands.
 5. Display or storage areas shall be limited to ten (10) percent of the gross floor area of the principal building, or that portion of the building occupied by the business.
 6. Display or storage areas shall also maintain adequate clear area for safe pedestrian circulation along the sidewalk in front of the building, which shall be no less than three (3) feet wide in C-2 and C-3;

-
- provided, however, that the width of the clear area shall in all events meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements.
7. Displays or sales shall be prohibited on municipally-owned sidewalks, public land, or public right-of-way except as may be allowed by the city council for special events.
 8. Outdoor storage of propane tanks is permitted for service station, hardware store, and convenience store uses, except in the CBD district, provided that:
 - a. The tanks shall not be larger than the standard twenty (20)-pound tank size.
 - b. The tanks are stored in a locked storage container.
 - c. The container does not exceed fifty (50) cubic feet and six (6) feet in height.
 - d. The container complies with all applicable fire and safety codes.
 - e. At least three (3) feet of clearance for pedestrian traffic is provided.
 - f. Advertising shall be limited to one (1) square foot.
 9. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.
 10. Fencing and lighting for security and aesthetic purposes may be required as determined by the planning commission. Fences shall comply with all lighting shall be shielded from adjacent residential areas in accordance with section 35-48, exterior lighting.
 11. Uncovered items may be displayed or stored outside between April 15th and October 31st. The building official may extend this time as weather permits. All structures associated with temporary outdoor display shall be temporary and removed at the end of the season for storage indoors.
 12. Outdoor display, sales, and storage may be permitted as part of an approved site plan, under the following terms:
 - a. The permit shall be valid for one (1) calendar year.
 - b. Following the initial planning commission site plan approval, the permit may be renewed annually by the building official, subject to the plan originally approved by the planning commission. If the building official finds any violations of this section or the conditions of the planning commission's original approval, no renewal shall be issued, and any new outdoor display shall require a new permit from the planning commission.
 - c. Approved outdoor display, sales and storage areas may continue until such time as the property ownership changes or a revised site plan is approved. Approval shall not be transferrable to new owners or users. Changes of ownership or use shall be required to return to the planning commission for a renewal of their privileges, to ensure they are aware of the limitations that exist.
 13. The planning commission may allow outdoor display, sales, and storage for businesses that do not meet the criteria listed in subsection 1., provided all other provisions of this section (a) are met and the applicant establishes that compliance with the strict requirements of subsection 1. would unreasonably prevent the use of the property for a permitted purpose; that the proposed display, sales, and/or storage would not adversely affect adjacent or nearby properties and would not adversely affect the public health, welfare, and safety.
- (b) Accessory outdoor seating areas may be permitted by annual license when accessory to a permitted or special land use in the district subject to the following:
1. Whether the seating area is proposed as part of a site plan application or an existing business, it shall require site plan review and approval by the planning commission in accordance with Article 13 Site

-
- Plan Review. Insurance in a form and amount deemed acceptable by the city attorney's office shall be provided with the application. Once initial approval has been granted by the planning commission, an annual license shall be issued by the building official. The license may be renewed annually by the building official, provided that it complies with the original planning commission approval and the requirements of this section. The building official may, at any time, refer an outdoor seating permit to the planning commission for renewal if the Building Official feels additional review is necessary.
2. Outdoor seating shall be permitted between April 15 and October 31, with all furniture and fixtures removed after October 31. All tables, chairs, railings and related fixtures shall be removed when not in use. If weather permits, the building official may extend this time for outdoor seating on privately owned property only.
 3. Outdoor seating shall not be the primary seating of the restaurant, except for carry-out restaurants when approved by the planning commission.
 4. Outdoor seating areas shall be located in a manner to maintain a minimum pathway width of five (5) feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic. Outdoor dining areas may be either curbside or adjacent to the building front provided that the location change allows an appropriate walking path alignment with neighboring properties as determined by the city.
 5. Chairs and tables shall be of quality durable material such as metal or wood.
 6. Outdoor seating areas shall be maintained in a clean and sanitary condition. Waste receptacles shall be provided in instances where wait staff does not clear all tables.
 7. Outdoor service areas shall be well-defined, with clearly marked access points, making it obvious to patrons whether they are within or outside of the designated dining area. The on-premises licensee shall not sell, or allow the consumption of, alcoholic liquor outdoors, except in the defined area. Outdoor seating areas shall be delineated by outlining the periphery in some manner as to distinguish the public walkway from dining area. This may be accomplished by the use of planters, railings, or walls reviewed and approved by the planning commission.
 8. For outdoor seating areas located within the public right-of-way, approval by the corresponding jurisdiction (i.e., Farmington DPW, MDOT, or Road Commission for Oakland County) is required. Proof of insurance naming the city as an additional insured, in a form and amount deemed acceptable by the city attorney's office, shall be required. A license agreement in a form deemed acceptable to the city attorney's office shall also be required.
 9. If there is not adequate space to allow for outdoor dining on the sidewalk adjacent to the site, an elevated, ADA compliant, platform may be erected in a parking lot to create an outdoor dining area, but only if the city engineer determines there is sufficient space available for this purpose given parking and traffic conditions. Specially designated parking spaces (ADA accessible, loading zones, etc.) shall only be considered for use if the spaces can be temporarily replaced within a close proximity. Use of a public parking lot for such purpose shall require city council approval.
 10. Additional outdoor lighting and/or amplification is prohibited without approval of the city.
 11. Applicants may be asked to demonstrate that additional parking demand can be met before approval.
 12. The city retains the right to revoke outdoor seating permits if all sections of this article have not been met, or if the operation of such areas is found by the city to be dangerous or otherwise detrimental to surrounding uses or pedestrian or vehicular traffic.
- (c) Drive-through uses may be allowed as an accessory to any permitted bank, pharmacy, dry cleaner, or restaurant use, provided the following are met:

-
1. Drive-through uses shall be designed to minimize conflicts with pedestrian or vehicular circulation and shall meet the following standards:
 2. The number of drive-through lanes shall be limited to the following:
 - a. Drive-through banks and car washes shall have a maximum of three (3) drive-through lanes, including any that are devoted to ATM(s).
 - b. All other drive-through uses shall have a maximum of one (1) drive-through lane.
 3. Stacking Spaces shall be provided as required in Article 14, Off-Street Parking and Loading Standards and Access Design.
 4. Communication and speaker boxes shall meet the following requirements:
 - a. Speakers shall be placed as close as safely possible from the edge of the drive-through lane; in no case may speakers be more than three (3) feet from the drive-through lane.
 - b. Where feasible, speakers shall face away from residential neighborhoods.
 - c. Noise from communication speakers shall not exceed fifty (50) decibels at a nonresidential property line and thirty (30) decibels at any residential property line. Where a screening wall is provided, the noise level shall be measured on the residential side of the screening wall.
 5. Site design for drive-through uses shall use the minimum number of driveways possible. Use of two (2) directional driveways may only be allowed if there are no other reasonable alternatives, such as access to a side street, rear alley, cross-access easement or shared driveway.
 6. Circulation patterns shall separate pedestrian and vehicular traffic where possible. Clear delineation of pedestrian crossings shall be provided in the form of textured concrete or asphalt, striping or other method that clearly draws attention.
- (d) No hotel or motel lodging rooms shall be permitted on the ground floor.
- (e) Outdoor recreation facilities in the CBD, C2 and C3 districts shall not include activities that include automobiles, motorcycles or other motor-driven vehicles.
- (f) All city-owned buildings and uses shall be permitted after a finding that the particular use and development would not be injurious to the surrounding neighborhoods and would not be contrary to the spirit and purpose of this chapter. In the event the planning commission does not approve the use or site plan, city council may grant such approval by an affirmative vote of no less than four (4) members.
- (g) In the C2 district, residential buildings and dwelling units in mixed-use buildings shall be permitted up to a maximum density of twenty-two (22) dwelling units per acre.
- (h) The allowed uses within the RO district shall be the same uses as permitted in the underlying zoning district, provided multiple-family dwelling units may be permitted by special land use.
- (i) Instructional entertainment uses shall meet the following requirements:
1. Such uses may be permitted by the city manager, if determined compliant with this section.
 2. Once initial approval has been granted by the city manager, an annual license shall be issued by the building official. The license may be renewed annually by the building official, provided that it complies with the original approval and the requirements of this section. The building official may, at any time, refer any request to the city manager or planning commission for renewal if they feel additional review is necessary.
 3. Such uses may remain open until 12:00 a.m. (midnight).

4. All activity associated with the use shall be conducted indoors. Accessory outdoor seating may be permitted by the city manager only if all of the requirements in subsection (b) above are met.
5. Gambling, gaming, betting, sweepstakes, games of chance, adult regulated uses, or other similar activities may not be conducted in conjunction with such use.
6. All activity associated with the use shall be conducted in accordance with all local, county, state and federal laws.

(Ord. No. C-746-2010, § 1, 4-19-10; Ord. No. C-765-2012, § 1, 8-20-12; Ord. No. C-775-2014, § 1, 3-14-14; Ord. No. C-779-2015, § 1, 9-21-15; Ord. No. C-798-2020, § 2, 3-16-20)

Sec. 35-103. Lot and Yard Requirements for C2, C3 and RO Districts.

Lot and Yard Requirements (d)		
	C2	C3
Minimum lot area (square feet)	(b)	(b)
Minimum lot width (feet)	(b)	(b)
Maximum building height:		
In feet	35	35
In stories	3	3
Minimum front yard setback (feet)	(c)	25
Minimum side yard setback - least one (feet) (a)	10 (c)	10
Side yard setback - total (feet) (a)	20 (c)	20
Side yard setback, when abutting a single-family use or district - total (feet)	25	25
Minimum rear yard setback (feet)	20 (c)	20
Minimum rear yard setback, when abutting a single-family use or district (feet)	25 (c)	25
Minimum parking setback (feet)	In accordance with Sec. 35-171, General Requirements	
Minimum useable floor area (square feet)	800	800
Maximum lot coverage	-	-

Special Provisions

- (a) *Side Yard Setbacks.* The city planning commission shall not require a side yard setback if the side walls are wholly without windows, doors, or other openings and are of fireproof construction, and where a side yard setback is not otherwise necessary to satisfy any of the foregoing considerations and where the absence of a side yard setback would not be detrimental to adjoining buildings. If a side yard setback is required by the planning commission, the basis for such determination shall be specifically set forth as a finding.
- (b) *Lot Area.* No minimum requirement, but must meet minimum required building setbacks, parking and landscaping requirements.
- (c) *C2 District.* All principal buildings shall be built to the front lot line and parking shall be located to the side or rear of the building. This may be modified by the planning commission based upon the relationship of the site to surrounding uses and the predominant setback along the block. For lots that back up to a public alley, the rear yard setback may be reduced to zero where a majority of other buildings on the block have the

same setback from the alley and there is maintained a minimum twenty-five-foot separation between the building and a residentially zoned lot.

- (d) *RO District.* The city may rezone properties to the RO district to encourage renovation and redevelopment or an individual property owner may petition for a site to be rezoned to the RO district following the procedures of Article 20, Amendment Procedure. Site plans for renovation or redevelopment of sites in the RO district may be submitted for review and approval by the planning commission following the rezoning or may be reviewed concurrently with the RO district rezoning, with the site plan approval conditioned on the approval of the rezoning by the city council.

For sites in the RO district where site plan approval is being sought, the planning commission shall have the authority to modify the dimensional requirements of the underlying zoning district and parking requirements. Such modification shall only be granted following a public hearing conducted in accordance with the special land use requirements of Article 12, Special Land Uses and where the following standards are met:

1. The site is occupied by a residential, commercial, office or industrial building that is proposed to be removed or rehabilitated.
2. A use permitted within the underlying zoning district is to be established.
3. Buildings that are considered to be historic by the planning commission are not removed and any renovation to historic buildings enhances the historic integrity of the architecture. In such instance, the planning commission shall refer the site plan to the historical commission for review and recommendation.
4. The flexibility in dimensional standards is necessary to allow for innovative design in redeveloping the site and will result in a higher quality of development than would be possible without the modification.
5. The new building and site are designed to be pedestrian oriented with safe and convenient access to the building from the public sidewalk and a site design that minimizes the dominance of the parking lot as viewed from the street.
6. Adequate buffers are provided between the site and any adjoining residential district.
7. Any site nonconformities are brought into compliance with ordinance requirements to the maximum extent deemed practical by the planning commission.
8. The planning commission determines that the proposed redevelopment of the site will be an enhancement to the site and surrounding area following the recommendations of the Master Plan, provided the planning commission may attach reasonable conditions to ensure this standard is met.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-104. Central Business District—Nonresidential and Mixed-Use Development Requirements.

The following regulations shall apply to all nonresidential buildings and "mixed use" buildings, which are those that contain nonresidential uses on the first floor and residential above the first floor. Any development or modification to a building in the CBD that requires planning commission approval under Article 13, Site Plan Review, shall be first reviewed by the DDA design committee prior to being placed on the agenda for final site plan approval by the planning commission. The DDA design committee shall review the site plan and building architecture for compliance with the requirements of this section and provide a recommendation to the planning commission.

- A. *Area and Bulk Requirements.*

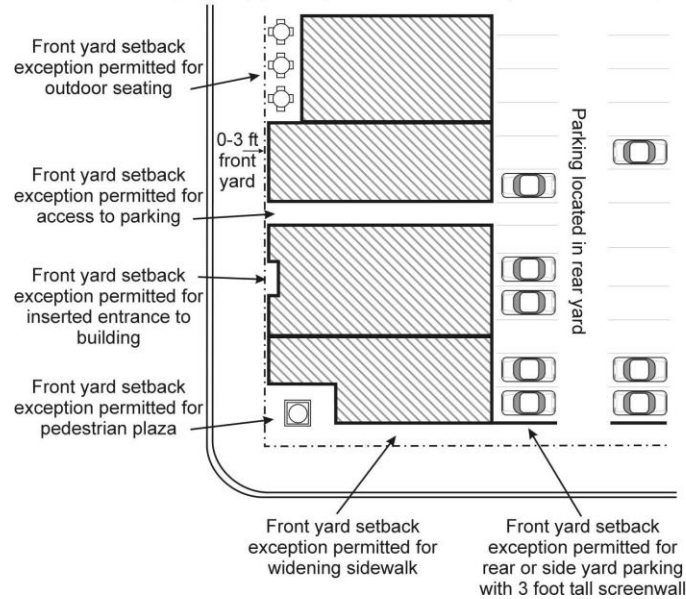
1. *Lot Area and Width.* There is no required minimum lot area or width.
2. *Setback Requirements.* The required nonresidential and mixed-use building setbacks are intended to promote streetscapes that are consistent with the desired character of the CBD and reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones are intended to promote development that will maintain light, air, and the potential for privacy for adjacent residential zones.

	Setback
Front (a)	The building shall be built to within 3 feet of the front lot line and cannot be set back a greater distance except as provided for in subsection 3., below.
Side	There shall not be a minimum side yard setback required; provided a side wall of a building that is not a fire rated wall or contains windows shall be set back a minimum of 10 feet from the side lot line.
Rear	There shall be no minimum rear yard setback.
Lot line abutting a residential zone	Where the side or rear lot line adjoins a lot that is zoned single-family residential, two-family residential or multiple-family residential, a minimum 30-foot setback shall be provided.

- a. Projections into setbacks permitted under section 35-39, projections into yards, including cornices, eaves, sills, balconies, bay windows, awnings, signs and other architectural elements, shall also be permitted to project over the public sidewalk with planning commission approval; provided, there shall be a minimum eight-foot vertical clearance between the sidewalk grade and the architectural element that is overhanging the sidewalk.
3. *Front Yard Building Setback Exceptions.* One hundred (100) percent of the length of the ground level street-facing facade of the building must be built to within three (3) feet of the front lot line. The building height along the frontage shall be a minimum of twenty-four (24) feet. Exceptions may be granted by the planning commission when the front yard area, or forecourt, is used for the following purposes listed below.

Commercial/Mixed use building placement

Building required to be built to within 3 feet of front lot line except as approved by planning commission for front yard setback exceptions

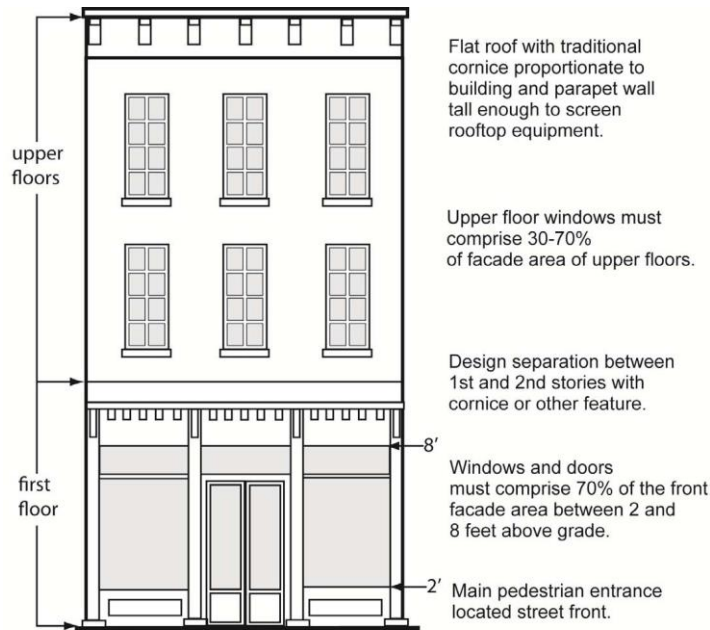


- a. Widening the sidewalk along the frontage of the building.
 - b. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
 - c. Accommodating an inset entranceway to the building.
 - d. Providing outdoor seating for the proposed use.
 - e. Where necessary to avoid utilities.
 - f. The building is used for public or quasi-public/institutional purposes with a plaza or open space area provided in the front yard.
 - g. Driveway or pedestrian access to parking at the rear of the building.
 - h. Side yard parking along no more than forty (40) percent of the frontage, with a three-foot tall screenwall between the parking and public sidewalk, set back three (3) feet from the front lot line and subject to the requirements of subsection D., below.
 - i. Where older residential structures have been converted to a nonresidential or mixed-use and are to be retained.
 - j. Sandwich board signs (or A-frame signs), marquee signs and wall signs as permitted in the sign ordinance are the only business signs permitted within the forecourt area.
4. **Building Height.** The height limits are intended to control the overall scale of buildings and to discourage buildings that visually dominate adjacent residential areas.

Building Height Requirement	
Minimum	24 feet and 1 story
Maximum	45 feet and 4 stories

-
- a. For buildings with more than two (2) stories adjacent to a single-family residential zone, the floors above the second story of the building shall be tiered back such that the highest point of the building is set back a distance at least equal to twice the height of the building from the adjacent single family residential lot.
 - b. If a development is proposed as a planned unit development (PUD), the planning commission may approve an increase in the maximum building height and number of stories, if the proposed development is for a mixed-use building with retail, or service business on the first floor and residential, or office on the upper floors. The planning commission may require a greater setback from any adjoining single-family residential district in order to minimize the impact of building mass on views and sunlight in the residential district. In determining the amount of additional required setback, the planning commission shall take into account the area and configuration of the adjoining residential parcel or parcels, the size, height, and location of existing residential structures on the adjoining residential parcel or parcels, and any other relevant characteristics of the adjoining residential parcel or parcels.
 - c. If a parking structure is proposed as part of the building the planning commission may approve additional total building height and stories to achieve additional usable building floor area equal to the area occupied by the parking deck, subject to the regulations of subsection D., below.
 - d. Buildings located at the corner of two (2) intersecting streets may be increased in height to fifty (50) feet.
 - e. Refer to section 35-42, exceptions to height limit, for allowable building height projections.
- B. *Pedestrian-Oriented Design Requirements.* All sites shall be designed to promote safe and effective pedestrian and transit-oriented circulation on-site, between sites, and between parking and streets. Sites shall comply with pedestrian-oriented design requirements of section 35-45, pedestrian walkways, and Chapter 28, Streets, Sidewalks and Other Public Places, of the City of Farmington Code.
- C. *Building Design.*
1. *Purpose.* The following building design standards ensure that new construction in the CBD reflect a high level of building quality that will endure over time and will incorporate timeless design details. The requirements also ensure that all new construction is consistent because the character of the CBD is not reflected in just one (1) structure, but in all the buildings combined. The regulations herein are intended to ensure proper building form, relationship to the street and compatibility with other buildings. The regulations are not intended to dictate a particular style of architecture, rather to encourage innovative design that is consistent and complementary to the existing built environment.
 2. *Main Entrance.* All buildings shall have a main entrance that is located on at least one (1) streetfront. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas. The front entranceway shall be inset a minimum of three (3) feet from the front building wall to minimize encroachment on the sidewalk.
 3. *Roofs.* Roofs shall be required to meet the following:
 - a. Unless otherwise approved by the planning commission, buildings should have flat roof appearance from the street with a cornice that is designed proportionate to the size of the building and length of the wall.

- b. The planning commission may permit a pitched roof if the design of the roof and building are consistent with the character of the CBD and adjacent buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of twenty-four (24) feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
 - c. Flat roofs shall be enclosed by parapets.
 - d. All rooftop-mounted equipment shall be screened from view on all sides of the building.
 - e. Parapets and other screening treatment shall use high-quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.
4. *Awnings.* Awnings in the CBD may project over the public sidewalk; provided they shall be:
- a. Positioned immediately above the ground floor window area of the facade.
 - b. Provide a minimum eight-foot clearance from the sidewalk.
 - c. Constructed of a durable, weather-proof material such as canvas or steel.
 - d. Have a straight shed that projects from the building at a straight angle with open sides.
 - e. Signage is in conformance with the city sign code.
5. *Required Window Area and Exterior Finishes.* While creativity in building design is encouraged, buildings in the CBD must adhere to the following:

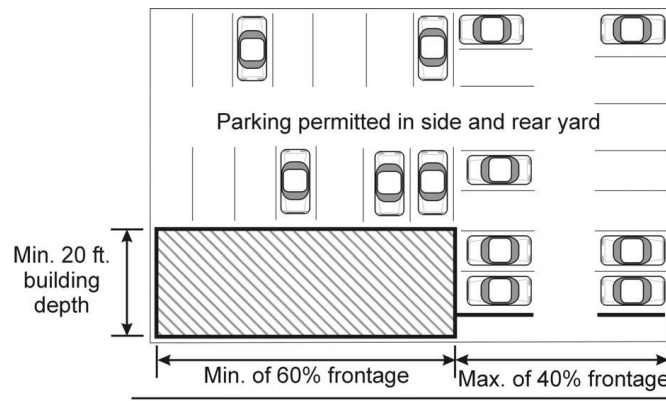


The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

- a. *Windows.*
 - (1) Facades facing a public street or sidewalk shall include windows that equal seventy (70) percent of the wall area measured between two (2) feet and eight (8) feet above grade. The bottom of any window may not be more than four (4) feet above grade.

-
- (2) Required window areas shall consist of clear glass windows, clear glass doors and clear glass panels, and may not be covered or blocked with the back of shelving units.
 - (3) Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall.
 - (4) Windows and doors above the first floor shall comprise between thirty (30) percent and seventy (70) percent of the total wall area of all upper floors.
 - (5) The number, shape, size, and spacing of the windows shall be compatible with the established rhythm of adjoining or nearby buildings in the downtown.
- b. *Exterior Finish Materials.* The building wall (exclusive of any windows or doors) of any facade visible from public view shall consist of the following:
- (1) The wall shall be constructed of at least seventy-five (75) percent modular brick or stone. Panel brick and tilt-up brick textured paneling shall not be permitted on the front facade.
 - (2) Up to twenty-five (25) percent of the remaining wall area may include wood siding, fiber cement siding, exterior insulation finish systems (EFIS), stucco (cementitious finish), precast masonry, metal or molded polyurethane trim.
 - (3) Exterior walls that may be concealed by future building development on adjacent sites may be constructed of lower-cost materials that are consistent with the building facade, including modular brick or stone, panel brick, tilt-up brick textured paneling, wood siding, fiber cement siding, exterior insulation finish systems (EFIS), stucco (cementitious finish), precast masonry, metal or molded polyurethane trim.
 - (4) The planning commission may permit other high-quality exterior finish materials comparable to those required above. The planning commission shall consider the standards of subsection 35-104.C.10., Modifications, and a recommendation of the DDA design committee that the amount, design, and type of materials proposed are consistent with the intended character of the CBD.
 - (5) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accents such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.
6. *Corner Buildings.* Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within twenty-five (25) feet of the corner.
7. *Overhead Doors.* Overhead doors are not encouraged in the CBD. When necessary for loading, unloading, and other service needs they shall be located where it will receive the least visibility to the public or neighboring residential uses, and have the least impact on traffic operations. Overhead doors for loading areas shall be closed when not in use for loading operations.

8. *Converted Dwellings.* Where buildings that were originally constructed for single-family residential purposes have been converted to nonresidential uses, the building design requirements of this subsection may be modified by the city where consistent with the historic character of the building. Such modifications may include allowing the use of siding in lieu of masonry materials and residential fenestration (windows) in lieu of the requirement for storefront windows on the first floor.
9. *Modifications.* The planning commission may approve deviations to the building design standards of this subsection 35-104.C., following the recommendation of the DDA design review committee, in order to achieve the objectives of this subsection through the use of creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:
 - a. Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the CBD, as articulated in the city Master Plan and the Downtown Plan, and the proposed building fits within the context of adjacent buildings along the block.



Side yard parking permitted
with 3 foot tall screenwall
setback 3 feet from front lot line

- b. The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian oriented environment.
- c. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- d. The exterior finish materials shall be of equal or better quality and durability as those permitted above, with the intent to allow for new technologies in building material while maintaining the desired character of the CBD.
- e. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

D. *Parking.* Parking lots shall meet the following requirements:

-
1. Parking is permitted only in side and rear yards. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than forty (40) percent of the total site's frontage shall be occupied by parking. Parking in the side yard shall be screened by a three-foot tall brick screening wall between the sidewalk and the parking lot. The screening wall shall be set back a minimum of three (3) feet and designed and located to ensure a safe, clear vision zone is provided for vehicles and pedestrians.
 2. Where off-street parking is proposed, at least sixty (60) percent of the site's frontage shall be occupied by usable building space to a depth of at least twenty (20) feet. Where a parking structure is provided, usable building space shall occupy at least sixty (60) percent of the site's frontage on the first level to a depth of at least twenty (20) feet.
 3. Parking lot design shall conform to the requirements of Article 14, Off-Street Parking and Loading Standards and Access Design. Because the regulations of this section are intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, on-site parking required under Article 14 may be waived under the following conditions:
 - a. The site is located within five hundred (500) feet of other parking facilities intended for public use, such as a municipal parking lot, parking structure or on-street parking that provides adequate parking spaces to serve the proposed use.
 - b. Failure to provide on-site parking shall be deemed to constitute and acknowledgement and acceptance of a benefit (i.e., the relaxation of on-site parking standards) such that, if the city establishes a special assessment district to fund the construction operation and maintenance of public parking that will serve the property, the property owner agrees to become part of such district and further agrees to payment of the assessment in lieu of providing on-site parking. The city may require a written acknowledgement with respect to the benefit provided.
- E. *Landscaping.* For buildings that comply with the front build-to requirements of this section, street trees located within the public sidewalk may be used to satisfy the frontage landscaping requirements of Article 15, Landscaping Standards. Where existing street trees along the frontage are in poor condition, the planning commission may require replacement of the trees. Where there are no street trees along the site frontage, or there is a gap of sixty (60) feet or more between existing trees, the planning commission may require the installation of a new tree, with a tree grate that matches the other tree grates used in the downtown.
- F. *Access Management.* Refer to Article 14, Off-Street Parking and Loading Standards and Access Design, for access management requirements. In addition to current access management standards, a strong emphasis shall be placed in the CBD to limit driveways on Grand River Avenue and Farmington Road. Whenever possible, existing driveways shall be removed and access provided to the site from rear access or from an intersecting side street.
- G. *Lighting.* Refer to section 35-48, exterior lighting, for lighting requirements.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-105. Central Business District—Residential Design Standards.

The regulations of this section shall apply to buildings and sites that contain only residential and residential accessory uses. Mixed-use developments with residential uses above commercial uses must comply with section 35-104. Any new residential development in the CBD that requires planning commission or council approval under Article 13, Site Plan Review, shall be first reviewed by the DDA design committee prior to being placed on the

agenda for review by the planning commission. The DDA design committee shall review the site plan and building architecture for compliance with the requirements of this section and provide a recommendation to the planning commission.

A. *Area, Bulk and Density Requirements.*

1. *Lot Area and Width.* There is no required minimum lot area or width.
2. *Density.* Density permitted by right shall be thirty-four (34) dwelling units per acre, provided the planning commission may approve an increased density of up to forty-seven (47) units per acre for projects approved as a PUD under Article 10, PUD.
3. *Setback Requirements.* The required residential building setbacks promote streetscapes that are consistent with the desired character of the CBD and reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut single-family residential zones promote development that will maintain light, air, and the potential for privacy for adjacent residential zones.

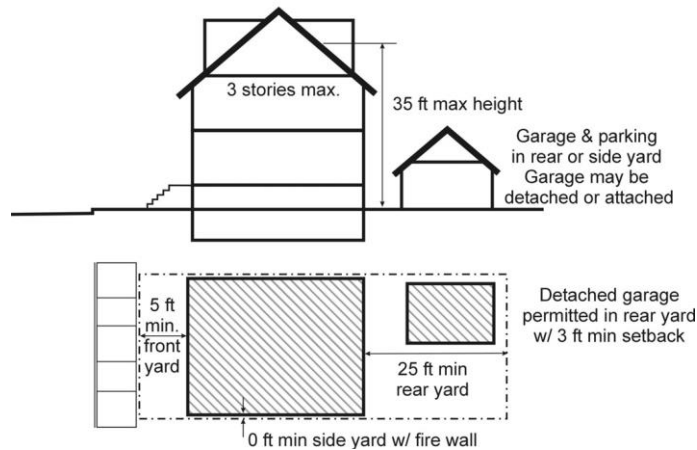
	Setback
Front	The building shall be set back a minimum of 5 feet, provided a stoop, steps or ramp may project into the required front yard.
Side	There shall not be a minimum setback required, provided a side wall of a building that is not a fire rated wall or contains windows shall be set back a minimum of 10 feet from the side lot line.
Rear	The minimum rear yard setback shall be 25 feet.
Lot line abutting a residential zone	Where the side or rear lot line adjoins a lot that is zoned single-family residential, a minimum 30 foot setback shall be provided.

4. *Building Height.* The height limits are intended to control the overall scale of buildings and to discourage buildings that visually dominate adjacent residential areas.

Requirement	Maximum (a), (b), (c)
Building height	35 feet
Number of stories	3

- a. If a development is proposed as a planned unit development (PUD), the planning commission may approve an increase in the maximum building height and number of stories, if either one (1) of the following apply:
 - (1) The proposed development will provide a setback equal to its height from any adjoining single-family residential zoning district;

Residential use building placement



- (2) A minimum of fifteen (15) percent of the site will be set aside as open space in the form of a pocket park, pedestrian plaza, or recreational area; or
- (3) The additional height or floors are being transferred from another building in the CBD that is below the corresponding height requirement and is being preserved with a recorded deed restriction and historic preservation easement under Michigan Public Act 451 of 1994.

- b. Refer to section 35-42, exceptions to height limit, for allowable building height projections.
- c. Basements and below-grade garages shall not be included in the calculation of height or number of stories.

B. *Pedestrian-Oriented Design Requirements.*

1. An interconnected street and sidewalk network shall be provided to unify neighborhoods and provide more convenient access to businesses and community facilities.
2. Sidewalks shall be a minimum of five (5) feet wide, seven (7) feet wide where abutting a parking space or a road curb. The planning commission may require a wider sidewalk if needed to be consistent with the adjoining sidewalk system.
3. Pedestrian-scale ornamental street lighting shall be provided along all sidewalks and within parking areas.

C. *Building Design.*

1. Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts and Crafts, Colonial, Gothic Revival, Italianate, Tudor, Victorian and other traditional styles characteristic of the Midwestern United States and with historic buildings in the city, including modern variations of traditional styles.
2. All residential units shall provide a pedestrian door facing the front lot line.
3. The front facade of all residential units shall be at least fifteen (15) percent windows or doors.
4. All dwellings shall include a front porch or front stoop with steps or an accessible ramp.
5. All buildings shall utilize high quality building materials that are in keeping with traditional architectural styles of the downtown. Permitted wall materials include, brick, stone, wood and fiber cement siding. Vinyl siding shall not be utilized, except the planning commission may permit limited use of vinyl siding on facades not visible from the street.

-
6. Garage doors shall be located on the side or rear of the building. Garage doors shall not be visible from Farmington Road or Grand River Avenue. The planning commission may prohibit or limit visibility from other side streets as determined appropriate when considering visibility from the public right-of-way and orientation of the front of the proposed units.

D. *Parking.*

1. Shall meet the requirements of Article 14, Off-Street Parking and Loading Standards and Access Design. The planning commission may reduce the number of parking spaces required to one and one-half (1.5) per dwelling unit where on-street parking is provided for guest parking at the rate of one-half (0.5) spaces per dwelling unit.
2. Parking shall not be permitted between the front of the building containing the pedestrian entrance and the front lot line. Off-street parking shall be to the side or rear of the building. Where side yard parking is visible from the street, a streetwall shall be provided consisting of a picket fence, ornamental wrought iron fence, a brick wall or a continuous evergreen hedge.

E. *Landscaping.* Shall meet the requirements of Article 15, Landscaping Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-106. Site Development Requirements.

All uses permitted by right and special land uses are subject to the following site development requirements:

- A. General provisions in accordance with Article 2, General Provisions.
- B. Site plan review as may be required in accordance with Article 13, Site Plan Review.
- C. Off-street parking and loading as may be required in accordance with Article 14, Off-Street Parking and Loading Standards and Access Design.
- D. Landscaping and tree replacement as may be required in accordance with Article 15, Landscape Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-107—35-110. Reserved.

ARTICLE 8. IND INDUSTRIAL DISTRICT

Sec. 35-111. Intent.

The intent of the IND Industrial district is to encourage the development of industrial establishments in settings conducive to public health; economic stability and growth; protection from blight, deterioration and nonindustrial encroachment; and efficient traffic movement including employee and truck traffic. Land appropriate for this district is limited in availability and is therefore primarily restricted to industrial use in the interest of the community's tax base and its economic growth and development.

The IND Industrial district is also designed to provide locations for retail and service businesses that are industrial in nature. Uses may include automotive repair, landscape supplies, home improvement supplies, contractors and self-storage facilities. The nature of these uses would not be compatible with other commercial shopping areas of the city due to the character of buildings, large amount of outdoor storage and use of trucks,

and construction equipment. Recreational uses due to the nature of the use and size of buildings may also be appropriate in this district.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-112. Table of Uses.

Use	IND
P: Use is permitted by right in district	
SLU: Special Land Use in accordance with Article 12, Special Land Uses	
<i>INDUSTRIAL:</i>	
Light industrial facilities (a)	P
General industrial facilities (b)	P
Heavy industrial facilities (c)	SLU
Indoor self-storage facilities	P
Outdoor storage (accessory use only)	SLU
Warehouses	P
<i>RETAIL:</i>	
Commercial outdoor display and sales	SLU
Garden centers and nurseries	P
Home improvement showrooms and supply stores	P
Pawn shops	SLU
<i>SERVICES/OFFICE:</i>	
Animal grooming and training establishments	SLU
Blueprinting and photostating establishments	P
Contractor's establishments, including showrooms and storage yards as accessory uses only	SLU
Dry cleaning plants	P
Kennels	SLU
Landscaping services	SLU
Professional offices and service establishments	P
Printing and publishing establishments	P
Radio, television, recording and movie studios	P
Repair services	P
Tool and equipment rental	SLU
Veterinary offices, clinics and hospitals	SLU
Adult regulated uses	SLU in accordance with Sec. 35-158, Adult Regulated Uses
<i>AUTOMOBILE USES:</i>	
Automobile and truck repair facilities	P
Automobile gasoline stations	SLU

Automobile maintenance/service facilities	SLU
Automobile, vehicle and truck rental and leasing establishments	SLU
Automobile wash establishments	SLU
<i>INSTITUTIONAL:</i>	
Adult and child care facilities	In accordance with Sec. 35-25, Adult and Child Residential Care Facilities
Business, trade and vocational schools	SLU
Municipal buildings and structures	P
<i>RECREATIONAL:</i>	
Recreation facilities, indoor and outdoor, commercial and public	P
<i>RESIDENTIAL:</i>	
Living quarters of a watchman or caretaker employed on the premises	SLU
<i>OTHER/ACCESSORY:</i>	
Accessory buildings, structures and uses	In accordance with Sec. 35-43, Accessory Buildings
Essential public services	P
Essential public service buildings	SLU
Essential public service storage yards	SLU
Wireless communication towers and antennae	SLU

Special Provisions

- (a) Light industrial uses include, but are not limited to: Engineering, experimental and testing laboratories; research and development facilities; corporate offices.
- (b) General industrial uses include, but are not limited to: The assembly, manufacture, compounding, processing, packaging or treatment from previously prepared materials, or repair, of products; the assembly, manufacture, fabrication, processing, packaging, or treatment of products indoors from previously prepared material including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, rubber, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood (planing mills shall not be permitted) and yarns; breweries, distilleries, and wineries; painting and varnishing shops; printing, lithography, blueprinting, publishing and similar uses; tool, die, gauge, and machine shops; warehousing and wholesale establishments; and material distribution facilities.
- (c) Heavy industrial uses include, but are not limited to: Canning factories and food processing, excluding slaughtering or rendering; cogeneration plants; concrete and asphalt batch plants; extractive operations (sand, gravel mining, etc.); heating and electric power generating plants; incinerators, recycling centers, and composting facilities; lumber and planing mills; metal plating, buffing and polishing and salvage yards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-113. Lot and Yard Requirements.

	IND
Minimum lot area	-

Minimum lot width	-
Minimum front yard setback (b)	25
Minimum side yard setback - least one (a) (b)	10
Minimum side yard setback - total (b)	-
Minimum rear yard setback (b)	20
Minimum useable floor area (square feet)	800
Maximum lot coverage	-
Maximum height	
- In feet	40
- In stories	2

Special Provisions

- (a) *Side Yards.* No side yards are required, however a minimum side yard of ten (10) feet shall be required where side walls are not wholly without windows, doors or other openings and are not of fireproof construction.
- (b) *Adjacent to Residential.* Any yard adjacent to a residential district or use shall be a minimum of twenty (20) feet.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-114. Site Development Requirements.

All uses permitted by right and special land uses are subject to the following site development requirements:

- A. General provisions in accordance with Article 2, General Provisions.
- B. Site plan review as may be required in accordance with Article 13, Site Plan Review.
- C. Off-street parking and loading as may be required in accordance with Article 14, Off-Street Parking and Loading Standards and Access Design.
- D. Landscaping and tree replacement as may be required in accordance with Article 15, Landscape Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-115—35-120. Reserved.

ARTICLE 9. R1P SINGLE-FAMILY PARKING DISTRICT

Sec. 35-121. Intent.

The R1P Single-family Parking district is intended as a transition district between single-family residential districts and commercial development fronting on major arterial roadways.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-122. Table of Uses.

Use	R1P
P: Use is permitted by right in district	
SLU: Special Land Use in accordance with Article 12, Special Land Uses	
Any use permitted by right in the R1 Single-Family Residential district	P
Any SLU permitted in the R1 Single-Family Residential district	SLU
Commercial uses (expansion of existing commercial building onto adjacent lot under the same ownership)	SLU
Off-street parking	SLU

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-123. Lot and Yard Requirements.

	R1P
Minimum lot area (square feet)	8,500
Minimum lot width (feet)	70
Minimum front yard setback (feet)	25
Minimum side yard setback - least one (feet)	6
Minimum side yard setback - total (feet)	14
Minimum rear yard setback (feet)	35
Maximum height of building	
- In feet	30
- In stories	2
Useable floor area (square feet)	(a)
Maximum lot coverage (buildings)	25%

Special Provisions

(a) *Minimum Size of Single-Family Dwelling Units.*

1 story: 1,000 sq. ft.

1½ stories: 900 sq. ft. (first story), 1,200 sq. ft. (total).

2 stories: 800 sq. ft. (first story), 1,600 sq. ft. (total).

Other principal buildings: 800 sq. ft.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-124. Site Development Requirements.

All uses permitted by right and special land uses are subject to the following site development requirements:

-
- A. General provisions in accordance with Article 2, General Provisions.
 - B. Site plan review as may be required in accordance with Article 13, Site Plan Review.
 - C. Off-street parking and loading as may be required in accordance with Article 14, Off-Street Parking and Loading Standards and Access Design.
 - D. Landscaping and tree replacement as may be required in accordance with Article 15, Landscape Standards.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-125—35-130. Reserved.

ARTICLE 10. PUD PLANNED UNIT DEVELOPMENT

Sec. 35-131. Intent.

- A. The intent of this article is to offer an alternative to conventional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.
- B. The PUD zoning standards are provided as a design option to:
 - 1. Encourage innovation in land development in terms of variety, design, layout and type of structures constructed;
 - 2. Accommodate development on sites that exhibit difficult development constraints;
 - 3. Encourage redevelopment of brownfield or greyfield sites as mixed-use neighborhoods;
 - 4. Encourage the adaptive reuse of historic buildings;
 - 5. Provide the opportunity to mix compatible uses, or residential types;
 - 6. Preserve and protect significant natural features, open space and cultural/historic resources;
 - 7. Ensure that new developments are consistent with the historic character of the community;
 - 8. Promote efficient provision of public services and utilities;
 - 9. Minimize adverse traffic impacts;
 - 10. Encourage development of convenient recreational facilities; and
 - 11. Encourage the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.
- C. For properties approved for PUD designation, these PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of this chapter on the basis of the total PUD plan, subject to the approval of the PUD by the planning commission in accordance with the requirements set forth herein. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes set forth in this section.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-132. Eligibility Criteria.

The following criteria shall apply to all planned unit developments (PUDs):

- A. *Unified Control.* The planned unit development shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.
- B. *Recognizable Benefit.*
 - 1. The applicant shall demonstrate to the planning commission that the PUD provides at least three (3) of the following site design elements that could not be attained through a project designed under conventional zoning:
 - a. Mixed-use development with residential, and nonresidential uses or a variety of housing types;
 - b. Redevelopment of brownfield or greyfield sites;
 - c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
 - d. High quality architectural design beyond the site plan requirements of this chapter;
 - e. Extensive landscaping beyond the site plan requirements of this chapter;
 - f. Preservation, enhancement or restoration of natural resources (trees, slopes, nonregulated wetland areas, views to the river);
 - g. Preservation or restoration of historic resources;
 - h. Provision of open space or public plazas or features;
 - i. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g., topography, shape etc.);
 - j. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
 - k. Shared vehicular access between properties or uses;
 - l. Mitigation to offset impacts on public facilities (such as road improvements); or
 - m. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
 - 2. In granting the relaxation of any district standard for a PUD, the planning commission may require the applicant to demonstrate through bona fide documentation that the project will not be detrimental to the public health, safety or welfare of the future occupants of the PUD, the surrounding neighborhood, or the city as a whole. Such documentation may include, but is not limited to, traffic impacts studies, environmental impact studies, market needs assessments, infrastructure impact studies and any other such reports or studies.
- C. *Compatibility with Adjacent Uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas,

waste receptacles, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the perimeter of the PUD or so as to negatively impact the residential use of adjacent lands.

- D. *Public Utilities.* All uses within the PUD shall be served by public water and sewer systems.
- E. *Master Plan.* The proposed PUD shall be consistent with the City of Farmington Master Plan.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-133. Permitted Uses.

The uses permitted in the PUD shall be consistent with and in accordance with the uses permitted by right and special land uses in the underlying zoning district. Other uses, however, may be permitted upon a finding by the planning commission that such uses will be appropriate and compatible with the uses proposed for the development and with surrounding uses. The planning commission may permit additional uses to create an integrated, mixed-use development based upon the recommendations of the City of Farmington Master Plan. Approval of a PUD shall include the specific identification of the uses permitted within the PUD, and only those uses so approved shall be permitted.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-134. Height, Area and Bulk Regulations.

The height, bulk and area conditions set forth in the underlying district requirements shall be used as guidelines for the use areas set forth in the PUD. However, to encourage flexibility and creativity consistent with the intent of the PUD, the planning commission may permit specific departures from the requirements of this chapter. Any regulatory modification shall be approved through a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

- A. *Modifications to Dimensional Requirements.* The bulk and area requirements set forth in the applicable zoning district that permits the requested use shall be used for the use areas described in the PUD, and shall be modified only upon a demonstration that each modification is consistent with the intent of this article. Where modification of the zoning ordinance standards is requested, the applicant shall provide a table for each specific standard proposed to be modified. Unless modifications are specifically requested and approved by the city, the site plan shall comply with the appropriate requirements of the city.
- B. *Residential Density.*
 - 1. Where the underlying zoning is single-family residential, the number of dwelling units allowable within a PUD shall be determined through preparation of a plan that illustrates the number of units that could be developed under a conventional plan. This conventional plan shall meet all standards for lot size, lot width and setbacks in accordance with the dimensional requirements for the underlying zoning district and other applicable city and state standards.
 - 2. Where the underlying zoning is multiple-family residential, the density shall be based on the underlying zoning district.
 - 3. Where the underlying zoning district is nonresidential, residential shall be permitted based on the density requirements of the CBD district.

-
4. Once the base density has been determined, the planning commission may allow up to a twenty (20) percent density bonus upon a finding that the project provides more than five (5) of the benefits listed in subsection 35-132.B., recognizable benefit.
 5. The residential units may be attached if the planning commission determines that the project will be exceptional in its provision of the benefits listed in subsection 35-132.B., recognizable benefit.
 6. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the underlying zoning districts. The location and distribution of dwellings within the PUD shall be determined through design that meets the intent of this article, preservation of natural features and compatibility with surrounding land uses.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-135. Approval Procedure

- A. *Overview of PUD Review and Approval Process.* The PUD review and approval process includes the following steps:
 1. Preapplication conference with planning commission on PUD concept plan (optional).
 2. Planning commission review of PUD concept plan and scheduling of public hearing.
 3. Planning commission public hearing review and recommendation on PUD concept plan and draft PUD agreement.
 4. City council review and approval of PUD overlay zone, PUD concept plan and PUD agreement.
 5. Planning commission approval of final site plan.
- B. *Preapplication Conference with Planning Commission.*
 1. *Applicant Request.* An optional preapplication conference with the planning commission may be requested by the applicant to discuss the appropriateness of a PUD and the concept plan to solicit feedback and to receive requests for additional materials supporting the proposal. An applicant desiring such a conference shall request placement on the planning commission agenda.
 2. *Public Notice.* The preapplication conference shall be open to the public, but shall not include a public hearing.
- C. *Planning Commission Review of PUD Concept Plan and Draft PUD Agreement and Public Hearing.*
 1. *PUD Concept Plan.* A concept plan for the PUD that contains all of the following information shall be submitted for planning commission review:
 - a. A conceptual plan for the development, drawn to an engineer's scale of not less than one (1) inch = fifty (50) feet for property less than three (3) acres, or one (1) inch = one hundred (100) feet for property three (3) acres or more in size, that includes all of the following:
 - (1) Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions;
 - (2) Scale and north-point;
 - (3) Location map drawn to a separate scale;

-
- (4) Legal description of property;
 - (5) Zoning classification of site and all abutting parcels;
 - (6) Net acreage (minus rights-of-way) and total acreage;
 - (7) Existing lot lines, building lines, structures, parking areas and other improvements on the site and within one hundred (100) feet of the site;
 - (8) Proposed lot lines, lot dimensions, property lines, setback dimensions and other improvements;
 - (9) Location and height of all proposed buildings or structures;
 - (10) Location of existing and proposed roads, driveways, parking lots, sidewalks and pathways on or within two hundred fifty (250) feet of site;
 - (11) Proposed off-street parking lots and number of spaces;
 - (12) Conceptual landscape plan;
 - (13) The general location of existing plant material;
 - (14) Location of existing drainage courses, floodplains, rivers and MDEQ regulated wetlands;
 - (15) Location of existing and proposed sanitary sewers;
 - (16) Location of existing and proposed water mains;
 - (17) Stormwater retention and detention pond locations and existing, or proposed storm sewers;
 - (18) Number and location of residential units;
 - (19) Density calculations by type of residential unit; and
 - (20) Location and size of recreation and open space areas.
- b. A parallel plan or alternative conventional development plan showing the development possible based on the current zoning district standards; this plan will be used to determine density and dimensional standards permitted in the PUD.
 - c. Documentation indicating how the criteria for qualification for a PUD have been met.
 - d. A table which details all deviations from the established zoning district uses; area, height and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article; this table shall clearly identify the allowed regulation in comparison to the requested deviation.
 - e. Any additional information requested by the planning commission to better assist in the determination of PUD qualification such as, but not limited to: market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
2. *Draft PUD Agreement.* The applicant shall submit a draft PUD agreement for review and recommendation by the planning commission after review by the city attorney. The agreement shall provide:
 - a. A survey of the acreage comprising the proposed development.
 - b. The manner of ownership of the developed land.

-
- c. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - d. Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the city may require conveyances or other documents to be placed in escrow to accomplish this.
 - e. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the planning commission.
 - f. The cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the planning commission.
 - g. Provisions to ensure adequate protection of natural features.
 - h. The PUD site plan shall be incorporated by reference and attached as an exhibit.
3. *Public Hearing.* A public hearing to review the requested PUD and site plan shall be scheduled in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
4. *Planning Commission Review, Decision, and Recommendation.*
- a. *PUD Concept Plan.* The planning commission shall review the PUD concept plan in consideration of public hearing comments, technical reviews from city staff, correspondence from applicable review agencies and compliance with the standards of this article and other applicable standards and requirements of this chapter. The planning commission shall recommend approval, approval with conditions or denial of the PUD request to the city council. The recommendation shall be based on the following:
 - (1) Whether the proposal provides the recognizable benefits of the PUD;
 - (2) Promotes the land use goals and objectives of the city or the master plan;
 - (3) Whether all applicable provisions of this article and this chapter shall be met;
 - (4) Whether eligibility criteria of section 35-132 are met;
 - (5) Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, stormwater, solid waste, water supply needs and traffic generated by the proposed project; and
 - (6) Whether the project successfully provides a transition between higher and lower density uses and/or between nonresidential and residential uses.
 - b. *PUD Draft Agreement.* If the planning commission approves the PUD concept plan, the planning commission shall forward the draft agreement and concept plan to the city council for review in accordance with subsection 35-132.D., below.
- D. *City Council Review of PUD Overlay Zoning, PUD Concept Plan and PUD Agreement.* Following receipt of a recommendation from the planning commission on the PUD overlay zoning, PUD concept plan and draft PUD agreement; the city council shall review the concept plan and PUD agreement and either approve, deny, or approve with a list of conditions made part of the approval.
- E. *Conditions.* In accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), reasonable conditions may be required with the approval of a PUD for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural

resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the City of Farmington Master Plan. Conditions attached shall be included in the PUD agreement.

- F. *Time Limits for PUD Concept Plan Approval.* Approval of the PUD concept plan by the city council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval for the PUD or a phase of the PUD is not requested within this time period, the PUD concept plan approval shall automatically become null and void and all rights thereunder shall terminate. The city council may for good cause extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date. Upon expiration of a PUD concept plan, the city council may direct the planning commission to conduct a public hearing and make a recommendation to remove the PUD overlay district.
- G. *Final Approval of Site Plan by Planning Commission.*
1. Following PUD concept plan approval, a final site plan for the PUD or individual phases of the PUD shall be submitted in accordance with section 35-163, site plan review procedures.
 2. All site plans subsequently submitted shall conform with the PUD concept plan, all conditions attached to preliminary approval, the PUD agreement and the requirements of this ordinance. Where the planning commission determines that changes to the final site plan significantly deviate from the PUD concept plan, the planning commission shall conduct another public hearing and review the plan as an amended resubmission of the PUD concept plan under the requirements of this article.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-136. Amendments and Deviations from Approved PUD Concept and Site Plans.

Any amendment or deviation from an approved final site plan shall follow the procedure described in section 35-165, amendment to approved site plans, provided such amendment or deviation shall still conform with the PUD concept plan and agreement.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-137. Deviation/Waiver from PUD Requirements.

Any deviation or waiver from the PUD requirements of this article or other zoning requirements of this chapter not otherwise provided for in section 35-134 shall be reviewed and approved by the city council. Such deviation or waiver shall only be approved upon a showing that the requirements create practical difficulties that unreasonably prevent the development of the property as a PUD and render conformity with such restrictions unnecessarily burdensome if the deviation or waiver is not granted.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-138. Appeals.

The zoning board of appeals shall have no jurisdiction to hear appeals or make interpretation or any other decisions regarding this article or a proposed PUD concept plan or site plan.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-139, 35-140. Reserved.

ARTICLE 11. GRC GRAND RIVER CORRIDOR OVERLAY DISTRICT³

Sec. 35-141. Authority.

Pursuant to authority granted in Section 125.3503 of the Michigan Zoning Enabling Act, this overlay district is written to permit flexibility in the regulation of development of land located within the boundary established in the Grand River Corridor Vision Plan, which is herein referenced in its entirety.

(Ord. No. C-778-2015, § 1, 9-21-15)

Sec. 35-142. Intent.

This overlay district is intended to implement the Grand River Corridor Vision Plan, which is adopted as part of the city Master Plan, hereinafter referred to as the "Corridor Plan". The Corridor Plan articulates the following design principles and site development elements that support the vision for the corridor and gives examples of how sites along the corridor could redevelop. The regulations contained in this overlay district enumerate the principles of the Corridor Plan inasmuch as possible; however, reference to the published Corridor Plan is highly recommended. The purpose of this overlay district is to promote high-quality development that will provide the following:

- A. High-quality architecture and urban design elements/treatments that create a signature environment along the corridor.
- B. A safe and enjoyable environment for walking and biking, public transit, and automobiles for people of all ages and abilities with minimal conflicts among users.
- C. Economic success of the corridor, enhanced by a supporting balance of retail, office, institutional, and housing in a vibrant and integrated development pattern.
- D. A variety of housing options.
- E. A respect for the river corridor and development that will enhance and complement the environment.
- F. New public spaces that encourage community gathering and outdoor activity.
- G. Connections with surrounding areas that provide travel choices for people to move throughout the corridor, adjoining neighborhoods, centers of commerce, and public spaces.
- H. Best management practices in environmentally responsible planning and construction.

(Ord. No. C-778-2015, § 1, 9-21-15)

³Editor's note(s)—Ord. No. C-778-2015, § 1, adopted Aug. 24, 2015, set out provisions intended for use as Art. 11 §§ 35-138—35-144. Inasmuch as there were already provisions so designated, in part, Ord. No. C-778-2015 has been codified herein as §§ 35-141—35-147 at the discretion of the editor.

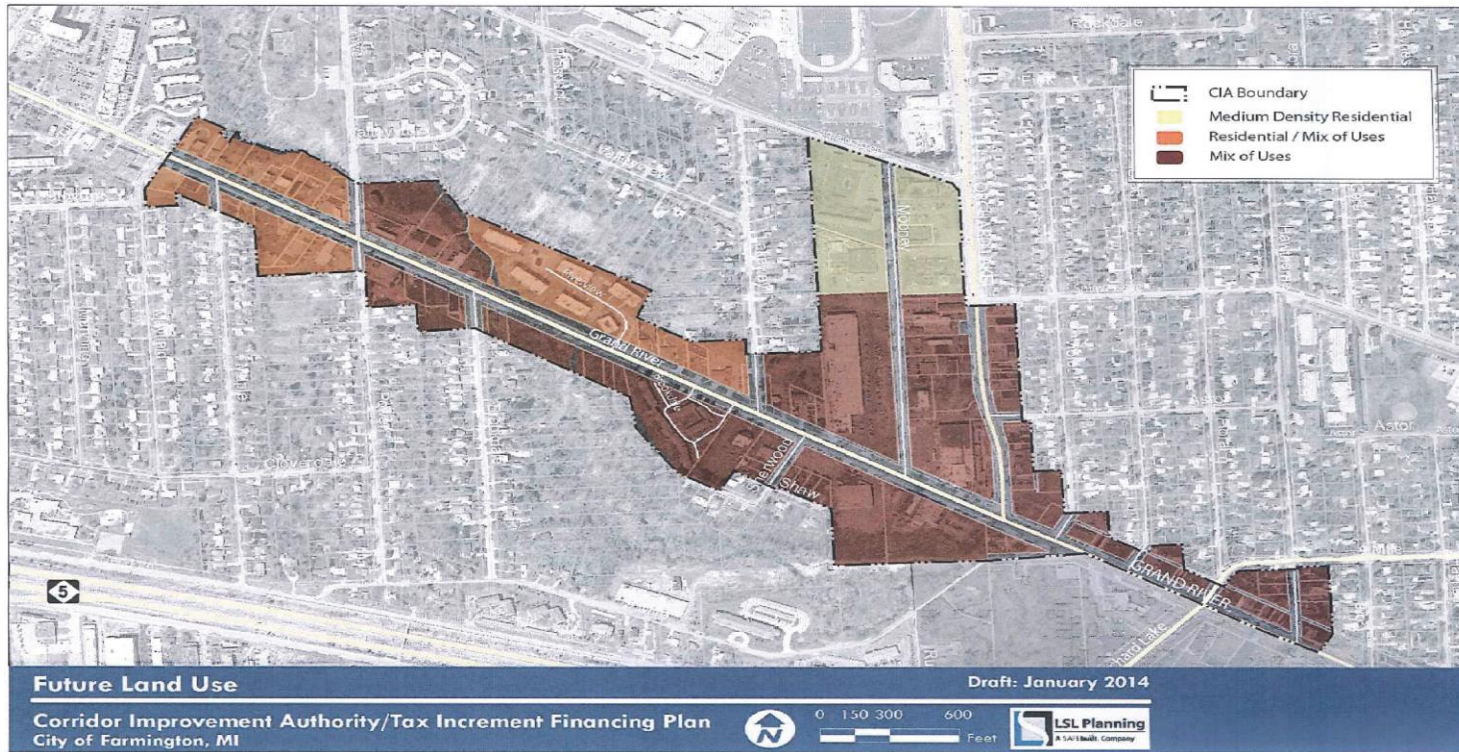
Sec. 35-143. Applicability.

- A. *Application of Regulations.* Within the district, all requirements of the City of Farmington Zoning Ordinance with respect to the underlying zoning district shall apply, except as modified by this overlay district.
- B. *Interpretations and Modifications.* This overlay district is based in part on the Grand River Corridor Vision Plan adopted by the City. To implement the plan, flexibility on the mixture of uses, site layout or other dimensional modifications as part of the site plan review may be allowed, depending on the timing, location and nature of redevelopment. Modifications are discussed in section 35-144.
- C. *Compliance with Overlay Regulations as to Building Requirements and General Development Requirements.* It is acknowledged that implementation of the Corridor Plan is likely to occur gradually. The intention of this overlay district is that eventually, the requirements of the overlay district will be fully implemented as properties develop or redevelop. Use and development of land developed within this district shall be regulated as follows:
1. *Existing Buildings and Uses.* The following activity shall be allowed according to the regulations of the underlying district:
 - a. Uses in existence on the date of the ordinance amendment from which this article derives.
 - b. Changes in use from one use to another use where the underlying zoning district does not require additional parking or building requirements.
 - c. Maintenance of existing site and building conditions as of the date of the ordinance amendment from which this article derives.
 - d. Additions of a size equal or less than ten (10) percent of the gross square footage of the building as it exists at the time of adoption of this article.
 - e. Additions of a size greater than ten (10) percent but equal to or less than twenty-five (25) percent of the gross square footage of the building as of the date of adoption of the ordinance from which this article derives, provided they meet the requirements for lot size and coverage, setback, building height, transitions from abutting single-family residential uses, as listed in sections 35-145 and 35-146, unless modifications are allowed in accordance with section 35-147.
 2. *New Buildings and Development and Major Expansions/Additions.* New development projects and major expansions or additions (greater than twenty-five (25) percent of existing gross square footage at the time of adoption of the ordinance from which this article derives) proposed under this overlay district shall meet all requirements of this district, except as otherwise provided for in this article.

(Ord. No. C-778-2015, § 1, 9-21-15)

Sec. 35-144. Zones and permitted uses.

- A. *Zones.* The GRC district shall be and is hereby divided into zones as enumerated on the zone map in subsection B below.
1. *Medium-Density Residential (MDR).* This area is planned for medium density residential at 10-20 u/a. Residential development in this area should be supported by public and green spaces within or adjacent to the development. Residential developments should include sidewalks, street trees, and connections within and outside of the development.
 2. *Residential Mixed Use (RMU).* This area is planned for a mix of commercial and medium density residential of 10-20 u/a. Uses may be vertically or horizontally integrated. The overall mix of commercial to residential should have a residential focus. Development in this area should be supported by public and green spaces within or adjacent to the development.
 3. *Mixed Use (MU).* This area is planned for a mix of small to medium sized retail, office, and residential uses both vertically and horizontally. Within pedestrian areas, office uses should be encouraged on the second floor while retail uses should be reserved for the first floor and have a strong street presence. These areas should be carefully planned to complement the streetscape and help to create and define the public realm. Development should be connected via a pedestrian network.
- B. *Zone Map.* The Grand River overlay district boundary is hereby established as shown on the zoning map on file in the office of the city clerk. The boundary for each zone described above is hereby established as shown on the district zoning map below:



C. *Permitted Uses.* Permitted uses within the zones noted on the zone map, shall include the following:

1. Any of the uses permitted as allowed in the underlying zoning districts, as listed in their respective articles of the zoning ordinance, may be permitted.
2. Uses allowed by the planning commission pursuant to section 35-30. Determination of similar use.
3. Other uses as permitted in the table below, certain of which may require the use of the Planned Unit Development process in Article 10 of this zoning ordinance as set forth in section 35-147C below:

Table 35-142 Permitted Uses			
P = Permitted Use PUD = Planned Unit Development	Zone		
	MDR	RMU	MU
Multi-family			
One-Family Dwelling	PUD	PUD	—
Two-Family Dwelling	PUD	PUD	—
Multiple-Family Dwelling	PUD	P	—
Office			
Medical	—	P	P
Professional	—	P	P
Financial	—	P	P
Drive-Through	—	—	PUD
Civic			
Schools	PUD	PUD	P
Universities	PUD	PUD	P
Public buildings	PUD	P	P
Retail			
Personal and Professional Service	—	PUD	P
General Retail	—	P	P
Pharmacy	—	P	P
Studios of fine arts	—	P	P
Sit Down Restaurants	—	P	P
Carry Out Restaurants	—	P	P
Drive-Through	—	—	PUD
Institutional			
Hospitals	PUD	PUD	PUD
Churches	PUD	PUD	PUD
Adult and Child Care Facilities	PUD	PUD	P
Hotel			
Hotel/Motel	—	PUD	P
Bed and Breakfast	—	PUD	P
Lodging facilities as an accessory to a principal use	—	—	P

(Ord. No. C-778-2015, § 1, 9-21-15)

Sec. 35-145. Building requirements.

- A. *Streetscaping.* The following shall be installed along all property lines that abut Grand River Avenue, as part of a comprehensive road and streetscape network:

Table 35-142 A Required Streetscaping		
1.	Curb Lawn	A ten-foot landscaped buffer strip shall be provided between the parking area and all public rights-of-way. The owner shall maintain the portion of the street between the lot line and back-of-curb and, if applicable, the portion of the alley between the lot line and the edge of pavement. This typically includes snow and debris removal as well as general upkeep.
2.	Buffers and Screening	See sections 35-184.C. and section 35-171.C.
3.	Sidewalks	Sidewalks along Grand River Avenue shall be a minimum width of five (5) feet, or as specified in the city's Comprehensive Plan. Sidewalks along side streets shall be provided according to Section 35-45. Wider sidewalks are encouraged, and when provided, the required setback or build-to line may be adjusted accordingly.
4.	Street Trees	One (1) canopy tree shall be provided along Grand River Avenue, with a typical spacing of twenty-five (25) feet on center. Placement of street trees shall generally be staggered with the street lights.
5.	Street Lights	Street lights are required with any new development or redevelopment and must be of the type identified by the City. Placement of street lights shall generally be staggered with the street trees.

B. *Building Requirements.* Sites and buildings shall be designed according to Table 35-143:

Table 35-143 Building Requirements			
	MDR	RMU	MU
1. Lot Size and Coverage			
a. Minimum Lot Size	8,500 sq. ft.	There are no minimum or maximum lot sizes	
b. Minimum Lot Width	70 ft.	There are no minimum lot widths	
c. Maximum Building Coverage	35%	There are no maximum coverage requirements, provided stormwater requirements are met	
2. Minimum Setbacks			
a. Front Yard Setback	30 ft.	0 ft.	
		Upper floors may project into right-of-way pursuant to Section 35-147	
b. Side Yard Setback	15 ft.	5 ft.	0 ft.
c. Rear Yard Setback	30 ft.	As needed to achieve proper Transition (see below)	
3. Building Height			
a. Maximum	42 ft. (3 stories)	42 ft. (3 stories)	54 ft. (4 stories)
		Additional height per Section 35-147	
4. Transitions from Abutting Single-Family Residential Uses			
a. Building Step Backs	Subject to Section 35-171.C.	Buildings taller than 42 ft. shall include step backs back a distance equal to its height for each floor	
b. Screen Wall		6 ft. screening wall required along the property line. Also subject to section 35-49	



5. Parking Circulation and Driveways (see also section 35-142)		
a. Parking Location	Subject to Article 14 of Ordinance 34	Side or rear yard preferred. One single row of parking may be allowed in the front yard, provided there are no other reasonable alternatives that are more consistent with the Corridor Plan
b. Parking Lot Design	Subject to Article 14 of Ordinance 34. Parking Structures that front Grand River Avenue shall include storefront liner buildings on the ground floor along the frontage that are at least 30 ft. in depth	
		A 36 in. high knee wall shall be installed along frontages where parking lots occupy any portion of the front yard
c. Driveway/Access Location	Subject to Article 14 of Ordinance 34	Where a public alley or shared access is possible, driveway access to Grand River Avenue may only be granted upon demonstration that such is needed to provide reasonable access to the site
6. Windows and Doors		
a. Entrances	At least one functioning door shall be provided for every street-facing storefront	
	Second door for multi-family may face side or rear yard. Connection to public sidewalk must be provided pursuant to section 35-45	
7. Building and Roof Design		
a. Flat Roof Design	A minimum 42 inch tall parapet shall be installed to conceal rooftop mechanical equipment visible from the street level	

(Ord. No. C-778-2015, § 1, 9-21-15)

Sec. 35-146. General development requirements.

A. *Street Classification.*

1. A site's primary, secondary (side) and service street frontages shall be designated by the city planner or his/her designee. In making a determination the city planner shall consider the following standards:
 - a. When a site abuts only one street, that street is the primary street frontage.
 - b. In all cases, any frontage on Grand River Avenue shall be considered primary street frontage.
2. On corner sites, one street is a primary street frontage and the other street or streets may be designated a primary street or a secondary street frontage. In determining the required primary street frontage, the city shall consider the following conditions:
 - a. The street with the highest street classification;
 - b. The existing and planned context of the built environment;
 - c. The street abutting the longest face of the block; and
 - d. The street parallel to an alley within the block.
3. When a site runs from one street to another and has a double frontage, one street may be designated a service street frontage provided the following standards are met:
 - a. The applicant controls the land along an entire block face;
 - b. A site with a service street must have at least two street frontages and one street frontage must be a primary street; and
 - c. Only one service street frontage may be designated abutting any block.
4. When a site abuts four or more streets, two service street frontages may be designated provided that two or more primary street frontages are also designated.

B. *Building Elements.*

1. Corner buildings. Buildings located at a street corner shall have appropriate architectural features and details that accentuate its prominent corner location through additional building height and/or adding a building peak or tower element at the corner. Other creative techniques may be used, subject to the acceptance of the planning commission. Special architectural corner features may be permitted to exceed the maximum building height by up to ten (10) feet if deemed appropriate by the planning commission.
2. Canopies and awnings shall comply with section 35-40.
3. Balconies and overhangs. Balconies and overhangs may be added to façades with the following conditions:
 - a. Balconies and overhangs shall not extend more than six (6) feet from the building face.
 - b. Materials shall be compatible with the building and be integrally designed.
4. Outdoor dining areas may be allowed pursuant to section 35-102, special provision (b).
5. Exterior lighting.
 - a. Exterior lighting shall comply with section 35-48. The Planning commission may grant the same modifications in this district that are allowed in the CBD.
 - b. Illumination. Lighting shall provide illumination levels according to the following:

Table 35-143 Exterior Lighting Level Requirements			
Use	Minimum Level	Maximum Level	Maximum at Residential property Lines
Residential or institutional uses	0.2 fc	5 fc	1.0 fc
Office, recreation, and entertainment uses	0.6 fc	5 fc	1.0 fc
Commercial uses	0.9 fc	5 fc	1.0 fc
Sidewalks and Walkways	0.6 fc	5 fc	1.0 fc
Parking lots, bicycle parking areas	3 fc	10 fc	1.0 fc

Note(s)—fc = footcandles

6. Activity within the right-of-way. Upon approval by all applicable road agencies, the city may allow upper floors of buildings to project over or one row of front yard parking to encroach into the public right-of-way in consideration of the following:
 - a. The projection/encroachment is necessary to accommodate reasonable redevelopment of the site due to other constraints such as size, shape, depth or presence of natural features.
 - b. The projection/encroachment will allow the development to better achieve the purpose of this district and the vision stated in the Grand River Corridor Vision Plan.
 - c. The city has received all necessary insurance that indemnifies the City within the area of projection/encroachment.

- C. *Parking.* Off-street parking shall be subject to the provisions of Article 14, Off-Street Parking Requirements, with the following provisions:
 1. The number of spaces shall be as required in Article 14, Off-Street Parking and Loading Standards and Access Design. Notwithstanding the flexibility allowed in Article 14, the amount of parking may be reduced based on a determination that adequate parking for peak periods is provided for the mixture of proposed and future uses. In making its determination, the planning commission shall consider the expected amount of bicycle or transit travel to the site, the nature of the proposed land use, different peak hour parking demands, shared parking agreements, on-site parking management, employee transit incentives, provision of transit or bike amenities, bicycle parking, or other means that will otherwise reduce vehicular trips to the site that would otherwise be expected. The planning commission may require a parking study, prepared by a qualified professional, from the applicant to assist with making a determination.
 2. The city may allow one single row of parking in the front yard in consideration of the following:
 - a. Such parking is necessary to accommodate reasonable redevelopment of the site due to other constraints such as size, shape, depth or presence of natural features.
 - b. The additional parking is necessary to accommodate reasonable redevelopment of the site.
 - c. The parking will allow for development that is generally more consistent with the purpose of this district and the vision stated in the Grand River Corridor Vision Plan than the development that would otherwise result.
 3. All developments shall provide one (1) bike rack for each twenty (20) vehicular spaces.

- D. *Rouge River Frontage.* For properties with frontage along the Rouge River, all buildings and structures shall be setback at least twenty-five (25) feet from the river's edge, with additional setback as determined by the

city engineer on the basis of soil conditions and other such factors affecting the suitability of the land for placement of a structure. However, applicants are encouraged to orient the buildings such that the river will effectively be the street frontage for the property. In order to facilitate such alternative orientation, the planning commission may adjust (reduce or increase) the required front and rear yard setbacks to allow such orientation, giving due consideration to the impact on views along the river, including from across the river, and consistency with the setbacks of existing development on either side and across the street. The planning commission may also allow parking in the front or rear yard, or both, where it would best meet objectives for orientation toward the river and also for a consistent design along the street and the riverfront.

(Ord. No. C-778-2015, § 1, 9-21-15)

Sec. 35-147. Administration.

- A. *Corridor Improvement Authority Review.* Applications shall be sent to the Grand River Corridor Improvement Authority for its review and recommendation.
- B. *Deviations from Building Requirements (Section 35-145) and General Development Requirements (Section 35-146).* It is recognized that certain existing site conditions may prohibit full compliance with this overlay district. The Planning commission may modify the standards for this overlay district as applicable to new development projects and expansions or additions after considering the criteria below:
 - 1. The proposed development is consistent with the Corridor Plan, as amended.
 - 2. The proposed development is consistent with the purpose and development principles listed in section 35-142.
 - 3. The proposed modification will not prevent or complicate logical extensions of streets, parking, greenspace, or development of adjacent properties consistent with the Corridor Plan.
 - 4. Such modification is the minimum necessary to allow reasonable development that is consistent with the purpose of the Corridor Plan.
 - 5. The proposed development will not impair public safety and is not simply for convenience of the development.
- C. *Planned Unit Development (PUD) for New Development Projects and Expansions or Additions.*
 - 1. To promote redevelopment and stimulate reinvestment along the corridor, the additional uses listed in table 35-142 above are permitted, subject to the requirements of this Section 35-144.
 - 2. *As to any new development projects and expansions or additions, the Planning Commission may grant additional flexibility or development options where one or more of the Recognized Benefits, listed below, are provided.* Elements listed in Table 35-144 on the left are those items the City wishes to encourage. Items listed along the top show the types of regulatory flexibility or financial incentives that may be granted in return. One incentive must be provided in order to be considered for one incentive. More than one incentive may be granted when more than one Recognized Benefit is provided. In addition to other incentives that may be authorized by the City Council, the following incentives shall be considered:
 - a. *Lot Coverage or Setback Flexibility.* Flexibility may be granted of the minimum lot coverage, building frontage, or setbacks (rear or side only) provided the resulting layout will not negatively impact nearby residences or the vision for the corridor as enumerated in the Grand River Corridor Vision Plan.

- b. *Additional Building Height.* The maximum building height may be increased by a maximum of two additional stories, provided all other provisions of this article and proper transitions are provided as required in section 35-145.
- c. *Reduced Parking.* The city may allow development with fewer parking spaces than is required upon proof that such reduction will not create negative impacts upon adjacent businesses or local residential streets.
- d. *Stormwater/Utility Improvements.* Where endorsed by the city's Public Works Department, reduced user and benefit fees may be granted.
- e. *TIF Funding.* Eligibility for tax increment financing, where the subject site falls within an established TIF district.

Table 35-144 Incentives							
Incentives	1. Lot Coverage	2. Setback Relief	3. Additional Bldg. Height	4. Reduced Parking	5. Stormwater/Utility Improvements	6. TIF Funding	
Recognized Benefit							
1.	Public Open Space	X	X			X	X
2.	LID	X	X			X	X
3.	Mixed-Use			X	X		
4.	Higher Quality Architecture						X
5.	LEED/Green Building	X		X		X	X
6.	Enhanced Buffer		X			X	X
7.	Pedestrian Facilities	X	X		X		X
8.	Integrated Parking	X	X	X	X		X

- D. *Recognized Benefits.* Additional building height or flexibility may be granted during the project review when one or more of the following recognized benefits are provided:
- 1. *Open Space or Public Space.* Inclusion of five (5) percent of the total building area for civic or public spaces.
 - 2. *Low Impact Development (LID) Applications.* Use of alternative stormwater management design that includes green roofs, natural retention systems, porous pavement alternatives, or other energy or water conserving applications.
 - 3. *Mixed Use.* Development that includes a mix of different but compatible use types within the same building, and which are designed to accommodate predominantly retail uses on the ground-floor with offices or residential use on upper floors.
 - 4. *Higher Quality Architecture.* Application of architectural design above what is required.

-
5. *LEED/Green Buildings.* Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
 6. *Enhanced Buffer.* Inclusion of design elements such as additional landscaping, architectural amenities, or other improvements that are designed to benefit the general public.
 7. *Pedestrian Facilities.* Provision of public plazas, additional walkways, wider sidewalks or pedestrian-oriented features beyond those required.
 8. *Integrated Parking.* Where structured parking is provided as part of the development, the city may allow one additional story of building height.
- E. *Contributions in Lieu.* The city recognizes that certain physical elements may be best developed in a coordinated fashion rather than piecemeal as development occurs. Therefore, when requested by the applicant or where required by the city, payments in lieu of those improvements may be made in accordance with the following.
1. Contributions in lieu may be accepted for the following improvements:
 - a. Streetscaping as listed in Section 35-145A.
 - b. Parking as discussed in Section 35-146.
 2. In cases where the elements above cannot reasonably be developed on a parcel, or for those where coordinated installation (parking and access, for example) is needed for logical development, the city may allow developers to defer construction in one of the following ways:
 - a. Payment into a dedicated fund, of an amount equal to the cost to install all deferred improvements on the subject site. Improvement costs must also consider off-site improvements and utilities needed to serve the site. The developer shall submit to the city an estimate of costs to construct these items for verification by the city's engineer.
 - b. The city may facilitate, through a special assessment district or other means, construction of streetscaping as development progresses. Developments who defer parking under this article shall agree to participate in a special assessment district, and agree to pay back the costs to serve their portion of the development. The assessment district may be created to install or replace some or all of the items listed above, the costs of which will be distributed amongst developed parcels consistent with the standards listed.
- F. *PUD Process.* New development projects and expansions or additions that are either designated "PUD" in table 35-145 or that utilize the additional flexibility or development options in this subsection shall comply with the requirements of Article 10, Planned Unit Development, of this zoning ordinance.

(Ord. No. C-778-2015, § 1, 9-21-15)

Secs. 35-148—35-150. Reserved.

ARTICLE 12. SPECIAL LAND USES

Sec. 35-151. Intent.

The intent of this article is to provide standards for special land uses, which are uses which under usual circumstances, could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This article will provide standards for the planning commission to determine the appropriateness of a given special land use. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-152. Standards for Approval.

- A. Prior to approving a special land use application the planning commission shall require that the following general standards, in addition to the specific standards noted for individual uses in section 35-158, special land use specific requirements, be satisfied. The proposed use or activity shall:
1. Be compatible and in accordance with the goals, objectives and policies of the City of Farmington Master Plan.
 2. Promote the intent of the zoning district in which the use is proposed.
 3. Be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
 4. Be served adequately by public facilities and services, such as traffic operations along streets, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
 5. Not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to permitted uses in the district, will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.
- B. Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Article 13, Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved special land use.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-153. Special Land Use Application Procedure.

- A. Any person owning or having an interest in the subject property may file an application for one (1) or more special land use approvals as provided for in this article.
- B. The following materials shall be submitted to the city at least thirty (30) days prior to the meeting at which the planning commission first considers the special land use application:
1. Payment of the required fee.
 2. Copies of completed application forms.
 3. Copies of a site plan meeting the requirements of Article 13, Site Plan Review.

-
4. A written description of the use including an operations plan or other information for purpose of determining whether it is appropriate for the site based on subsection 35-152.A., standards for approval.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-154. Special Land Use Approval Procedure.

- A. Upon submission of a special land use application, a public hearing shall be scheduled before the planning commission. Notice of the hearing shall be given as required in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
- B. Following the public hearing, the planning commission shall consider the criteria contained in section 35-152, standards for approval, and section 35-158, special land use specific requirements.
- C. The planning commission may require the submittal of an impact assessment; the analysis shall be carried out by qualified individuals and shall include, but need not be limited to, the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities and traffic.
- D. After the consideration of the above criteria, the planning commission can either approve, approve with conditions, or deny the special land use application.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-155. Conditions of Approval.

- A. Prior to granting any special land use approval, the planning commission may impose any additional conditions or limitations as may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of section 35-152, standards for approval, and the applicable specific regulations of section 35-158, special land use specific requirements, are met.
- B. The approval of a special land use, including conditions made as part of the approval, runs with the property described as part of the application and not to the owner of such property.
- C. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-156. Validity of Special Land Use Approval.

- A. In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- B. Upon written application prior to expiration, the building official may authorize an extension of the time limit of the special land use approval. The building official may elect to send the request to the planning commission.
- C. The granting of a special land use shall allow that particular use to be conforming on the subject property, as long as the standards of this article are maintained.

(Supp. No. 19)

Created: 2022-04-23 16:39:26 [EST]

-
- D. Any use for which a special land use approval has been granted and which ceases to continuously operate shall be considered evidence as intent to abandon and may render the special land use approval null and void.
 - E. No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to any reason noted for the denial found to be valid by the planning commission.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-157. Special Land Use Amendments or Change in Use.

- A. *Amendments.* Any person or agency who has been granted a special land use approval shall notify the building official of any proposed amendment to the approved site plan of the special land use. The building official shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of section 35-165, amendment to approved site plans. A major amendment to a special land use approval shall comply with the application and review procedures contained in this article.
- B. *Expansions.* An expansion of any use requiring a special land use approval that results in an increase of ten (10) percent or greater of the building, parking, paved areas or site area used for the special land use beyond the approved area, shall require resubmittal in the manner described in this article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use which has not previously received special land use approval.
- C. *Change in Use.* The landowner or occupant shall be responsible for informing the building official of any significant change in approved use, operations or activities prior to such change. In this case "significant" refers to any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise or additional outdoor storage or display. The building official shall forward any such information to the planning commission. The planning commission shall determine if a new special land use approval is required.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-158. Special Land Use Specific Requirements.

The general standards and requirements of section 35-152, standards for approval, are basic to all uses authorized by a special land use approval. However, certain special land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the city, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met in addition to the general standards of section 35-152, standards for approval, and other sections of this chapter. Any deviation or waiver from these specific standards must be reviewed and approved by the city council.

A. Adult Regulated Uses.

1. Intent and Purpose.

- a. In the development and execution of this section, it is recognized that there are some uses which, because of their adult-oriented nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone or other sensitive land uses, thereby having a deleterious effect upon the

adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood or other sensitive land uses. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of nearby residential neighborhoods and other sensitive land uses. These controls do not legitimize activities, which are prohibited in other sections of the city Code.

- b. The provisions of this section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this section to legitimize activities that are prohibited by city ordinance or state or federal law. If any portion of this section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the city intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The city further states that it would have passed and adopted what remains of any portion of this section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

2. *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of California, et al v LaRue, et al (1972) (U.S. Supreme Court); City of Renton v Playtime Theatres, Inc. (1986) (U.S. Supreme Court); Coleman Young (Detroit) v American Mini Theatres, Inc. (1976) (U.S. Supreme Court); Michael Barnes, Prosecuting Attorney of St. Joseph County, Indiana, et al v Glen Theatre, Inc., et al (1991) (U.S. Supreme Court); City of Erie, et al v Pap's A.M., TDBA "Kandyland" (2000) (U.S. Supreme Court); Caren Cronk Thomas and Windy City Hemp Development Board v Chicago Park District (2002) (U.S. Supreme Court); Dennis O'Connor and United Theaters Incorporated v The City and County of Denver, et al (1990) (10th Circuit); Z.J. Gifts D-2, L.L.C. v City of Aurora (1998) (10th Circuit); Sundance Associates, Inc. v Janet Reno; United States Department of Justice (1998) (10th Circuit); American Target Advertising, Inc. v Francine A. Giani, et al (2000) (10th Circuit); ILQ Investments, Inc.; Excalibur Group, Inc. v City of Rochester (1994) (8th Circuit); Bamon Corporation v City of Dayton, et al (1991) (6th Circuit); East Brooks Books, Inc., et al v City of Memphis, et al (1995) (6th Circuit); DLS, Inc. d/b/a Diamonds and Lace Showbar, et al v City of Chattanooga, et al (1997) (6th Circuit); Triplett Grille, Inc., d/b/a The Back Door v City of Akron (1994) (6th Circuit); Richland Bookmart, Inc. d/b/a Town and Country v Randall E. Nichols (1998) (6th Circuit); Connection Distributing Co. v The Honorable Janet Reno (1998) (6th Circuit); In Re: State of Tennessee Public Indecency Statute. Déjà Vu, et al v Metro Government (1999) (6th Circuit); Déjà Vu of Nashville, Inc., et al v The Metropolitan Government of Nashville and Davidson County, Tennessee, et al (2001) (6th Circuit); Greyson Currence v City of Cincinnati (2002) (6th Circuit); Bronco's Entertainment, Ltd v Charter Township of Van Buren (2005) (6th Circuit); Sensations, Inc., et al v City of Grand Rapids, et al (2008) (6th Circuit); Richland Bookmart, Inc., v Knox County, Tennessee (2009) (6th Circuit); Grand Brittain, Inc., et al v The City of Amarillo, Texas (1994) (5th Circuit); Mom n Pops, Inc v City of Charlotte, North Carolina (1998) (4th Circuit); American Library Association, et al. v Janet Reno, et al (1994) (District of Columbia Circuit); Bright Lights, Inc., et al v City of Newport, et al (1993) (U.S. District Court, Eastern District Kentucky); Bigg Wolf Discount Video Movie Sales, Inc. v Montgomery County, Maryland (2002) (U.S. District Court, District of Maryland); Threesome Entertainment, et al v Jack Strittmather, et al (1998) USDC, Northern District of Ohio, Eastern Division); J. L. Spoons, Inc. v City of Brunswick (1999) (USDC Northern District of Ohio, Eastern Division); Broadway Books, Inc., et al v Gene Roberts, as Mayor for the City of Chattanooga, et al (1986) (USDC Eastern District of Tennessee,

Southern Division); *Truckor v Erie Township* (2009) (MI Court of Appeals); *Charter Township of Van Buren v Garter Belt, Inc.* (2003) (MI Court of Appeals); *City of Los Angeles v Alameda Books, Inc.* (2002); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, *Adult Business Study - Town and Village of Ellicottville, Cattaraugus County, New York* (1998); *Why and How our City Organized a Joint County-Wide Sexually Oriented Businesses Task Force - Cleburne, Texas* (1997); *The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard - Garden Grove, California* (1991); *Traverse City Ad Hoc Committee Report on SOBs* (1996); *Minnesota Attorney General's Report on SOBs* (1989); *Crime-Related Secondary Effects of Sexually Oriented Businesses, Report to the County Attorney, Palm Beach County, Florida* (2007); *Report on Adult Oriented Businesses in Austin* (1986); *Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles* (1977); *Houston City Council, Sexually Oriented Business Ordinance Revision Committee Legislative Report* (1997); *City of Phoenix Planning Department Adult Business Study* (1979); *City of Amarillo, Texas, Planning Department - A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo* (1977); *Whittier City Planning Commission Staff Report - Amendment to Zoning Regulations - Adult Businesses in C-2 Zone with Conditional Use Permit* (1978); *Seattle, Washington, Department of Construction and Land Use Director's Report and Recommendation - Proposed Land Use Code Amendment - Adult Cabarets* (1989); *Cleveland, Ohio, Police Department, "The Impact of Obscenity Upon the Total Community"* (1977); *St. Croix County Planning Department Regulation of Adult Entertainment Establishments in St. Croix County* (1993); *Newport News Department of Planning and Development Adult Use Study* (1996); *Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area* (1994); *An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas, Texas* (1997); *City of Bellevue Memorandum - Location of Adult Entertainment Uses - Background Material* (1988); *Quality of Life: A Look at Successful Abatement of Adult Oriented Business Nuisances in Oklahoma City, Oklahoma* (1984 - 1989); and the *National Law Center Summaries of "SOB Land Use Studies" in 43 U.S. Cities* (2005); as well as the following articles on adult regulated uses: *"Local Regulation of Sexually Oriented Businesses"* (2006); *"Protecting Communities from Sexually Oriented Businesses"* (Chapter 6, Appendices C and D) (2002); *"Zoning and Free Speech: A Review of Adult Entertainment Case Law"* (1991); *"Local Regulation of Lawful Sex Businesses"* (1999); *"Zoning Ordinances and Free Speech"* (2000); *"Regulating Sexually Oriented Businesses"* (1997); *"Everything You Wanted to Know About Regulating Sex Businesses"* (Chapters 2, 4 and 6); *"Regulating Sex Businesses"* (1996); *"Sexually Oriented Businesses An Insider's View"* (2002); and *"Stripclubs According to Strippers: Exposing Workplace Sexual Violence"* (1998): the City Council finds:

- a. Sexually oriented businesses and other adult regulated uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.
- b. Sexually oriented businesses and other adult regulated uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other such uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of such uses in one (1) area.
- c. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and nonsexually

oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses and other adult regulated uses extends to preventing future secondary effects of either current or future adult regulated uses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

- d. This section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the purpose or intent of this section to restrict or deny lawful access by adults to sexually oriented materials, nor to deny access by the distributors and exhibitors of sexually oriented materials to their intended markets. It is not the purpose or intent of this section to impose judgment on the content or merits of any constitutionally protected form of speech or expression.

3. *Regulated Uses.* The following uses are regulated by this subsection:

- a. Sexually oriented businesses and adult motels.
- b. Massage parlors, except those defined as therapeutic massage or licensed by the State of Michigan and meeting the criteria outlined in Article 21, Definitions.
- c. Pawnshops.
- d. Pool and billiard halls, not accessory to a restaurant or bar principal use.
- e. Tattoo parlors.

4. *Requirements.*

- a. *Location.* In addition to compliance with the other provisions of this section, the following separation and distancing requirements apply to regulated uses:
 - (1) Regulated uses shall be permitted in the IND zoning district only, and shall be subject to in all respects the standards and use provisions applicable to the district in which it is located or proposed to be located.
 - (2) No regulated use may be located within one thousand (1,000) feet from the property line of another regulated use or a secondhand dealer. For purposes of this subsection, the distance between any two (2) regulated uses shall be measured in a straight line, without regard to intervening structures or objects, from the property line of the proposed regulated use to the closest point of any structure associated with the existing regulated use.
 - (3) No regulated use may be located within one thousand (1,000) feet from the property line of any school property, church or other place of worship, public park, public or private recreational facility, child care facility, nursery school, preschool or other use that is primarily oriented to youth (less than eighteen (18) years of age) activities. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the city's boundary lines or intervening structures or objects, from the property line of the proposed regulated use to the nearest property line of any lot or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than eighteen (18) years of age) activities.

-
- (4) All structures dedicated to any regulated use shall be located at least four hundred (400) feet from the nearest property line of a residential zoning district.
 - (5) No regulated use shall be located in any principal or accessory structure already containing another regulated use.

b. *Site Design.*

- (1) Maximum size of the building shall be five thousand (5,000) square feet.
- (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
- (3) A sexually oriented business shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
- (4) The color of the building materials shall be reviewed and approved by the planning commission.
- (5) Access shall be from a major street only.

c. *Other Requirements.*

- (1) The hours of operation of any adult cabaret shall be limited to 8:00 a.m. to 2:00 a.m. The hours of operation for all other sexually oriented businesses shall be 8:00 a.m. to 12:00 midnight.
- (2) No person operating a regulated use shall permit any person under the age of eighteen (18) years of age to be on the premises.
- (3) Alcohol is prohibited on the premises of any regulated use.
- (4) Entrances to a proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises."
- (5) Regulated uses shall comply with all other laws and ordinances applicable to the particular type of use, including without limitation, certification and licensing laws.
- (6) Existing structures and/or uses which are in violation of this section shall be subject to the regulations set forth in this chapter, governing nonconforming structures and uses.

B. *Automobile Gasoline Stations.*

1. The planning commission shall establish the required setback for pump islands, tanks, display areas, overhead canopies and other structures based on site size, vehicular circulation needs and adjoining land uses.
2. Only one (1) driveway shall be permitted from each street unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

-
3. Any signs, logo or identifying paint scheme on a canopy shall be in accordance with Chapter 25, Signs, of the City of Farmington Code of Ordinances.
 4. Lighting on a canopy shall be recessed and shall comply with the requirements of section 35-48, exterior lighting.
 5. Outdoor storage or display of vehicle components and parts, supplies or equipment, beverages or other goods shall only be within an area defined on the site plan approved by the planning commission and which extends no more than five (5) feet beyond the building. Items displayed outdoors shall be customary and incidental to the automobile gasoline station's principal use of providing automobile service items used in operation of motor vehicles, such as windshield washer fluid. The outdoor display or storage of merchandise unrelated to automotive service, such as food, beverage, mulch or firewood, shall be prohibited. Outdoor display shall also comply with the accessory outdoor display, sales or storage regulations contained in the business district regulations.
 6. Any use involving maintenance, service or repair shall also meet the standards for automobile service/maintenance facilities.
- C. *Automobile Service/Maintenance Facilities (Routine Maintenance and Minor Repair) and Automobile Repair Facilities.*
1. Overhead doors shall not face a public street or residential district. The planning commission can modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping beyond that required in Article 15, Landscape Standards.
 2. All maintenance and repair work shall be conducted completely within an enclosed building.
 3. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
 4. Storage of wrecked, partially dismantled or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to four (4) weeks in a designated area. Such area shall be appropriately screened from public view as determined by the planning commission.
 5. Any use with gasoline sales shall also meet the standards for automobile gasoline stations.
- D. *Automobile Wash Establishments.*
1. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
 2. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back and screened as determined by the planning commission.
 3. Adequate stacking space shall be provided in accordance with the requirements of Article 14, Off-Street Parking and Loading Standards and Access Design. Such space shall not be permitted in the public right-of-way.
- E. *Automobile and Vehicle Dealerships and Rental and Leasing Establishments.*
1. Automobiles, vehicles or other equipment on a site shall meet the building setback requirements of the zoning district.
 2. All parking and outdoor storage areas shall be paved with a permanent and durable surface and curbed in accordance with the requirements of the city.
 - [3. Reserved.]

-
4. Any use involving the maintenance, service or repair of vehicles shall also meet the standards for automobile service/maintenance facilities.
 5. An obscuring screen for any accessory storage areas consisting of a wall, fence or landscaping shall be required as determined by the planning commission.
 6. Fencing and lighting for security and aesthetic purposes may be required as determined by the planning commission. All lighting shall be shielded from adjacent residential areas in accordance with section 35-48, exterior lighting.
- F. *Bed and Breakfasts.*
1. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
 2. There shall be no separate cooking facilities used for the bed and breakfast stay.
 3. The establishment shall contain the principal residence of the operator and such operator shall live on the premises while the establishment is active.
 4. The use shall be conducted wholly within the principal building.
 5. The use shall not include the provision of room(s) for functions such as, but not limited to, weddings, seminars, parties and receptions and business meetings.
 6. The use shall be licensed pursuant to section 8-30 of Chapter 8, Registration and Licensing, of the Farmington City Code.
- G. *Churches, Temples and Similar Places of Worship and Related Facilities.*
1. The board of zoning appeals may grant an exception to the height limitations for the zoning district for a building, architectural feature, spire, steeple or tower. The maximum height shall be established in consideration of the setback from lot lines, character of adjacent uses and design of the structure. The board may refer the plan to the planning commission to seek their recommendations on any conditions to such height modification to help ensure compatibility with the area.
 2. Adequate parking and circulation shall be provided for any accessory school, day care or other use.
- H. *Commercial Buildings—Expansions into R1P District.*
1. An existing commercial building on an adjacent commercially zoned lot may be expanded into a lot that is zoned R1P single-family parking provided the expansion occupies no more than twenty-five (25) percent percent of total lot area zoned R1P single-family parking.
 2. The expansion must be compatible in design with the existing building.
 3. The design and construction of the expanded building, including the existing building, shall be reviewed by the planning commission for consistency with the area.
 4. Adequate buffering, as determined by planning commission, must be provided and may consist of walls, fencing, landscaping or a combination of these that will adequately protect adjacent residential districts and uses.
- I. *Reserved for Future Use.*
- J. *Drive-Through Window Facilities for Banks, Restaurants, Pharmacies or Other Permitted Uses.*

-
1. Sufficient stacking capacity in accordance with Article 14, Parking and Loading Standards, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
 2. A bypass lane shall be provided around the drive-through window.
 3. In addition to parking space requirements for restaurants and pharmacies, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
 4. Direct vehicular access connections with adjacent commercial developments shall be provided where feasible as determined by the planning commission.
 5. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
 6. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring properties and uses.
- K. *Essential Public Service Buildings and Structures, Such as Electric Substations, Gas Regulators and Telephone Switching Stations.*
1. Such facilities shall not be located closer than one hundred fifty (150) feet from any residential lot or use.
 2. Electric or gas regulator equipment and apparatus shall be set back a minimum of fifty (50) feet from any public right-of-way and thirty (30) feet from all other lot lines.
 3. An obscuring screen consisting of a wall, fence, and/or landscaping around the entire perimeter of the facility shall be required as determined by the planning commission.
 4. An open-air fence six (6) feet in height shall be constructed for security purposes as determined by the planning commission.
- L. *Funeral Homes and Mortuary Establishments.*
1. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- M. *Garden Centers and Nurseries.*
1. The area where outdoor storage or materials display is permitted shall be determined by the planning commission, or city council in CBD and C-2 districts. Such areas shall meet all other yard setback requirements applicable to any building in the district.
 2. All loading activities and parking areas shall be provided on the same premises off-street.
 3. The storage of any soil, sand, mulch, rock or similar loosely packaged landscape materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
 4. Decorative fences, knee walls, and other architectural features may be required by the planning commission for outdoor sales, display and storage areas to assure compatibility with the existing or intended character of the general vicinity.
 5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center fencing or wall.
- N. *Golf Courses, Par Three Golf Courses, Driving Ranges.*

-
1. The golf course or driving range shall be located and designed to reduce hazards for adjacent uses and vehicles.
 2. The golf course or driving range shall be designed to minimize the use of any netting.
 3. The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy-five (75) feet from all property and street rights-of-way.
 4. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and street rights-of-way.
 5. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the planning commission to protect nearby residential districts.
- O. *Storage Facilities, Including Mini-Storage or Self-Storage Warehouses.*
1. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by the planning commission.
 2. Building design and materials shall be compatible with the existing and intended character of the area.
 3. No storage unit doors shall face a public right-of way.
 4. All storage shall be completely within enclosed buildings or structures, unless specific approval is granted for commercial outdoor storage on the premises and shown on the approved site plan. Outdoor storage areas may be allowed if the following are met:
 - a. All stored materials or equipment, including loosely packaged materials, shall not be piled, stacked or stored higher than the height of the obscuring screen or the height of the building if stored along a building wall.
 - b. The storage of pallets, soil, stone, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent blowing onto adjacent properties. The planning commission may require construction of a containment area for such uses, particularly when large quantities will be present.
 - c. All outdoor storage areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
 - d. All loading and truck maneuvering shall be accommodated on site or on a dedicated easement.
 - e. Fencing and lighting for security and aesthetic purposes may be required as determined by the planning commission. All lighting shall be shielded from adjacent residential areas in accordance with section 35-48, exterior lighting.
 - f. Outdoor storage or display is allowed outside of the required yards where confined to areas shown on an approved site plan. The planning commission may require that areas where outdoor display, sales, or storage are permitted be clearly marked with pavement markings or other means for purposes of enforcement and ensure maintenance of fire lanes.
 - g. Outdoor display, sales, or storage, including any structure or enclosure, shall be arranged and constructed to minimize risk of fire hazard and be structurally sound.
 5. A structure for a resident manager may be allowed on the site.
- P. *Kennels.*

-
1. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
 2. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaced and provided with proper drains for washing with water pressure.
 3. A kennel may be permitted as an accessory use to a veterinary office, clinic or hospital. Such accessory use shall be subject to the special land use standards of the veterinary use and not these specific requirements.
- Q. *Off-Street Parking in R1P Districts.*
1. Off-street parking in the R1P single-family parking district may be permitted as an expansion of an existing parking lot or new construction in conjunction with an approved commercial use.
 2. A parking study must be provided demonstrating that parking on a nonresidentially zoned lot is not adequate.
 3. All access to the off-street parking area shall be provided from the commercial property and/or the street on which the commercial property fronts. Access from a residential or local street is prohibited.
 4. The parking area must be screened with walls, fencing, landscaping or a combination of these which will adequately screen vehicles and headlights from adjacent residential districts and uses, as determined by planning commission.
- R. *Office Service District Uses.* In recognition that the intent of the Office Service district is to serve as a transition between residential and nonresidential districts, the planning commission may approve limited retail or service establishments within the district when the following conditions are met:
1. The design of any buildings or building expansions shall have a single-family residential appearance consistent with the character of the surrounding area including peaked rooflines, windows and similar features. The design and colors shall be approved by the planning commission.
 2. A traffic study shall be provided by the applicant to determine the potential traffic generated by the use and the impact of such use.
 3. All parking and loading shall be in the side or rear yard.
 4. A buffer area, a minimum twenty (20) feet in width, which includes walls, fencing, landscaping or a combination of these, must be provided adjacent to any residential district.
- S. *Public or Private Primary and Secondary Schools.*
1. Bus and automobile drop-off and pickup drives must be provided and shall be separate from, and not conflict with, travel lanes of any public roadways.
 2. All play areas adjacent to a residential district must be fenced.
 3. Pedestrian connections to adjacent properties shall be provided as determined by the planning commission, with recommendations by the school district.
- T. *Recreation Facilities and Indoor Entertainment and Amusement Establishments.*
1. Recreation uses, both indoor and outdoor shall include, but are not limited to: tennis courts, skating rinks, swimming pools, batting cages, driving ranges, and gymnasiums; community centers with recreation facilities; and similar uses, recreational fields; rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities; swimming pools; archery and shooting ranges; go-cart, automobile or motorcycle tracks; uses accessory to the

above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

2. Indoor entertainment facilities shall include, but are not limited to: bowling alleys; pool and billiard halls; video and coin-operated amusement arcades; laser and other tag games; and similar uses.
 3. The front, side and rear yard minimum setbacks shall be fifty (50) feet for all buildings and other outdoor components of the recreational facility; setbacks for any go-cart or vehicle track shall be a minimum of six hundred (600) feet from any residential district.
 4. The parking setback shall be twenty (20) feet in the front, side and rear yards in nonresidential zoning districts and fifty (50) feet in residential districts.
 5. Whenever any such use abuts a residential district, a transition buffer area of at least one hundred (100) feet in width, in addition to the setback requirement, shall be provided.
 6. The amount of on-site parking shall be that deemed sufficient by the planning commission.
 7. Building design and materials shall be compatible with the existing or intended character of the surrounding area.
 8. An operations plan describing the nature of the use, hours of operation, etc., shall be provided as determined by the planning commission.
 9. The planning commission may establish conditions to minimize negative impacts on nearby uses and traffic operations along public streets, such as, but not limited to, hours of operation, noise buffering and location of waste receptacles.
 10. The planning commission may require a performance bond or other form of financial guarantee to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity. The bond shall be in an amount determined by the planning commission as necessary to cover any potential damage or clean up on the site or adjacent properties.
- U. *Retail Businesses and Shopping Centers Exceeding 50,000 Square Feet.*
1. The design of buildings or shopping centers shall ensure that vehicular circulation patterns are appropriately designed and regulated to eliminate potential conflicts between traffic generated by the building or shopping center and traffic on adjacent streets and thoroughfares.
 2. The planning commission may require a traffic analysis that rates the projected trip-generating capacity of the proposed development to existing and projected traffic volumes and the carrying capacity of adjacent streets. The traffic analysis shall be prepared by a licensed traffic engineer or transportation planner.
 3. Outdoor storage of trucks shall be prohibited except at approved locations and in accordance with section 35-36, commercial vehicle parking and storage. All trucks parked on a site shall be in the process of delivery or receiving goods or shall be associated with a building occupant. Storage of trailers or delivery items shall be prohibited. The outdoor display, sale or storage or merchandise shall require a separate special land use approval.
 4. Any outlots shall have circulation and parking designed to complement the remainder of the site.
 5. An operations plan including uses, hours of operation, delivery times, truck routes, security provisions, maintenance procedures and other operations as determined by the planning

commission may be required as part of special land use review to assure compatibility with the surrounding neighborhoods.

V. *Salvage Yards.*

1. The property shall include at least six (6) acres.
2. The salvage yard shall be enclosed on all sides by a solid wall or fence at least six (6) feet in height. The wall or fence shall be maintained in good repair and shall be free of handbills or other advertising except for approved signs. Nontransparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.
3. A front obscuring fence shall be required, set back the same distance as a building in the Industrial zoning district, and all such fences shall be set back a minimum five hundred (500) feet from any residential use or district.
4. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) feet wide continuous loop drives separating each row of vehicles.
5. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
6. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street from a height at or below the top of the fence enclosing the yard.
7. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner that prevent or contains leakage of fluids.
8. The crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.
9. The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations.
10. The planning commission may impose other conditions that have a reasonable relationship to the health, safety and general welfare of the city. These conditions can include a provision for periodic inspections by the building official to ensure continuing compliance with the above standards.

W. *Senior Housing.*

1. All dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
2. Open space areas shall be provided at the rate of twenty-five (25) square feet per one hundred (100) square feet of living area.
3. Retail and service uses may be permitted on the site if such uses are accessory to the senior housing use. All such uses shall be within the principal residential building. No exterior signs of any type are permitted for these accessory uses.
4. Walkways shall be provided from the main building entrance(s) to any sidewalks along the adjacent public street.

[X. *Reserved.*]

Y. *Theaters, Cinemas and Auditoriums.*

-
1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any single-family residential district or use.
 2. Parking and other impervious surfaces shall be set back a minimum of one hundred (100) feet from any single-family residential district or use.
 3. All uses shall be conducted completely within a fully enclosed building.
 4. The design of building shall ensure that vehicular circulation patterns are appropriately designed and regulated to eliminate potential conflicts between traffic generated by the use, and traffic on adjacent streets and thoroughfares.
 5. The planning commission may require a traffic analysis that rates the projected trip-generating capacity of the proposed development to existing and projected traffic volumes and the carrying capacity of adjacent streets. The traffic analysis shall be prepared by a licensed traffic engineer or transportation planner.

Z. Towers, Antenna and Other Communication Facilities.

1. Towers and antennae for cellular telephone transmission and similar communication technology shall be permitted in the IND Industrial district only. Roof-mounted antenna are subject to the standards of section 35-47, roof-mounted cellular towers and antenna, of this chapter.
2. Towers and antennae shall not exceed one hundred twenty (120) feet in height, measured from the grade at the base of the tower.
3. The base of the tower any any other structures connected therewith shall be separated from any other tower and structures by a minimum of one thousand (1,000) feet.
4. The base of the tower and any other structres connected therewith shall provide the minimum setback required by the district, provided, however, the minimum front yard setback shall be not less than twenty-five (25) feet.
5. If located on the same zoning lot with another permitted use, such tower and any other structure connected therewith shall not be located in a front yard or side yard abutting a street.
6. If located adjacent to a single-family zoning district, the setback from the district boundary line shall be not less than twenty-five (25) feet. The base of the tower and equipment buildikng used in connection therewith shall be screened from view by evergreen trees which shall be planted in such a manner as to become a solid screen within a four-year period. If located on the same site as other buildings or structures or vegetation which will screen the view effectively, the planning commission may alter or waive this requirement.

AA. Veterinary Offices, Clinics, and Hospitals; Animal Grooming and Training Establishments.

1. Such facilities shall be used only for domesticated animals. Nondomesticated, wild, exotic or vicious animals shall not be permitted.
2. Veterinary and animal grooming uses may be permitted as accessory uses to retail pet supply establishments if approved by the planning commission.
3. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel.
4. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel.

5. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-159, 35-160. Reserved.

ARTICLE 13. SITE PLAN REVIEW

Sec. 35-161. Intent.

It is the intent of this article to require site plan review and approval prior to issuance of a zoning compliance permit for certain buildings, structures and uses to ensure that the arrangement, location, design and materials within a site are consistent with the character of the city and the goals and design guidelines in the City of Farmington Master Plan. In particular, the standards herein are intended to minimize negative impacts on natural resources, utility systems, public service delivery, traffic operations, adjacent neighborhood or district character and the character of future development.

It is further the intent of this article to bring existing sites that do not conform with current standards of this chapter into greater conformity when uses change or an exterior renovation or expansion is proposed.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-162. Uses Subject to Site Plan Review.

- A. A zoning compliance permit shall not be issued until a plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection and permit fees have been fully paid.
- B. The following table lists those items that require planning commission approval or administrative approval. The table also indicates whether a full site plan is required or where a less detailed architectural site plan is allowed. Activities exempt from obtaining approval under this article are still subject to building permit requirements.

Use or Activity	PC	Administrative	Exempt
PC: Requires planning commission review Administrative: Requires city staff administrative review Exempt: Requires a building or zoning compliance permit SP: Requires submittal of a full site plan, prepared according to Sec. 35-165 AP: Requires submittal of less detailed architectural site plan, prepared according to Sec. 35-165			
<i>Residential:</i>			
Construction of single-family dwelling unit in a new subdivision or site condominium	AP (1)		
Construction of single-family dwelling unit in an existing subdivision or neighborhood (i.e., infill housing) that will result in a floor area ratio no more than 200% of the average of homes within 300 feet			Building permit

Construction of a new single-family dwelling unit that will result in a floor area more than 200% of the average of homes within 300 feet	AP		
Construction of more than 1 residential dwelling unit on a lot such as condominiums or multiple-family residential	AP		
Expansion to an existing single-family dwelling unit that will result in a floor area more than 200% of the average of homes within 300 feet	AP (6)		
Renovation or expansion of single-family dwelling unit that will result in a floor area ratio no more than 200% of the average of homes within 300 feet			Building permit
Construction expansion or demolition of single-family dwelling or accessory building in historic district	AP (2)(6)		
Adult and child residential care facilities day care facilities	In accordance with Sec. 35-25, Adult and Child Residential Care Facilities		
Home occupations in accordance with Sec. 35-27, Home Occupations			Building permit
<i>Residential Accessory Buildings, Structures and Uses:</i>			
Single-family and two-family accessory uses			Building permit (3)
Site improvements such as installation or relocation of fences, walls, lighting, waste receptacles, carports, etc.		AP	
Commercial and recreational vehicle parking and storage in multiple-family districts	AP		
Reception antenna facilities over 3 feet in diameter	AP		
<i>Nonresidential Buildings:</i>			
Construction of building or parking lot	SP		
Nonresidential building expansion of more than 5% of floor area or 500 square feet, shown on approved site plan, whichever is less	SP		
Nonresidential building expansion of less than 5% of floor area or less than 500 square feet, shown on approved site plan, whichever is less		AP (4)(6)	
Internal construction or change in the floor plan for a conforming use that does not increase gross floor area or the requirements for parking			Building permit
Building renovations, modifications to building facade or other architectural features that do not result in additions to floor area or increased building height	AP		
Modifications to upgrade a building to improve barrier-free design, comply with Americans with Disabilities Act or other federal, state or county regulations		AP	
<i>Nonresidential Accessory Buildings, Structures and Uses:</i>			

Non-single-family accessory uses greater than 120 square feet		AP (4)(6)	
Site improvements including installation of walls, fences, lighting, waste receptacles, etc.		AP (4)	
Accessory open air businesses	AP		
<i>Nonresidential Site Changes:</i>			
Change of use to one permitted that requires changes to parking, loading, circulation, traffic volumes, lighting and landscaping		AP (4)(6)	
Change of use to one permitted in zoning district and requires no changes to conforming building footprint, exterior elevation, parking, landscaping, lighting, sidewalks or signs			Building permit
Change in use or occupancy of historic residential structure in nonresidential zoning district	In accordance with Sec. 35-54, Preservation of Historical Structures Within Nonresidential Districts		
Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation	SP		
<i>Projects in Any District:</i>			
Special land uses in accordance with Article 12, Special Land Uses	SP		
PUDs in accordance with Article 10, Planned Unit Development	SP		
Temporary buildings, structures, uses and events	In accordance with Sec. 35-28, Temporary Buildings, Structures, Uses and Events		
Parking lot expansion or increase in pavement area by more than 5%	SP		
Repairing, resurfacing, re-striping, curbing or expansion of parking lots by 5% or less		SP (4)(6)	
Expansion, replacement or alteration of landscaped areas			Building permit (5)
Patios, pavers, pathways, walkways, sidewalks at grade level			Building permit
Entranceway features including fences, walls, landscaping		AP	
Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds or tree clearing over 100 square feet		AP	
Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool or clearing of trees within an area of less than 100 square feet			Building permit
Erection of essential public service local distribution lines			Building permit

Erection of essential public service buildings and storage yards	SP		
------------------------------------------------------------------	----	--	--

Notes:

- (1) The planning commission may approve typical model home designs at the time of approval of a subdivision or condominium, and individual dwellings within the development that are substantially in conformance with these typical plans can be approved administratively by the building official.
- (2) Prior to submittal of a plan to the planning commission, a plan shall be submitted to the city historical commission for review and comment according to Chapter 17, Historic Preservation, of the City of Farmington Code of Ordinances. The historical commission shall submit its recommendation to the planning commission within thirty (30) days of the receipt of the plan documents.
- (3) Unless otherwise noted in Article 2, General Provisions. Accessory buildings in the Historic District shall require planning commission approval.
- (4) Administrative approval shall only be granted where all requirements are met. Any modifications or waivers allowed by this chapter for building design, parking, landscaping or other design requirements must be approved by the planning commission.
- (5) In accordance with section 35-208, nonconforming sites.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-163. Planning Commission Review Procedures.

- A. *Preliminary Plan Review (Optional).* The planning commission approval process includes an optional review of a preliminary plan by the planning commission and/or city staff. This option is recommended for new construction, uses that abut single-family areas, special land uses and PUDs. The applicant may submit an architectural site plan or even less detailed concept plan for the planning commission and city staff to review and provide general comment on compliance with the standards of this chapter and to discuss architectural and site concepts and alternatives prior to the preparation of a complete application.
- B. *Final Planning Commission Review.* When a planning commission review is required in accordance with section 35-162, uses subject to site plan review, an application shall be submitted to the building department, ten (10) days prior to a regularly scheduled planning commission meeting. The application shall include:
 1. A completed application form, available at the building department or city manager's office.
 2. The number of copies of the plan as specified by the city manager's office, containing the information required by section 35-165.
 3. An application fee; note that a separate escrow deposit may be required for administrative or consultant charges to review the plan submittal.
- C. *Engineering Plan Review.* Following final site plan approval and prior to issuance of a certificate of zoning compliance or building permit, appropriately detailed engineering plans shall be submitted for review and approval by the city engineer. Engineering plans shall contain all required information and details, and shall reflect all conditions of final site plan approval.
- D. *Standards for Approval.* Based upon the following standards, the planning commission may deny, approve, or approve with conditions the plan:

-
1. *Site Design Characteristics.* All elements of the plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; pedestrian circulation and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter. The site shall be designed to conform to all provisions of this chapter.
 2. *Building Design.* The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of section 35-53, nonresidential design requirements. Buildings shall be designed to take advantage of natural heating, cooling, and buffering opportunities and incorporate energy efficient fixtures.
 3. *Change of Use and Redevelopment.* For changes of use and site alterations or building expansions, the planning commission shall determine the extent of improvement required in relation to the extent of change proposed. In particular the planning commission may require changes to improve public safety; closure or redesign of driveways; redesign or resurfacing of parking and loading areas; installation of curbing; replacement or additions to landscaping or screening; upgrades to lighting; relocation and enclosure of waste receptacles; and upgrades to the building exterior.
 4. *Preservation of Significant Natural Features.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Views of the river valley shall be preserved and protected. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
 5. *Streets.* All streets shall be developed in accordance with the City of Farmington standards, unless developed as a private road in accordance with the requirements of section 35-50, private roads. All streets shall be designed to accommodate all modes of transportation. Street connections shall be provided where necessary to enhance vehicular and pedestrian connectivity to surrounding neighborhoods.
 6. *Access, Driveways and Circulation.* Safe, convenient, uncongested and well-defined vehicular circulation within and to the site shall be provided and shall meet the following criteria:
 - a. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - b. All driveways shall meet the design and construction standards of the city.
 - c. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
 - d. For uses having frontage and/or access on a major street, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Article 14, Off-Street Parking and Loading Standards and Access Design.
 7. *Emergency Vehicle Access.* All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the fire department and police department.
 8. *Sidewalks, Pedestrian and Bicycle Circulation.* Safe pedestrian circulation and access to building entrances shall be provided. Conflicts between pedestrian pathways and traffic circulation shall be minimized to the extent practical. In locations where transit is available, convenient pedestrian access shall be provided from the building entrance to the transit stop. Pedestrian circulation shall be as provided in section 35-45, pedestrian walkways.

-
9. *Parking.* The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Article 14, Off-Street Parking and Loading Standards and Access Design. Parking lots shall be designed to minimize the amount of impermeable surface.
 10. *Loading.* All loading and unloading areas and outside storage areas, including waste receptacles, shall be accessed and screened in accordance with section 35-174, off-street loading and unloading.
 11. *Waste Receptacles.* Waste receptacles shall be provided as required in section 35-51, waste receptacles and enclosures.
 12. *Lighting.* Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets in accordance with section 35-48, exterior lighting.
 13. *Mechanical Equipment and Utilities.* Mechanical equipment and utilities, including roof-mounted, building-mounted and ground-mounted, shall be screened in accordance with the requirements of section 35-52, mechanical equipment.
 14. *Landscaping.* Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Article 15, Landscape Standards. Potable water consumption for irrigation shall be minimized to the extent practical through utilization of plant species that minimizes the need for irrigation, irrigation efficiency, use of captured rainwater or use of recycled wastewater.
 15. *Utilities and Stormwater Management.* Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and stormwater management facilities shall be reviewed and approved by the city engineer. Low impact stormwater management techniques shall be used wherever possible such as pervious pavement, bio-swailes, rain gardens and green roofs.
 16. *Noise.* The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts and to comply with the city's noise ordinance.
 17. *Other Agency Reviews.* The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.

D. *Conditions of Approval.*

1. As part of an approval to any plan, the planning commission may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity. Conditions may also be imposed to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the planning commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this chapter.
2. Approval of a plan, including conditions made as part of the approval, runs with the property described as part of the application and not with the owner of such property.
3. A record of conditions imposed shall be recorded on the plan and maintained by the city. The conditions shall remain unchanged unless an amendment to the plan is approved by the planning commission.

4. The building official may require that the applicant revise and resubmit a plan in compliance with the conditions imposed by the planning commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-164. Administrative Review Submittal Requirements.

- A. The intent of this section is to provide for an administrative review and approval by the building official of plans as required by section 35-162, uses subject to site plan review.
- B. A plan may be submitted for administrative review for uses noted in section 35-162, uses subject to site plan review. An administrative review may also consist of a review of the conditions imposed on an approved site plan by the planning commission.
- C. When administrative review is required in accordance with section 35-162, uses subject to site plan review, an application shall be submitted to the building department. The application shall include:
 1. A completed application form, available at the building department or city manager's office.
 2. An application fee; note that a separate escrow deposit may be required for administrative or consultant charges to review the site plan submittal.
 3. A full site plan or architectural site plan, as required in section 35-162, that contains the information required by section 35-165.
- D. If the administrative review consists of a review of an approved site plan with conditions by the planning commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
- E. The building official may waive some of the above submittal requirements where not deemed necessary to determine compliance with the standards of this chapter.
- F. The building official retains the option to consult with the city engineer, attorney or planner, or to require additional information or a complete site plan for review by the planning commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing significant problems with drainage, traffic, noise, aesthetics or other general health and safety issues.
- G. The building official may deny, approve, or approve with conditions the plan based upon the standards of subsection 35-163.D.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-165. Site Plan Submittal Requirements.

- A. The following minimum information shall be included on all site plans and sketch plans required in accordance with section 35-162, uses subject to site plan review:

	Engineered Site Plan	Architectural Site Plan
1. Site Plan Descriptive and Identification Data:		
Narrative description of the project that explains the operations and extent of the proposed use and general characteristics of the	X	X

(Supp. No. 19)

Created: 2022-04-23 16:39:26 [EST]

site plan including, but not limited to, topography, drainage, detention/retention, access, natural features, adjacent uses, and traffic conditions.		
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size	X	X
Sheet size shall be at least 24 x 36 inches	X	
If a large development is shown in sections on multiple sheets, then 1 overall composite sheet shall be included	X	
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)	X	X
Scale and north-point	X	X
Location map drawn to a separate scale with north-point, showing surrounding land uses, water features and streets within a quarter mile	X	X
A note on each plan sheet stating "Not to Be Used as Construction Drawings"	X	X
Legal and common description of property	X	X
Identification and seal of registered or licensed architect, civil engineer, land surveyor, landscape architect or community planner who prepared drawings	X	X
Zoning classification of petitioner's parcel and all abutting parcels	X	X
Proximity to section corner and major thoroughfares	X	
Net acreage (minus rights-of-way) and total acreage	X	X
<i>2. Site Data:</i>		
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site	X	X
Where grading is proposed, topography on the site and within 100 feet of the site at 2-foot contour intervals, referenced to a U.S.G.S. benchmark	X	
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures and other improvements on the site and within 100 feet of the site	X	
Location of existing drainage courses, floodplains, rivers and MDEQ regulated wetlands with elevations	X	
All existing and proposed easements	X	X
Existing and proposed lighting	X	X
Details of exterior lighting including locations, height, fixtures and method of shielding	X	X
A lighting photometric grid overlaid on the proposed site plan indicating the overall lighting intensity of the site (in footcandles)	X	

Location of waste receptacle(s) and mechanical equipment and description of existing or proposed method of screening	X	X
Detailed drawings of waste receptacle and mechanical equipment screening, including the proposed size, height, and construction	X	
Location, size, height and lighting of all proposed freestanding and wall signs	X	
Location, size, height and material of construction for all walls or fences with cross-sections	X	X
Extent of any outdoor sales or display area	X	X
Location, height and outside dimensions of all storage areas and facilities	X	
3. Transportation and Circulation:		
Existing and proposed driveways	X	X
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements	X	
Driveways and intersections within 250 feet of site	X	
Location and width of all sidewalks	X	X
Cross section details of existing and proposed roads, driveways, parking lots, sidewalks and pathways illustrating materials, width and thickness	X	
Dimensions of acceleration, deceleration and passing lanes	X	
Dimensions of parking spaces, islands, circulation aisles and loading zones	X	X
Radii for driveways and parking lot islands	X	
Calculations for required number of parking and loading spaces	X	X
Designation of fire lanes	X	
Traffic regulatory signs and pavement markings	X	
Shared parking or access easements, where applicable	X	X
Location of nearest transit stop if along transit route	X	
4. Landscape Plans: (city reserves the right to require plans be prepared and sealed by a registered landscape architect)		
The general location, type and size of all existing plant material, with an identification of materials to be removed and materials to be preserved	X	X
Limits of grading and description of methods to preserve existing landscaping	X	
The location of proposed lawns and landscaped areas	X	X
Landscape plan, including location, of all proposed shrubs, trees and other plant material	X	X
Planting list for proposed landscape materials with caliper size or height of material, spacing of species, botanical and common names, and quantity	X	
Calculations for required greenbelts, buffer zones, parking lot trees, detention ponds and interior landscaping	X	

Method of installation and proposed dates of plant installation	X	
Landscape maintenance program	X	
<i>5. Building and Structure Details:</i>		
Location, height, and outside dimensions of all proposed buildings or structures	X	X
Building floor plans and total floor area	X	X
Details of accessory structures and any screening	X	
Building facade elevations for all sides, drawn at an appropriate scale	X	X
Method of screening for all ground-mounted, building-mounted and roof-mounted equipment or, if existing, a description of existing screening	X	X
Description of exterior building materials including colors (samples or photographs may be required)	X	X
Building elevations super-imposed on a photograph of the block showing adjacent buildings or a 3-D model of the building and surrounding buildings	X	
<i>6. Information Concerning Utilities, Drainage and Related Issues:</i>		
Location of sanitary sewers and septic systems, existing and proposed	X	
Location and size of existing and proposed water mains, water service, storm sewers and drains, and fire hydrants	X	
Proposed changes to utilities	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls	X	
Location of above and below ground gas, electric and telephone lines, existing and proposed	X	
Location of utility boxes	X	
<i>7. Additional Information Required for Multiple-family Residential Development:</i>		
The number and location of each type of residential unit (1-bedroom units, 2-bedroom units, etc.)	X	
Density calculations by type of residential unit (dwelling units per acre)	X	X
Garage and/or carport locations and details, if proposed	X	
Mailbox clusters	X	
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	X	
Swimming pool fencing detail, including height and type of fence, if applicable	X	
Location and size of recreation and open space areas	X	X
Indication of type of recreation facilities proposed for recreation area	X	
<i>8. Miscellaneous:</i>		

A general operations plan including description of the nature of the proposed use or activity, noise impacts, hours of operation, the number or employees, etc.	X	X
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable	X	
For additions and expansions, a clear distinction between existing buildings, structures and impervious surface areas and any proposed development must be made	X	X
Any additional graphics or written materials requested by the planning commission or building official to assist in determining the compliance with site plan or special land use standards, such as but not limited to: aerial photography; cross-sections which illustrate impacts on views and relationship to adjacent land uses; photographs; traffic impact studies and parking demand studies; and environmental impact studies; such information shall be prepared by a qualified individual or firm with experience in the specific discipline	X	X

- B. Additional information may be required, if in the opinion of the building official, planning commission or other board or official charged with the review of plans, such information is required to ensure compliance with the ordinance. Additional information required may include, but is not limited to, the following:
1. Where building additions, parking expansions or other structures are proposed within three (3) feet of the property line, plans must also include a boundary survey to ensure proper setbacks will be maintained.
 2. Building elevation illustrations or 3-D models of the building and surrounding buildings for administrative facade changes in the CBD, if the proposed change is significant enough to have potential effects on the character of the block or surrounding buildings.
- C. The planning commission shall determine the amount of detail required on a final site plan. Certain detail may be waived when not necessary to the review in question; however, prior to obtaining a certificate of zoning compliance or building permit, a fully engineered site plan containing all required information that reflects any conditions of approval shall be submitted.
- D. Following approval of the site plan and prior to receiving a building permit, digital files of the site plan drawings shall be provided to the city. Acceptable data formats are ESRI shapefiles, DXF, or AUTOCAD DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a one to one (1:1) scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers/levels and shall include a written description of both the layer name and the information contained on the layer(s).

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-166. Validity of Approved Plan.

- A. In cases where actual physical construction of a substantial nature of the structures authorized by a plan approval has not commenced within one (1) year of issuance of a building permit, and a written application

for extension of the approval has not been filed as provided below, the plan approval shall automatically become null and void and all rights thereunder shall terminate.

- B. Upon written application prior to expiration, the building official may authorize an extension of the time limit of the plan approval. The building official may elect to send the request to the planning commission.
- C. No application for a plan approval which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to any reason noted for the denial found to be valid by the planning commission.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-167. Amendment to Approved Plans.

Amendments to the approved plan may occur as follows:

- A. An applicant or property owner who has been granted plan approval shall notify the building official of any proposed amendments to an approved plan.
- B. Minor changes may be approved by the building official upon certification in writing to the planning commission that the proposed revision does not alter the basic design, compliance with the standards of this chapter, nor any specified conditions of the plan as agreed upon by the planning commission.
- C. Should the building official determine that the requested modification to the approved plan is not minor, a new plan in accordance with the requirements of this article, shall be submitted.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-168. Appeals of Plans.

An appeal of a planning commission decision concerning a plan shall be to the circuit court of Oakland County.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-169. Property Maintenance After Approval.

- A. It shall be the responsibility of the owner of the property for which plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which plan approval was based, or until a new site design is approved. This maintenance requirement includes landscaping, walls, fences, pavement, pavement markings, building exterior, drainage facilities and all other elements of the approved plan.
- B. Any property owner who fails to properly maintain an approved plan and site design shall be deemed in violation of this chapter and shall be subject to the penalties appropriate for a violation.
- C. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-170. Reserved.

**ARTICLE 14. OFF-STREET PARKING AND LOADING STANDARDS
AND ACCESS DESIGN**

Sec. 35-171. General Requirements.

A. *Residential Parking.*

1. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve.
2. No parking shall be permitted on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas.
3. Parking areas in a front yard shall be limited to a drive or driveway and shall not exceed thirty-five (35) percent of the front yard area.
4. Commercial and recreational vehicle parking in residential districts shall comply with the requirements of section 35-36, commercial vehicle parking and storage, and section 35-38, recreational vehicle and equipment parking and storage.
5. Carports and garages shall be calculated as parking spaces on a one-to-one basis. Carports and garages shall have a maximum height of fifteen (15) feet. Carports shall be enclosed or obscured at least twenty-five (25) percent along all sides visible from public streets, residential districts or vehicular drives within the site.

B. *Location.*

1. The parking of vehicles shall not be permitted except in an area that has been designated and improved to provide for such vehicle parking in accordance with the provisions of this article.
2. Off-street parking for nonresidential uses in the CBD and C2 districts shall be located in the side and rear yards and meet the setbacks of section 35-171.C., parking lot setbacks for nonresidential uses, unless otherwise approved by the planning commission. In making such a determination, the planning commission shall consider characteristics of the site such as lot size, configuration, site circulation, number of spaces required, topography, existing structures, parking arrangement on adjacent sites, views, uses across the street and similar features.
3. Off-street parking for all multiple-family and nonresidential uses shall be either on the same lot or within lots under the same ownership and control as the lot or use being served, except where provided in subsection 4., below.
4. Required parking may be provided off-site, on a lot or lots where there is a lease or shared parking agreement to accommodate parking, provided such arrangement is approved by the planning commission. Any lease or shared parking agreement shall include a provision that requires notification to the building official of any change in the terms or expiration. The building official may allow modifications to parking agreements where parking compliance is achieved in some other manner or a parking variance is granted by the board of zoning appeals.
5. All off-street parking required to meet the standards of this article shall be provided within the same zoning district as the principal use and shall be within a convenient walking distance of the building

-
- entrances, as determined by the planning commission, except that valet parking may be provided elsewhere.
6. Parking is prohibited in the curb-lawn or tree-lawn (between curb and sidewalk) sections along public rights-of-way, on lawn areas or outside of designated parking spaces.
- C. *Parking Lot Setbacks for Nonresidential Uses.* Parking lots, including drives and maneuvering aisles but excluding driveways, must be set back as described below:
1. *From Street Rights-of-Way.* In accordance with section 35-171.B., location, the planning commission may permit parking lots in the front yard for uses outside of the CBD district. If such determination has been made, the parking shall be set back ten (10) feet from the street right-of-way line. The planning commission may reduce this setback in consideration of the established setbacks for adjacent sites and when landscaping or a brick street wall is provided to screen views. Required parking lot setback areas shall be landscaped according to the standards of Article 15, Landscape Standards. Where parking is located in the front or side yard in the C2 District, a continuous landscape hedgerow or brick street wall with a height of at least three (3) feet shall be provided between the parking lot and the right-of-way line.
 2. *From Nonresidential Districts.* Parking lots shall have a minimum setback of ten (10) feet from any nonresidential property line that is not a street right-of-way line. This requirement may be reduced or waived by the planning commission where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided, or where landscaping or a wall is provided to screen views and headlight glare.
 3. *From Residential Districts.* Where a parking lot abuts a residential district or any lot containing a residential use, a minimum setback of twenty (20) feet shall be provided with buffering in accordance with section 35-184.C., buffer zones. This setback may be reduced or waived by the planning commission where a screening wall and landscaping is provided meeting the requirements of section 35-184.C., buffer zones. If the parking lot is separated from adjoining residential by a public alley, then the planning commission shall have the discretion to determine which side of the alley the screening shall be placed and the amount of screening necessary. The planning commission may waive the screening requirement along an alley where there is existing landscaping sufficient to obscure views or where landscaping is provided within an easement on the adjacent residential property.
- D. *Access Location and Design (Access Management).* The standards of this subsection are intended to preserve the capacity of the street system and to minimize potential for traffic collisions, in balance with the need to provide reasonable access to properties.
1. *Location in General.* Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade.
 2. *Number.* The number of commercial driveways (not including driveways for two-family dwelling units or unmanned public utility uses) shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along streets.
 3. *Spacing.* The minimum spacing between two (2) commercial driveways or between a driveway and an intersection, measured between centerlines, shall be the maximum distance practical.
 4. *Offset.* To reduce left-turn conflicts, commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset as far as practical from other access points along major streets.
 5. *Modification of Standards.* Given the existing built conditions through much of the city, the standards above may be modified by the planning commission on a case-by-case basis depending upon analysis of existing and expected traffic operations, and restrictions imposed by current development or site

conditions. The planning commission may require preparation by the applicant of a traffic study and/or a review by the city engineer to assist in their decision. In no case, however, shall the minimum distance between driveways be less than sixty (60) feet. The planning commission may require a shared access system as described below.

6. *Shared Access System.* The planning commission may require a shared access system where it is determined to have a beneficial impact on traffic operations and safety. This determination shall be based on the expected traffic patterns, existing traffic conditions and the feasibility for shared access. This shared access system could involve a shared driveway, connections of parking lots or a drive connecting two (2) or more lots or uses, access from a side street, a shared driveway or service road connecting two (2) or more properties or uses. In such cases a shared access agreement shall be provided to the city.
7. *Changes in Use.* When a use is proposed to change or expand, the planning commission may require the removal or redesign of access points to bring the site closer to conformity with this section.
- E. *Storage and Repair.* The use of required parking and loading areas for any other use shall be expressly prohibited.
- F. *Construction Parking.* During construction, gravel surfacing may be permitted for such temporary parking as determined by the building official.

(Ord. No. C-753-2011, § 1, 6-6-11)

Sec. 35-172. Off-Street Parking Requirements by Use.

- A. *Similar Uses.* For uses not specifically mentioned in the following table, off-street parking requirements shall be in accordance with a similar use, as determined by the planning commission, or based on a number supported by national parking generation studies.
- B. *Fractional Spaces.* When the number of required parking spaces result in a fractional space, any fraction up to and including one-quarter ($\frac{1}{4}$) shall be disregarded and fractions over one-quarter ($\frac{1}{4}$) shall require one (1) parking space.
- C. *Bench Seating.* In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one (1) seat.
- D. *Employees.* Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one (1) time and may include overlap of employees during shift changes.
- E. *Gross Leasable Area.*
 1. For the purpose of computing the number of parking spaces required, gross leasable area shall govern, based on a floor plan submitted as part of the site plan application.
 2. Gross leasable area (GLA) is defined as the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. For the purpose of parking calculations, the floor area of any parking garages within the building shall not be included within the GLA of the building. GLA is the area for which tenants pay rent, or the area that produces or may produce income.
- F. *Change in Use or Intensity.*
 1. Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this article for the new use.

-
2. When an existing use changes employment, operations or activities that may produce parking demand in excess of available spaces, the city shall require documentation showing adequate parking is provided or will be expanded to meet the requirements of this article.
 3. If any building, structure or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity or through other means, additional off-street parking shall be provided to bring the site into compliance with this article.
 4. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere, or the parking requirements of the site change as determined by the building official.
 5. Off-street parking, existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. *Deferred Parking Spaces.* In lieu of the parking reduction standards of subsection I., below, the planning commission may defer a portion of the parking requirements as follows:
1. The planning commission may approve a lesser amount of parking, based upon demonstration by the property owner or applicant that the required amount of parking is greater than the intended use will generate. An area, to meet the parking space requirements of this article, shall be retained as open space in the event additional parking is required.
 2. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed within the "banked" parking area shall be replaced by the owner/applicant if the parking area is expanded. The owner shall agree to construct the additional parking, based on observed usage, within six (6) months of being informed of such request from the city. Deferred parking may not be located in required landscape areas.
 3. Design of the stormwater management facilities for the entire potential parking area (i.e., including the "banked" parking area) shall be carried out at the time of the planning commission's approval of the lesser amount of parking. The construction of all stormwater management facilities may not be required to serve the lesser amount of parking. In such cases, the property owner shall agree to construct the additional stormwater management facilities when the additional parking is constructed. The site plan shall note the area where the deferred stormwater management facilities will be constructed.
- H. *Additional Parking.* In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, the number of spaces provided shall not exceed ten (10) percent beyond the number required by this article, except as approved by the planning commission. In granting additional parking spaces, the planning commission shall determine such parking will be required to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.
- I. *Reduction or Modification of Required Spaces.* The required number of spaces in the tables that follow may be reduced or modified by the planning commission under the following circumstances:
1. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. Where uses are on separate lots, the lots shall be adjacent, pedestrian, and vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the county register of deeds and the city.
 2. Convenient municipal off-street parking is available to meet peak time parking demands of the use. The city council may require payment of offset acquisition, construction and maintenance costs.

3. The number of required spaces may be reduced in consideration of available curbside spaces within a convenient walking distance, but not those located fronting a residential use.
4. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
5. Availability of other forms of travel such as transit. The planning commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
6. Where the applicant has provided a parking study, conducted by a qualified traffic engineer, that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment. The planning commission may require a parking study to document that any one (1) of the criteria 1. through 5., above, will be met.

RESIDENTIAL	
Single-Family and Two-Family Dwellings	2 spaces per dwelling unit
Multiple-Family Dwellings	2 spaces per dwelling unit * Visitor parking shall be distributed throughout the site and in addition to driveways or resident assigned parking
Senior Housing	1.5 spaces per unit
Bed and Breakfast Inns	2 spaces for the owners of the bed and breakfast plus 1 space per guest room
INSTITUTIONAL	
Public and Quasi-Public Institutional Buildings, Structures and Uses with Fixed Seats	1 space per 3 seats of permitted capacity or 6 feet of bleachers, whichever is greater
Public and Quasi-Public Institutional Buildings, Structures and Uses Without Fixed Seats	10 spaces per 1,000 square feet of gross leasable area
Essential Public Service Buildings	1 space per employee
Churches, Temples and Similar Places of Worship and Related Establishments	1 space per 2 seats or 4 feet of pews in the main unit of worship, plus any additional spaces needed for accessory uses such as day care, school, recreation facilities and other activities An operations plan shall be submitted to support the amount of parking provided
Adult and Child Care Facilities	2 spaces plus 1 additional space and one drop-off space per 8 adults or children of licensed authorized capacity
Elementary and Middle Schools	1 space per each instructor; plus 1 for each employee/administrator; plus spaces required for any assembly, auditorium and/or outdoor arena areas; plus a minimum of 10 pickup/drop-off spaces and any necessary waiting or loading area for school buses

High Schools, Colleges, Business, Vocational and Trade Schools	1 space per each instructor; plus 1 space per employee/administrator; plus 1 space per 4 students; plus spaces required for any assembly, auditorium and/or outdoor arena areas; plus a minimum of 10 pickup/drop-off spaces and any necessary waiting or loading areas for school buses
Assisted Living Facilities, Congregate Care, Convalescent Homes and Nursing Homes	1 space per each 4 beds or 2 rooms, whichever is less, plus 1 space for each employee during peak shift
BUSINESS AND COMMERCIAL	
Automobile Gasoline Station and Automobile Repair Facilities	1 space at each filling station; plus 2 exterior spaces per service bay; plus 1 space per employee at peak shift; plus 1 space per 500 square feet devoted to sales of retail goods; plus spaces required for any accessory uses (not to include vehicle fueling spaces located at the pump)
Automobile Wash Establishments (Automatic)	1 space per employee during peak shift; plus stacking spaces equal in number to 3 times the maximum capacity of the auto wash entering the wash plus two drying spaces
Automobile Wash Establishments (Self-Service)	2 waiting spaces per wash bay plus area for drying
Automobile and Vehicle Dealerships, New and Used	2.5 spaces per 1,000 square feet of interior sales area; plus 1.5 spaces per 1,000 square feet of exterior display; plus 3 spaces per service bay
Automobile Service/Maintenance Facilities	3 spaces per service bay
Banquet Facilities	1 space per 2 persons of capacity authorized by the Building Code or 15 spaces per 1,000 square feet of gross leasable area, whichever is greater
Bars, Lounges or Other Similar Establishment Where the Majority of Sales Consist of Alcoholic Beverages	20 spaces per 1,000 square feet gross leasable area
Beauty Salon or Barber Shop	2 spaces per chair or 1 space per 300 square feet of gross leasable area, whichever is greater
Billiard Parlors, Roller or Ice Skating Rinks	1 space per 3 persons of capacity authorized by the Building Code
Conference Centers, Exhibit Halls and Similar Uses	1 space per 2 persons of capacity authorized by the building code or 10 spaces per 1,000 square feet gross leasable area, whichever is greater
Convenience Store (With or Without Gasoline Service)	5 spaces per 1,000 square feet of gross leasable area, plus spaces required for automobile service station or gasoline sales

Dry Cleaners	2 spaces per 1,000 square feet of gross leasable area plus 2 stacking spaces for each drive-through lane
Funeral Homes and Mortuary Establishments	1 space per 50 square feet of service parlors, chapels and reception areas; plus 1 space per funeral vehicle stored on the premises
Garden Centers and Nurseries	1 space per 500 square feet of outdoor display, sales or storage area; plus 1 space per 200 square feet of indoor space; plus 1 space per employee.
General Commercial/Retail up to 25,000 Square Feet of Gross Floor Area	4 spaces per 1,000 square feet of gross leasable area
General Commercial/Retail Greater than 25,000 Square Feet, such as Shopping Centers, Discount Store, Club Warehouses, Home Improvement Centers, Grocery Stores	4.5 spaces per 1,000 square feet of gross leasable area. Parking for any restaurant outlots shall be provided separately.
Grocery Stores, Food Stores, Supermarkets and Convenience Stores	5 spaces per 1,000 square feet of gross leasable area
Hotels and Motels	1 space per guest room; plus 1 space per 4 employees during peak shift; plus 10 spaces per 1,000 square feet of gross leasable area of lounge, restaurant, conference, banquet rooms or exhibit space, if the majority of patrons are expected to be motel guests. If the restaurant or lounge is independent of the motel or hotel (i.e., with a separate exterior entrance and sign), the required spaces for restaurants and bars/lounges shall be provided
Kennels; Animal Grooming Establishments	5 spaces plus 1 space per employee
Laundromats	1 space per 2 machines
Lumber Stores	3 spaces per 1,000 square feet of gross leasable area
Mini/Self-Storage Warehouse	3 spaces; plus 1 per each employee at peak shift
Oil Change Facility	3 spaces; plus 2 stacking spaces per service bay
Restaurant, Standard (which provides food delivered to tables or dining counters and only incidental carry-out service)	1 space per 3 seats
Restaurant/Tavern, with Lounges, Bars and Entertainment Facilities	1 space per 3 seats
Restaurant and Taverns With Outdoor Seating	1 space per table outdoors in addition to interior parking requirements
Carry-Out Restaurant	6 spaces per counter station
Drive-In Restaurants; Drive-Through; and Fast Food Restaurants	1 space per 3 seats; plus 10 drive-through stacking spaces from the location where orders are placed

Open Front Window Restaurant	1 space per 4 seats
Studios for Photography, Dance, Music, Art and Similar Uses	3 spaces per 1,000 square feet of gross leasable area, plus 1 space per employee
Theaters (Indoor), Cinemas and Auditoriums	1 space per 3 seats or 6 feet of benches, whichever is greater
Veterinary Offices, Clinics and Hospitals;	4 spaces per 1,000 square feet of gross leasable area, excluding kennels or boarding areas
Video Arcade	10 spaces per 1,000 square feet of gross leasable area, and a minimum of 6 spaces
Video Rental Establishments	5 spaces per 1,000 square feet of gross leasable area
OFFICE	
Banks, Credit Unions, and Similar Financial Institutions	5 spaces per 1,000 square feet of gross leasable area, plus 4 stacking spaces for each drive-up teller
Banking Centers Separate from a Financial Institution (Including ATMs)	2 spaces per ATM machine
Business Offices and Service Establishments; Professional Offices and Service Establishments	4 spaces per 1,000 square feet of gross leasable area
Hospitals	1.75 spaces per bed; plus 1 space per 175 square feet of office, research or other related uses, plus spaces for outpatient uses
Outpatient Care Centers, Urgent Care Facilities or Other Similar Uses	2 spaces per exam or outpatient procedure/operating room; plus 1 space for laboratory or recovery room; plus 1 space for each 2 rooms for employee parking
Medical and Dental Offices and Clinics	5 spaces per 1,000 square feet of gross leasable area
INDUSTRIAL	
General Industrial Facilities; Heavy Industrial Facilities	5 spaces plus spaces required for any sales area or office; plus 1 space for each corporate vehicle; plus 2 spaces per 1,000 square feet of gross leasable area or 1.2 spaces per employee during peak shift, whichever is greater
Light Industrial Facilities, Manufacturing, Testing Labs and Research and Development Centers	5 spaces plus spaces required for any sales area or office; plus 1 space for each corporate vehicle; plus 2 spaces per 1,000 square feet of gross leasable area or 1.2 spaces per employee during peak shift, whichever is greater
Wholesale/Warehousing	5 spaces plus spaces required for any sales area or office; plus 1 space per 1,700 square feet of gross leasable area or 1 space per each employee during the largest working shift, whichever is greater

Self-Storage Facilities	1 space for each 20 storage units plus 2 spaces for manager's residence
RECREATION	
Batting Cage	3 spaces per cage
Bowling Alley	4 spaces per lane plus 25% of the required parking for any lounge area
Commercial Outdoor Recreation Centers Not Specified Elsewhere	To be determined by the planning commission in consideration of the expected types of activities, number of participants, spectators and accessory uses
Fitness Centers and Health Clubs	5 spaces per 1,000 square feet of gross leasable area, plus required parking spaces for swimming pools, courts, restaurants and other uses
Golf Driving Range	1 space per 2 tees plus parking required for other uses
Golf Course, Regulation (Public or Private)	6 spaces for each golf hole and 1 space for each employee during peak shift; plus spaces required for banquet rooms, restaurant and other uses
Golf Course, Par Three	3 spaces per each hole; plus 1 space for each employee during peak shift; plus spaces required for accessory uses such as arcades or batting cages
Miniature Golf Course	2 spaces for each hole; plus 1 space for each employee during peak shift; plus spaces required for accessory uses such as arcades or batting cages
Municipal Recreation Centers	5 spaces per 1,000 square feet of gross leasable area plus spaces required for outdoor courts, fields and facilities or 0.33 spaces per person of permitted capacity, whichever is greater
Outdoor Entertainment Facilities	To be determined by the planning commission in consideration of the expected types of activities, number of participants, spectators and accessory uses
Racquetball/Tennis Centers	1 space per 1,000 square feet floor area or 6 spaces per court, whichever is greater
Swimming Pools	1 space per 3 persons of capacity authorized by the building code
Swimming Pool Clubs, Tennis Clubs or Similar Uses Operated by Resident/Homeowners Organizations	Spaces shall be determined by the planning commission in consideration of the size, intensity and proximity to residences

(Ord. No. C-753-2011, § 1, 6-6-11)

Sec. 35-173. Off-Street Parking Space Layout, Standards, Construction and Maintenance.

Wherever a parking lot is built as required off-street parking, or wherever a parking lot is built in a R1P Single-Family Parking district, such parking lot shall be laid out, constructed and maintained in accordance with the following standards:

- A. *Plan of Parking Lot.* The building of the parking lot is subject to the requirements for a zoning compliance permit. The building official in reviewing the application may request the findings of the city engineer. Plans and specifications for parking areas shall be submitted to the building official prior to the issuance of a building permit. These plans shall include:
 - 1. Existing and proposed grades;
 - 2. Indication that stormwater runoff shall be accommodated on-site through approved drainage facilities, including catch basins;
 - 3. Runoff calculations, pipe sizes and connections to existing drainage structures; and
 - 4. Indication of surface and base materials to be used during construction.
- B. *Completion of Parking Lot.* Required parking lots shall be completed within six (6) months of receipt of a building permit and before issuance of an occupancy permit. The building official may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- C. *Aisle Lane Widths, Parking Space Widths and Parking Space Lengths.* Aisle lane widths, parking space widths and parking space lengths are to be provided as shown in the following table. All maneuvering aisle lane widths shall permit one-way traffic movement, except that the 75- to 90-degree pattern may permit two-way movement.

Parking Pattern	Minimum Aisle Lane Width	Minimum Parking Space Width	Minimum Parking Space Length
30° to 74°	12 feet	9 feet	18 feet
75° to 90°	22 feet	9 feet	18 feet
Parallel	22 feet	9 feet	18 feet with a minimum 4-foot-wide maneuvering area between each space

- D. *Ingress and Egress.*
 - 1. Adequate ingress and egress shall be provided to the parking lot with a minimum of twelve-foot wide one-way drives and a minimum of twenty-two-foot wide two-way lanes.
 - 2. Each entrance to and exit from any off-street parking lot shall be located in an area zoned for other than single-family residential use.
- E. *Curbs.* A raised or rolled concrete curb at least six (6) inches in height shall be installed with the construction of all driveways, parking lots, access lanes and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings or adjoining property.

-
- F. *Stormwater Drainage.* The parking lot shall be provided with appropriate methods of handling stormwater run-off on-site and through approved drainage facilities. Off-street parking areas shall be designed to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- G. *Surface Treatment.* The entire area of parking lots with five (5) or more spaces, including parking spaces and maneuvering lanes, shall be provided with asphalt or concrete surfacing, curbs and gutters.
- H. *Parking Structures.*
1. A parking structure, for the purposes of this chapter shall be considered as a multiple-level parking facility, either freestanding, accessory to and structurally part of a main building, or a detached, accessory structure on the same lot with a main building.
 2. Parking structures are only permitted in the CBD District.
 3. Parking stall and driving aisles should be in accordance with the dimensional requirements of subsection C., aisle lane widths, parking space widths and parking space lengths.
 4. Internal arrangement and design:
 - a. Column spacing should allow a minimum of three (3) parking spaces between columns. Columns should be set back from the aisle to allow free flow of traffic.
 - b. Maximum grades for sloped floor parking structures are three (3) to five (5) percent. Steeper grades may be permitted by the building official where necessary to accommodate grade changes or other unusual site conditions.
 - c. Entering traffic should circulate in a counter-clockwise direction where feasible. Opportunities for recirculation should be provided.
 - d. Maximum aisle length should not exceed four hundred (400) feet without providing a cross aisle.
 - e. The width of a cross aisle shall be not less than eighteen (18) feet or greater than twenty-four (24) feet.
 - f. Minimum ceiling height shall be seven (7) feet, with floor-to-floor heights at a minimum of nine (9) feet. A minimum of eight and one-half (8½) feet of ceiling height, and eleven (11) feet ceiling height is desirable where handicap vans are to be accommodated.
 - g. Maximum distance between parking spaces and nearest exit stairwell shall be two hundred (200) feet.
 - h. Maximum distance between parking spaces and elevator should be three hundred and fifty (350) feet.
 - i. Elevators: At a minimum, there shall be one (1) elevator for up to two hundred and fifty (250) parking spaces, two (2) elevators for up to five hundred (500) parking spaces, and three (3) elevators for up to one thousand (1,000) parking spaces.
 5. Access points/lanes:
 - a. Storage areas for entering and exiting traffic should be sufficiently long to minimize backups of traffic onto surrounding streets or within the garage.
 - b. A minimum of four (4) vehicle lengths of storage shall be provided between the street and the structure entrance.

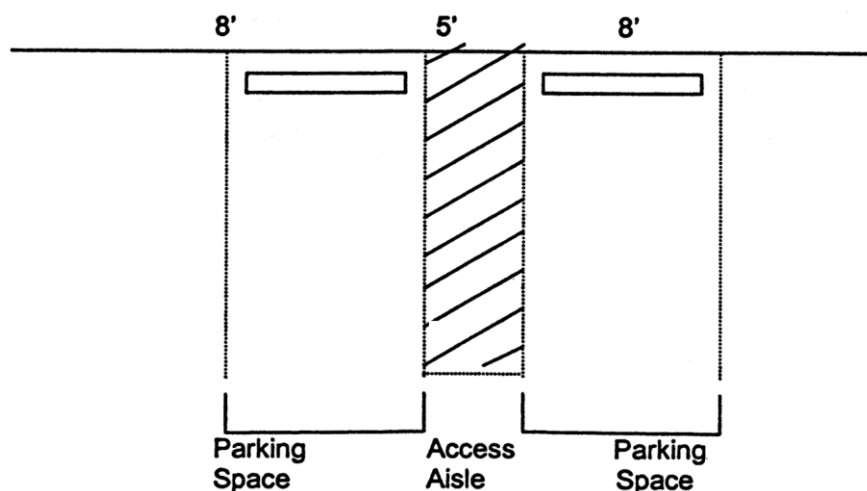
-
- c. One (1) inbound lane shall be provided for structures with a capacity of up to five hundred (500) vehicles. At least two (2) inbound lanes shall be provided for structures with a capacity of more than five hundred (500) vehicles.
 - d. One (1) exit lane shall be provided for each two hundred and fifty (250) vehicles of capacity.
 - e. Single entrance lanes from the street shall be at least fifteen (15) feet wide, tapering down to no less than ten (10) feet at the approach to the control equipment. Double entrance lanes shall be at least twenty-four (24) feet wide.
6. Ramps:
- a. Straight ramp grades should not exceed fifteen (15) percent.
 - b. Circular ramps may have grades of not more than ten (10) percent, as applied to the inner pavement edge.
 - c. The transition slope between the ramp and flat surfaces shall be equal to one-half (0.5) the ramp grade, with a minimum blending distance of twelve (12) feet. Ramp grades of less than ten (10) percent may have a shorter transition length as approved by the building official.
 - d. Minimum width of one-way straight ramp shall be at least eleven (11) feet; two-way straight ramps shall be at least twenty-four (24) feet.
 - e. One-way ramp width for circular ramps shall be at least fifteen (15) feet.
 - f. Minimum outside wall radius of circular ramp should be at least thirty-three (33) feet.
 - g. Minimum outside diameter of circular ramps shall be sixty-seven (67) feet.
 - h. Garage ramp super-elevation shall be one-half (0.5) inch per foot of ramp width at the point of sharpest turning, with lesser amounts adjacent to straight sections or storage floors. Straight ramps shall be crowned or pitched for drainage.
7. Lighting and security:
- a. Adequate lighting is necessary for the safe movement of vehicles and pedestrians and for the security of patrons and parked vehicles.
 - b. Lighting shall be concentrated on aisles and ramps to allow spillover lighting adequate to illuminate parking stalls.
 - c. Lighting shall not cast glare and spillover lighting outside of the parking structure.
 - d. Stairways on the building's exterior shall be visible from the outside.
 - e. Pedestrian movement shall be monitored through surveillance, either by a cashier at a booth or by a television camera monitored at a remote location.
 - f. Active security techniques, such as security personnel, personnel who monitor television or sound equipment, are encouraged.
8. Location and setback requirements:
- a. Freestanding parking structures may be provided on the same lot as a main building, or connected to the main building. In either situation, the structure shall be set back the same distance as required for main buildings.

- b. Structures that included as an integral part of a main building shall have the ground level floor area occupied by the main use.
9. Other requirements:
- a. Parking structures shall be architecturally compatible with the buildings they serve. Applicable requirements of section 35-53, nonresidential design requirements, shall be met.
 - b. Landscaping improvements shall be provided as determined during site plan review by the planning commission.
- I. *Small Vehicles.* A limited number of spaces in each parking lot may be provided for parking of smaller vehicles. The number of such spaces shall not exceed ten (10) percent of the required spaces. The spaces shall be clearly identified through the use of signs and/or pavement markings as being for small vehicles. Small vehicle parking spaces shall be a minimum of seven and one-half (7½) feet wide and a minimum of eighteen (18) feet long.
- J. *Overhang of Curbs and Sidewalks.* If parking spaces on the outer edge of the lot abut a curb, a credit of one and one-half (1½) feet shall be given to account for the vehicle overhang; if the spaces abut a sidewalk, the sidewalk must be a minimum of eight (8) feet wide.
- K. *Stacking Spaces.* Stacking spaces shall be nine (9) feet wide and twenty (20) feet long. Stacking spaces shall be illustrated on the site plan and shall not block driveways, parking aisles or circulation around a building or restrict access to waste receptacles and loading areas.
- L. *Maneuvering Lanes.* All spaces shall provide adequate access by means of maneuvering lanes. Backing directly onto a street or aisle where it could create interference with through or entering traffic flow shall be prohibited.
- M. *Pavement Markings.* All parking and loading spaces shall be delineated with pavement markings. The visibility of pavement markings delineating parking and loading spaces and directional control shall be maintained.
- N. *Parking for Physically Disabled.*
- 1. Each parking lot that serves a building or use, with the exception of single-family and two-family dwelling units, shall provide spaces for physically disabled persons in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier-Free Design Division.
 - 2. Number of spaces (subject to amendments by the state):

Michigan Barrier-Free Parking Requirements	
Total Number of Parking Spaces in Lot	Minimum Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12

over 400	12, plus 2 for every 250 or fraction thereof over 400
----------	-------------------------------------------------------

3. Barrier-free parking spaces shall be located as close as possible on the most direct route to barrier-free building entrances. Where possible, this route should not cross parking lot maneuvering lanes. There shall be a barrier-free route of travel from the accessible parking spaces to the nearest barrier-free building entrance. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.
4. Barrier-free parking spaces shall be designated by approved signs and blue pavement markings. Parking spaces shall be at least twelve (12) feet wide or at least eight (8) feet wide and adjacent to a shared access aisle five (5) feet wide (minimum) as shown below.



(Ord. No. C-753-2011, § 1, 6-6-11)

Sec. 35-174. Off-Street Loading and Unloading.

- A. On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise, adequate space for standing, loading and unloading shall be provided and maintained. Loading and unloading activities shall be separate from the required parking area and shall not interfere with public use of sidewalks, streets, dedicated rights-of-way or internal parking lot circulation patterns. The use of public streets for loading and unloading is prohibited.
- B. Required loading areas shall not be included in calculations for off-street parking space requirements.
- C. *Number of Spaces.* The minimum number of loading spaces shall be provided in accordance with the following table. The planning commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Gross Leasable Area	Loading and Unloading Space Required
0 to 5,000 square feet	None
5,000 to 20,000 square feet	1 space

20,001 to 100,000 square feet	1 space plus 1 additional space for every 20,000 square feet of excess gross leasable area or portion thereof over 20,000 square feet
100,001 to 500,000 square feet	5 spaces plus 1 additional space for every 40,000 square feet of excess gross leasable area or portion thereof over 100,000 square feet
Over 500,000 square feet	15 spaces plus 1 additional space for every 80,000 square feet of excess gross leasable area or portion thereof over 500,000 square feet

- D. *Size of Spaces.* The size of required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet for office uses and at least ten (10) feet by seventy (70) feet for commercial and industrial uses, with a clearance of at least fourteen (14) feet in height. The planning commission may reduce the required size of loading spaces to no less than ten (10) feet by thirty (30) feet for uses that will involve smaller, single unit delivery trucks where documentation of the types of deliveries is provided by the applicant and the applicant provides a written agreement with the city to restrict the size of delivery trucks.
- E. *Screening.*
1. When required off-street docks and loading areas are visible from a public right-of-way or abuts a residential district, they shall be screened from the right-of-way or residential district by a solid, ornamental masonry wall at least six (6) feet in height above the grade elevation at the right-of-way or residential district line, in addition to the landscape requirements of Article 15, Landscape Standards.
 2. Where possible, the required masonry wall should be attached to the wall of the main building and designed so the loading appears integrated into the building. In all cases, the wall shall be constructed of materials similar to those of the main building.
- F. *Location.* Loading spaces shall be provided off-street in the rear yard or interior side yard and in no instance shall such spaces or access to the building for loading/unloading be permitted in a front yard or in locations visible from a public right-of-way.
- G. *Access and Vehicular Movement.* Site plans shall illustrate expected vehicular path and turning radii of loading/unloading vehicles to demonstrate there are no conflicts with the internal circulation, parking and accessory structures. Access to the loading/unloading area shall be designed in such a manner as to allow trucks to enter and leave the loading area without having to back from or onto the public street.
- H. *Surface.* Loading dock approaches and loading spaces shall be surfaced with asphalt or concrete paving so as to provide a permanent, durable and dustless surface with a base sufficient to accommodate expected vehicle weight.
- I. *Drainage.* Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the city engineer.
- J. *Storage and Repair.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles or repair of vehicles is prohibited in required loading spaces.
- K. *Central Loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
1. Each business served shall have direct access to the central loading area without crossing streets.

-
2. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
 3. No building served shall be more than three hundred (300) feet from the central loading area.
 4. Where screening standards in section 35-174.E. are met in the CBD and C2 District, the central loading requirements may be reduced at the discretion of the planning commission provided that the loading does not interfere with public access to businesses and circulation in parking lots.

L. *Change in Use or Intensity.*

1. Whenever the use of a building or lot is changed, loading facilities shall be provided as required by this article for the new use.
2. If any building, structure or lot is increased in floor area or through other means, additional loading shall be provided to bring the site into compliance with this article.
3. Any area designated for required loading shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere, or the loading requirements of the site change as determined by the building official.
4. Loading facilities, existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
5. When changes in activity occur that may produce loading demand in excess of available loading facilities, the city shall require documentation showing adequate loading facilities are provided or will be expanded to meet anticipated needs.

(Ord. No. C-753-2011, § 1, 6-6-11)

Secs. 34-175—35-180. Reserved.

ARTICLE 15. LANDSCAPE STANDARDS

Sec. 35-181. Intent.

- A. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character of the city. The standards of this article are intended to help achieve a number of functional and environmental objectives such as: defining and articulating outdoor spaces and architectural elements; obscuring, integrating and complementing various site elements; reducing the physical impact between adjacent land uses; assisting in directing safe and efficient movement of vehicular and pedestrian circulation; providing incentives to preserve quality existing plant material; and providing reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein.
- B. The standards contained in this article are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property. It is further the intent of these regulations to ensure landscaping is placed on a site in a manner that provides adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-182. Compliance Required.

- A. The requirements set forth in this article shall apply to all uses, lots, sites and parcels that are developed, expanded or otherwise modified. Landscape plans shall be submitted as part of site plan review in accordance with section 35-163, site plan review procedures.
- B. The planning commission or building official may approve variations from the strict compliance with this article when it can be demonstrated that the following apply to a specific development site:
 - 1. Existing natural features or other quality plant material is preserved as described herein.
 - 2. Topography, shape, size or other natural features make full compliance impractical or impossible.
 - 3. Space limitations or prevailing development patterns in the surrounding area justify alternative compliance for infill and redevelopment areas of the city.
 - 4. Safety considerations warrant alternative compliance.
 - 5. The overall design meets the intent of this article.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-183. Incentives for Preserving Existing Vegetation.

- A. The intent of this section is to preserve existing vegetation unless there are no other site design alternatives. Where healthy plant material exists on a site prior to its development or redevelopment, as determined by the building official or the planning commission, variations from the strict requirements of this article may be approved to allow credit for such plant material if such adjustment is keeping with the intent of this article.
- B. All existing vegetation shall be inspected by the city to ensure the vegetation is high quality and will fulfill the requirements of this article.
- C. Credit for tree preservation shall be applied at the following rate:
 - Greater than 12 inches: Two (2) trees.
 - Less than 11.9 inches: One (1) tree.
- D. Shrubs may be credited toward shrub requirements on a one-for-one basis.
- E. In the event that healthy plant material used to meet the requirements of this article are removed, damaged or destroyed, as determined by the building official, they shall be replaced with new plant material meeting the standards of this article.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-184. Landscape Design Standards.

- A. *Interior Landscaping.*
 - 1. All areas not covered by buildings, parking areas, driveways, pedestrian pathways and other pedestrian impervious surfaces, signs, water surfaces and essential services shall include only living plant material and planting beds.

-
2. Landscape areas shall be designed to soften the appearance of buildings, screen service areas and provide shade.

B. *Frontage Landscaping.*

1. A landscaped greenbelt shall be provided to buffer vehicular and pedestrian circulation, screen parking lots and define driveway entrances.
2. Frontage greenbelt requirements shall be as follows:
 - a. The width of the greenbelt between the parking lot and the right-of-way shall be equal to at least ten (10) feet.
 - b. The greenbelt shall contain a minimum of one (1) canopy tree and six (6) shrubs per thirty (30) linear feet, or fraction thereof, of road frontage including any openings for driveways, pathways or easements. A hedgerow with upright shrubs planted four (4) feet to five (5) feet on center along the entire road frontage may also be utilized.
 - c. Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
3. In locations where the greenbelt standards can not be accommodated due to existing conditions, an alternative such as a brick street wall, hedgerow or landscaped terrace may be provided in order to meet the intent of the frontage requirements.
4. In locations designated in the city Master Plan for a "gateway" shall include design elements along the frontage that reflect the key location at the entrance to the community or at a distinctive node of development along the corridor. Elements may include landscaping, knee-walls, sculptures or other structural elements that create a visual landmark. The landowner has the option to offer an agreement with the city to provide locations for "Welcome to Farmington" signs along the street frontage.

C. *Buffer Zones.*

1. A buffer shall be provided between the subject site and all adjacent properties as follows:

Multiple-family district or use adjacent to single-family residential district or use

Institutional uses adjacent to any residential district or use

Commercial and office district or use adjacent to any residential district or use

Industrial district or use adjacent to any residential or commercial district or use
2. The planning commission shall determine whether landscaping, a wall or combination of these elements are needed to attain the intended screening.
3. At a minimum, the width of the buffer shall be equal to the required setback. This setback may be reduced or waived by the planning commission where a six-foot screening wall is provided meeting the requirements of subsection 5., below, and parking lot landscape islands with canopy trees are provided along the wall at a rate of one (1) per each fifty (50) feet of the property line.
4. Landscape Buffer. Where landscape material is required, the buffer shall contain at minimum: two (2) canopy trees and four (4) shrubs, or one (1) canopy tree, one (1) evergreen and four (4) shrubs per twenty (20) linear feet along the property line, rounded upward.
5. Walls. Where a wall is required, the following requirements shall be met:
 - a. Walls cannot extend into required front setback.
 - b. Wall height shall not be less than four (4) feet nor more than six (6) feet, except the height may not be more than eight (8) feet in commercial and industrial districts.

-
- c. Where there are topographical changes along the length of a wall or between properties on either side of the wall, the height of the wall may vary between four (4) feet and eight (8) feet; provided the height of the wall shall be no less than four (4) feet on the nonresidential side and no greater than eight (8) feet on the residential side. Where grade changes between properties require a retaining wall in conjunction with a screening wall having a total height greater than eight (8) feet, this may be approved by the planning commission; provided the retaining wall is stepped back with landscaping on each step and plans for the wall are approved by the city engineer.
 - d. Walls must be constructed on lot line however this location may be modified by the planning commission upon recommendation of the city engineer due to special circumstances, such as conflicts with underground utilities and better screening provided at alternative locations.
 - e. Walls shall be continuous except for openings for pedestrian connections as approved by the planning commission.
 - f. Walls shall be constructed of brick or other masonry material compatible with the principal structure as determined by the planning commission. They shall be made of unpierced and reinforced poured concrete with false brick design or a capped brick wall, masonry brick or poured masonry decorative wall. Cement or slag blocks shall not be permitted. Building materials must be reviewed and approved by the planning commission during site plan review. The planning commission may approve the use of a privacy fence where it is determined to be more compatible with adjacent residential uses.
 - g. Supplemental plantings may be required by the planning commission to break up the mass of the wall.
- D. *Parking Lot Landscaping.* Parking lot landscaping shall be arranged in a manner that improves the safety of pedestrian and vehicular traffic, guides traffic movement, improves the environment and improves the appearance of the parking area and site. Parking lot landscaping shall be provided in accordance with the following standards:
1. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement, direct traffic and assist with vehicular and pedestrian flow.
 2. At least one (1) canopy tree and one hundred (100) square feet of landscape area shall be provided per eight (8) parking spaces.
 3. All of the required parking lot trees and landscape areas shall be placed within landscape islands inside of the parking lot or the area within ten (10) feet surrounding the parking lot.
 4. Only shrubs, grass or other living ground cover shall be used to supplement trees within parking lot islands and surrounding landscape areas.
 5. The design and layout of the parking islands shall not block view of motorist entering and exiting the site.
 6. Where parking is visible from the public street, a greenbelt shall be located between the parking lot and the right-of-way line in conformance with the standards in subsection 35-184.B.
- E. *Condominium and Multiple-Family Residential Developments.* Landscaping for single-family condominium and multiple-family developments shall be provided in accordance with the following requirements:
1. Street trees shall be provided at a rate of one (1) tree per forty (40) linear feet of frontage, or portion thereof, along all interior roads. The planning commission may determine that existing trees preserved within ten (10) feet of the road edge fulfill the street tree requirement for that portion of the road.

Trees should generally be planted between the sidewalk and road curb, in consideration of intersection sight distance.

2. The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings and common open space areas.
- F. *Waste Receptacle, Mechanical Equipment and Utility Screening.* Necessary site elements such as waste receptacles and ground-mounted and building-mounted mechanical equipment such as air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material where appropriate as determined by the planning commission or building official. Screens shall include a wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-185. Specifications for Landscape Improvements and Plant Materials.

- A. *Plant Material.* All plant material shall be hardy to the City of Farmington, be free of disease and insects and conform to the American Association of Nurserymen landscape standards.
- B. *Minimum Sizes and Spacing.* Wherever screening is required, screening shall consist of closely spaced evergreen plantings that can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings. The minimum plant sizes and spacing shall be provided in accordance with the following:

Plant Material	Minimum Plant Sizes	Spacing Requirements
Deciduous canopy trees	2½" caliper	25' on-center
Ornamental trees	2" caliper 6' height (clump form)	15' on-center
Evergreen trees	6' height	15' on-center
Narrow evergreen trees	4' height	12' on-center
Deciduous shrubs	2' height	4'—6' on-center
Upright evergreen shrubs	2' height	3'—4' on-center
Spreading evergreen shrubs	18"—24" spread	6' on-center

- C. *Mixing of Species.* The overall landscape plan shall not contain more than thirty-three (33) percent of any one (1) plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
- D. *Trees Not Permitted.* The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (Silver), Poplars, Horse Chestnut (nut bearing), Ginkgo (female), Cottonwood, Mulberry, Black Locust and Honey Locust (with thorns). The planning commission may however allow trees from this list when associated with an appropriate ecosystem.
- E. *Planting Beds.* Bark used as mulch shall be maintained at a minimum of two (2) inches deep. Planting beds shall be edged with either plastic or metal edging in residential districts and metal edging in all other zoning districts.
- F. *Topsoil.* Topsoil shall consist of a four-inch base for lawn areas and an eight-inch to twelve-inch base within planting beds.

-
- G. *Proximity to Utilities.* Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-186. Minimum Standards for Installation, Irrigation and Maintenance.

- A. *Timing of Planting.* All required plant material shall be planted prior to issuing a final certificate of occupancy. In the event that the project is completed during a time of year when planting is impractical, a financial guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the city.
- B. *Completion of Improvements.* Tree stakes, guy wires and tree wraps shall be removed after completion of the initial growing season.
- C. *Irrigation.* All landscaped areas shall be provided with an underground irrigation system. Alternate means of irrigation that reduce potable water consumption for irrigation shall be permitted such as captured rainwater or recycled wastewater.
- D. *Maintenance.* Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, and be neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days' written notice from the city or within an extended time period as specified in said notice.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-187—35-190. Reserved.

ARTICLE 16. RESERVED

Secs. 35-191—35-200. Reserved.

***ARTICLE 17. NONCONFORMING USES, LOTS, BUILDINGS,
STRUCTURES AND SITES***

Sec. 35-201. Intent.

- A. Nonconformities are uses, lots, structures, buildings or developed site improvements which do not conform to one (1) or more provisions or requirements of this chapter, but which were lawfully established prior to the date of adoption or amendment of this chapter. Such nonconformities are considered to be incompatible with the current or intended use of land, buildings or structures in the district in which they are located.
- B. The objectives of this article are to eliminate, or bring into compliance, uses, lots, buildings, structures and site improvements which legally existed at the date of adoption of this chapter or related amendments, but do not meet the current standards. This article also has special provisions to permit certain nonconforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement or extension, except in certain cases where conditions can be met. The standards of this article are intended to accomplish the following:

(Supp. No. 19)

Created: 2022-04-23 16:39:26 [EST]

-
1. Terminate and remove any use, building, accessory structure or any combination thereof established after the effective date of this chapter and in violation of this chapter; such uses, buildings or accessory structures are classified as a nuisance and shall not receive any of the rights, privileges or protection conferred by this article for nonconformities.
 2. Prevent the creation of new nonconforming and nonconforming situations.
 3. To avoid undue hardship, allow occupancy or construction for any project that was approved under prior regulations and for which actual construction was lawfully begun prior to the effective date of a related amendment of this chapter when actual building construction has been diligently carried on and there is a valid building permit or zoning compliance permit; actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
 4. Encourage nonconforming uses to become more compatible or encourage redevelopment into a more conforming use through site design improvements.
 5. Eliminate nonconforming uses which are found to be incompatible with uses permitted by right, or encourage redevelopment into a more conforming use.
 6. Permit nonconforming buildings and structures to remain until they are discontinued or removed, but to require improvements or changes to bring the buildings or structures into greater conformity, or complete conformity, with the current standards over time.
 7. Encourage gradual upgrades of site landscaping, parking, loading and circulation areas, paving, fences, lighting, access points, building design, pedestrian facilities, waste receptacles or other site features not in compliance with the current standards; such improvements shall be required through site plan review or during reviews by the board of zoning appeals as uses change, or expansions or other improvements are proposed, in a reasonable relationship to the extent of improvements proposed.
 8. Encourage the combination of contiguous nonconforming lots of record to create lots which conform to current standards and are compatible with other lots in the zoning districts, to promote the public health, safety and welfare and to eliminate problems associated with the over-crowding of land.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-202. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning described below:

- A. *Abandonment.* The cessation of a use of the land by the owner or lessee without any intention of transferring rights to another land owner or resuming the use of the land or building (i.e. discontinuance and an indication of an intent to abandon).
- B. *Discontinuance.* Vacation of a lot, building or structure; or a ceasing of the activities related to the nonconforming situation for a period of one (1) year.
- C. *Effective Date.* Whenever this article refers to "effective date" of this chapter, it shall be deemed to include the effective date of the amendment that created or increased the nonconforming situation.
- D. *Nonconformities.* Existing lots, buildings, structures, site plans and uses of land that were lawful prior to the effective date of this chapter, but which have become nonconforming under the terms of this chapter and its amendments.
- E. *Illegal Lot, Use, Building or Structure.* Any lot, use, building, structure or any combination thereof that was established in violation of this chapter and not approved by the city following the effective date of this chapter or its amendment.

-
- F. *Nonconforming Building.* A building or portion thereof lawfully existing at the effective date of this chapter that does not meet the current minimum size, setbacks, height or other building provisions of this chapter in the district in which it is located. (Example: a house which does not meet the required front yard setback.)
 - G. *Nonconforming Lot.* A lot of record lawfully existing at the effective date of this chapter that does not meet the current minimum area or lot dimensional requirements for the district in which it is located. (Example: a twenty-five thousand (25,000) square foot lot of record in a district which requires a minimum thirty thousand (30,000) square foot lot.)
 - H. *Nonconforming Site.* Development improvements on a site which met the requirements of this chapter at the time the site was developed, such as the amount of parking, parking lot pavement, landscaping, lighting, site access, etc. but do not meet the current site design standards.
 - I. *Nonconforming Building or Structure.* A building or structure or portion thereof lawfully existing at the effective date of this chapter that does not conform to the provisions of this chapter in the district in which it is located.
 - J. *Nonconforming Use.* A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
 - K. *Zoning Lot.* A lot which meets all width, area and setback requirements for the zoning district in which it is located.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-203. Nonconforming Uses of Land.

Nonconforming uses of land are those activities that are not dependent on the use of buildings and structures for their function, and are not identified by this chapter as a permitted use on the lot they occupy. Where, at the effective date of adoption of this chapter, a lawful use of land exists that no longer conforms with the terms of this chapter, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. *Expansions.* No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. *Relocations.* No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- C. *Discontinuance or Abandonment.* If such nonconforming use of land ceases for any reason for a period of more than one (1) year, it shall be presumed to have been abandoned and any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. *Documentation.* Those alleged nonconforming uses that cannot be proved to have been legally existing prior to the effective date of this chapter shall be declared illegal and shall be discontinued.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-204. Nonconforming Use of Buildings or Structures, Solely or in Combination.

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may continue so long as it remains otherwise lawful, subject to the following provisions:

- A. *Structural Expansions.* No existing structure, used for a nonconforming use, shall be enlarged, extended, reconstructed, moved or structurally altered except in changing the use of such structure to a conforming use, unless approved by the board of zoning appeals.
- B. *Expansions.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- C. *Change in Use, Nonresidential District.* In any nonresidential district, if no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use of the same or more restricted classification provided that the board of zoning appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of zoning appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this section. Where a nonconforming use of a structure, land, or structure and land in combination, is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- D. *Change in Use, Residential District.* In any residential district, a nonconforming use of a structure, or structure and land in combination, may only be changed to a permitted use.
- E. *Superseded by a Permitted Use.* Once a nonconforming use is eliminated and replaced by a conforming use in that district, the nonconforming use may not be resumed.
- F. *Discontinuance or Abandonment.* When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a period of more than one (1) year, it shall be presumed to be abandoned and the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- G. *Nonconforming Use in Combination with a Structure.* When a nonconforming use of a structure, or structure and land in combination is removed or the structure is destroyed, the nonconforming status of the land shall be discontinued.
- H. *Damaged Buildings and Structures Containing a Nonconforming Use.* Should a building or structure containing a nonconforming use be destroyed or damaged by flood, fire, vandalism or other means to an extent that it is determined to be a dangerous building under Chapter 19, Nuisances, of the City of Farmington Code, it shall not be reconstructed or reoccupied except in compliance with Chapter 19, Nuisances, of the City of Farmington Code and if demolition occurs pursuant to that chapter, it shall not be reconstructed or reoccupied except in compliance with the provisions of this zoning ordinance and for a use permitted in the zoning district.
- I. *Safety Related Repairs, Improvements and Modernization.* Repairs, improvements or modernization of buildings or structures housing a nonconforming use deemed necessary by the building official to keep a building structurally safe and sound shall be permitted provided any such repairs, improvements and modernization shall not result in an enlargement of the structure. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the building official, it shall not thereafter

be restored, repaired or rebuilt except in full conformity with the regulations in the district in which it is located.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-205. Nonconforming Lots.

The following regulations shall apply to any nonconforming lot of record described in a deed or land contract executed and delivered prior to the effective date of this chapter, or the amendment that created the nonconforming lot, including all amendments thereto:

- A. *Use of Nonconforming Lots and Sites.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and its accessory buildings may be erected on any single lot of record at the effective date of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, generally applicable in the district, provided that the dwelling and any accessory buildings and structures comply with all other applicable yard setback, minimum floor area, maximum height and access requirements for the district in which it is located. Development of non-single-family use on a nonconforming lot shall require approval by the board of zoning appeals.
- B. *Variance to Lot Area and Dimensional Requirements.* If the use of a nonconforming lot requires a variation of the minimum lot size, lot width or dimensional (minimum setbacks) requirements, then such use shall be permitted only if a variance is granted by the board of zoning appeals.
- C. *Nonconforming Contiguous Lots under the Same Ownership.* Where two (2) or more abutting lots of record, each of which are nonconforming either for lot width or lot area, or both, and are held in one (1) ownership, either in fee simple and/or under a vendee's land contract interest, or subsequently come to be held in one (1) ownership, they shall, to the extent necessary for satisfying lot area requirements, be considered the same as a single lot of record for the purpose of this chapter. The provisions of this chapter shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part or portion of any parcel or parcels.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-206. Nonconforming Buildings and Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter, a nonconforming building or structure may be continued so long as it remains otherwise lawful, subject to the following conditions:

- A. *Increased Nonconformance.* No such building or structure may be enlarged or altered in a way that increases its nonconformity, unless approved by the board of zoning appeals.
- B. *Permitted Building Improvements.* A residential building, which is nonconforming, may be altered or rehabilitated if such activity will make it more conforming to the regulations of this chapter and meets building codes.
- C. *Expansion of a Nonconforming Residential Building on a Conforming Lot.* A residential nonconforming building may be expanded provided the expansion will be within required setbacks and other dimensional and building code requirements are met (spacing between structures, height, maximum lot coverage, etc.). (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded).

-
- D. *Expansion of Nonresidential Nonconforming Buildings.* Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the board of zoning appeals.
- E. *Expansion of a Nonconforming Residential Building.* A nonconforming residential building may be expanded into a required yard in a manner that does not comply with the setback standards with approval from the board of zoning appeals. The board of zoning appeals shall utilize the following standards in making such a determination:
1. The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.
 2. The addition does not extend into the front yard beyond the predominant existing building line along the same block.
 3. The addition retains compliance with all other setback, lot coverage, minimum parking and height requirements.
 4. The addition will meet all building code and agency requirements.
 5. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
 6. The design of the addition would be compatible with the existing structure and not detract from the appearance of the site.
 7. The expansion of a residential building with a nonconforming yard, not meeting the requirements above, shall be prohibited unless a variance meeting the criteria of section 35-215, granting of variances, is granted by the board of zoning appeals.
- F. *Damaged Nonconforming Buildings and Structures.* Should a nonconforming building or structure be destroyed or damaged by flood, fire vandalism or other means to an extent that it is determined to be a dangerous building under Chapter 19, Nuisances, of the City of Farmington Code, it shall not be reconstructed or reoccupied except in compliance with Chapter 19, Nuisances, of the City of Farmington Code and if demolition occurs pursuant to that chapter, it shall not be reconstructed or reoccupied except in compliance with the provisions of this zoning ordinance and for a use permitted in the zoning district.
- G. *Safety Related Repairs, Improvements and Modernization.* Repairs, improvements or modernization of nonconforming buildings or structures deemed necessary by the building official to keep a nonconforming building structurally safe and sound shall be permitted for any part of the building or structure that is in compliance with this chapter. Repairs, improvements or modernization involving part of the building or structure that does not comply with this chapter will not be permitted unless a variance has been obtained from the board of zoning appeals.
- Any such repairs, improvements, and modernization shall not result in an increased degree of noncompliance with the zoning regulations. However, if a nonconforming building or structure becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the building official, it shall not thereafter be restored, repaired or rebuilt except in full compliance with the regulations in the district in which it is located.
- H. *Nonsafety Improvements and Modernization.* Improvements, or modernization of nonconforming buildings or structures which are not deemed necessary by the building official to keep a nonconforming building structurally safe and sound shall be permitted for any part of the building or structure that is in compliance with this chapter. Repairs, improvements or modernization involving part of the building or structure that does not comply with this chapter will not be permitted unless a variance has been obtained from the board of zoning appeals.

-
- I. *Relocation.* Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and building code requirements for the district in which it is located after it is moved.
 - J. *Elimination or Reduction in Nonconformity.* Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-207. Change of Tenancy or Ownership.

In the event there is a change in tenancy, ownership or management, an existing nonconforming use or nonconforming structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity and there is compliance with the presently adopted building and fire codes.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-208. Nonconforming Sites.

- A. The intent of this section is to permit improvements and minor modifications to a conforming use and/or conforming building which do not meet all of the various site improvements related regulations of this chapter. The purpose is to allow gradual compliance with the site-related requirements for the entire site, for sites that predate the various chapter standards for landscaping, lighting, number of parking spaces or parking space dimensions, paving, driveway spacing and other nonsafety site related items.
- B. Such improvements or expansions may be permitted by the planning commission during special land use or site plan review without a complete upgrade of all site elements under the following conditions:
 - 1. There are reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
 - 2. Safety-related site issues on the overall site shall be met in accordance with the building code, fire code and other safety regulations.
 - 3. Parking access points shall comply with the access standards of this chapter.
 - 4. Landscaping shall be brought into greater conformance with Article 15, Landscape Standards. In addition to having the landscaping comply more closely with this chapter's standards; landscaping improvements can offer opportunities to better mitigate other nonconforming aspects of the site.
 - 5. Signs need to be brought into compliance with the city's sign ordinance.
 - 6. The improvements or minor expansion shall not increase noncompliance with site requirements.
 - 7. A site plan shall be submitted in accordance with Article 13, Site Plan Review.
- C. The city may require a performance guarantee to ensure that all improvements will be made in accordance with the approved plan.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-209, 35-210. Reserved.

ARTICLE 18. BOARD OF ZONING APPEALS

Sec. 35-211. Establishment.

The City of Farmington shall establish and appoint a board of zoning appeals under the provisions of the Zoning Act, separate and distinct from the city council.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-212. Membership, Terms and Officers.

- A. The board of zoning appeals shall consist of five (5) members appointed by the city council.
- B. One (1) member of the board of zoning appeals shall be a member of the planning commission.
- C. All members shall be residents of the city for at least one (1) year prior to appointment.
- D. Each member shall be appointed for a term of three (3) years. The term of any member of the board who is also a member of the city council shall automatically terminate when such member is no longer a city council representative.
- E. The city council may appoint not more than two (2) alternate members for the same term as regular members of the board of zoning appeals. The alternate members may be called on a rotating basis to sit as regular members of the board of zoning appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of zoning appeals.
- F. Members may be removed by the city council for nonperformance of duty or misconduct in office upon written charges and after a public hearing.
- G. The city council shall fill any vacancies in the board of zoning appeals for the remainder of the unexpired term.
- H. Compensation for board of zoning appeals members shall be as determined by the city council.

(Ord. No. C-746-2010, § 1, 4-19-10; Ord. No. C-752-2011, § 1, 6-6-11)

Sec. 35-213. Procedures.

- A. *Rules of Procedure.* The board of zoning appeals is hereby authorized and empowered to establish its own rules of procedure and to elect its own officers subject to the provision that it shall, at its annual organizational meeting, elect a chairman, a vice-chairman and a secretary. In establishing rules of procedure and election of officers, a majority of those in attendance shall be required.
- B. *Open Meetings Act.* All provisions of the Michigan Open Meetings Act shall apply to the proceedings of the City of Farmington board of zoning appeals.
- C. *Public Hearing.*

-
1. The board of zoning appeals shall hold a public hearing on all appeals and variance requests in accordance with the Zoning Act.
 2. The board shall fix a reasonable time for the hearing of the appeal and shall give due notice thereof to the persons to whom real property within three hundred (300) feet of the premises in question shall be assessed, and to the occupants of single-family and two-family dwellings within three hundred (300) feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll.
- D. *Records.* The board shall keep records of applications and the actions thereon, which shall be public record and kept on file in the office of the city clerk.
- E. *Meetings.* The presence of a majority of the members of the board shall be necessary to constitute a quorum.
- F. *Decision of Board.* The concurring vote of a majority of the total membership of the board shall be necessary to reverse an order, requirement, decision or determination of the building official, administrative official or an administrative body, or to decide in favor of the applicant on a matter upon which the board of zoning appeals is required to pass under the City of Farmington zoning ordinance, or to effect a variation in the ordinance, except that a concurring vote of two-thirds ($\frac{2}{3}$) of the members of the board shall be necessary to grant a variance from uses of land permitted in this chapter.
- G. *Legal Counsel to the Board of Zoning Appeals.* The city attorney shall act as a legal counsel for the board of zoning appeals and shall be present at meetings upon request of the board.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-214. Powers.

- A. *Appeals.* The board of zoning appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the building official, any administrative official or administrative body charged with enforcement of the City of Farmington zoning ordinance where it is alleged by the appellant that there was an error or misinterpretation. An appeal to the board shall stay all proceedings in furtherance of action appealed from, unless the building official certifies to the board of zoning appeals after notice of appeal shall have been filed with him that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the board of zoning appeals or by the circuit court on application, after notice to the building official.
- B. *Map Interpretations.* Where, due to the scale, lack of detail or illegibility there is an uncertainty, contradiction or conflict as to the intended location of any district boundary as shown thereon, the board of appeals shall make an interpretation concerning the exact location of the district boundary line. In arriving at a decision on these matters, the board shall apply the following standards:
1. District boundary lines are intended to follow the centerline of: alleys or streets, rights-of-way, watercourses, or lot lines; or be parallel or perpendicular thereto, unless such district boundary lines are otherwise obviously indicated as shown on the zoning map.
 2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
 3. In unsubdivided property, or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

-
4. If, after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the board of zoning appeals shall determine and fix the location of the line in a reasonable manner.
 - C. *Text Interpretations.* The board has the power to interpret and determine the application of the regulations established under this chapter in harmony with their purposes and intent.
 - D. *Nonconforming Situations.* The board has the power to decide upon proposed changes to nonconforming uses, buildings, structures, and lot of record in accordance with Article 17, Nonconforming Uses, Lots, Buildings, Structures and Sites.
 - E. *Height Modifications.* The board has the power to decide upon modification of the height of certain structures and buildings where specifically identified in this chapter according to: design of the building or structure; proposed setbacks in relation to surrounding land uses; and the potential for impact on the character of the area.
 - F. *Variance.* The board has the power to authorize a variance from the strict application of the provisions of this chapter, per section 35-215, granting of variances, D.1. or variances from the use in accordance with section 35-215, granting of variances, D.2.
 - G. *Other Duties.* The board shall also have any other duties specifically configured by city ordinance or where a request is made by the city council.
 - H. *Limitations.* The board shall not have the power to alter or change the zoning district classification of any property, nor consider variances for special land uses or planned unit developments (PUDs), or make any change in the terms of this chapter.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-215. Granting of Variances.

- A. In granting or denying a variance, the board of zoning appeals may prescribe appropriate conditions and safeguards to carry out the requirements of this article, including conditions regarding the location, character, site design, height, parking and loading facilities, additional landscaping, operations and other features of the proposed structure or uses, as it deems reasonable in furtherance of the purpose of this chapter.
- B. The board may send the proposal to planning commission for site plan review to determine the appropriateness of the proposed variances in regards to the use or development of the property.
- C. In granting or denying a variance, the board of zoning appeals shall state the grounds upon which it justifies the granting or denying of a variance. The board may also approve a lesser variance than requested.
- D. The board shall not grant any variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below:
 1. *Dimensional (Area) Variance.* A dimensional, area or nonuse variance is a variance from any dimensional standard or requirement of this chapter, such as, but not limited to, a deviation from density, height, bulk, setback, or parking and landscaping requirements. The board may grant a variance only upon a finding that practical difficulties exist. The applicant is required to demonstrate all of the following:
 - a. *Practical Difficulties.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose or render conformity with

such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance. Practical difficulties include:

- (1) The exceptional narrowness, shallowness or shape of a specific property;
 - (2) The exceptional topographic or environmental conditions or man-made constraints or other extraordinary situation on the land, building or structure; and
 - (3) The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.
- b. *Substantial Justice.* Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - c. *Public Safety and Welfare.* The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.
 - d. *Not Self-Created.* The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
 - e. *No Safety Hazard or Nuisance.* The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
 - f. *Relationship to Adjacent Land Uses.* The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to the established type and pattern of land uses in the area, the natural characteristics of the site and surrounding area, prevailing shopping patterns, convenience of access for patrons, continuity of development and the need for particular services and facilities in specific areas of the city.
 - g. *Minimum Variance Necessary.* The variance requested is the minimum necessary to permit reasonable use of the land.
2. *Use Variance.* The board of zoning appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:
- a. *Unreasonable Current Zoning Designation.* The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed within the current zoning district designation. The board may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.
 - b. *Unique Circumstances.* The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

-
- c. *Not Self-Created.* The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor.
 - d. *Capacity of Roads, Infrastructure and Public Services.* The capacity and operations of public streets, utilities, other facilities and services will not be significantly compromised.
 - e. *Character of Neighborhood.* The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.
 - f. *Minimum Variance Necessary.* The variance requested is the minimum necessary to permit reasonable use of the land.
3. *Accessory Reception Antenna Facilities.* The board of zoning appeals may permit a variance from the standards of this chapter for accessory reception antenna in accordance with the following factors:
 - a. *Practical Difficulty.* The applicant demonstrates that a practical difficulty exists on the subject site and strict compliance with the standards of this chapter would not provide reasonable reception. Reasonable reception, as used in this section, does not mean perfect reception from each satellite of the many satellites in space.
 - b. *Safety.* The safety of the property owner and the surrounding property owners would not be compromised through granting a variance.
 - c. *Visibility.* Visibility of the antenna facility from adjacent properties or streets will not be significant in relation to other facilities.
 - d. *Minimum Necessary.* The variance shall be the minimum necessary to afford relief to the applicant and provide reasonable reception.
 4. *Wireless Communication Towers and Antennae.* The board of zoning appeals may consider a variance from the requirements of this chapter for cellular towers and antennas, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:
 - a. *Practical Difficulty.* For location, the applicant has demonstrated that a location within a district or location in accordance with the standards of this chapter can not reasonably meet the coverage or capacity needs of the applicant.
 - b. *Safety.* For setback, the applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
 - c. *Signal Interference.* For height, the height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the city.
 - d. *Design.* The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the city, and special design of the facility and site.
 - e. *Compatibility.* For all, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower or similar form.
 5. *Fences.* The board of zoning appeals may consider a variance from the standards of the section 35-49, fences, of this chapter, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:

-
- a. *Practical Difficulty.* The applicant has demonstrated that a practical difficulty exists on the lot or external factors necessitate a fence that does not conform to one (1) or more of the standards of section 35-49, fences.
 - b. *Privacy.* The characteristics of the fence are the minimum necessary to provide privacy.
 - c. *Design.* The fence is compatible with the architectural style and height of other fences in the neighborhood.
 - d. *Corner Lot Hardship.* Where a corner lot suffers undue hardship from the prohibition of front yard fences because of excessive pedestrian traffic in the area, the board may grant permission to erect a fence in the front yard subject to conditions on the height, style and character of the fences, as set out by the board in its decision. Where more than one (1) corner lot at a given intersection requests a front yard fence due to hardship, the board may encourage a uniform treatment of fences on such lots to create an overall attractive appearance at the intersection. The fence shall not affect sight distances for vehicular traffic.
 - e. *Compatibility.* The design and location of the fence is compatible with the existing character of the proposed site, neighborhood and general area.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-216. Validity and Limitation of Board Orders.

- A. No order of the board of zoning appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. No order of the board of zoning appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-217—35-220. Reserved.

ARTICLE 19. ADMINISTRATION AND ENFORCEMENT

Sec. 35-221. Establishment of Administrative Officer.

The provisions of this chapter shall be administrated by the building official, or any of his duly authorized assistants.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-222. Duties and Limitations of the Building Official.

- A. The building official shall have the power to enforce the provisions of this chapter, grant certificates of zoning compliance and certificates of occupancy and to make inspections of buildings or premises necessary in the enforcement of this chapter.
- B. It shall be unlawful for the building official to approve plans or issue any permits or certificates of occupancy for any excavation, construction or use until he has inspected such plans in detail and has found them to conform to this chapter and any other applicable city codes and regulations.
- C. If the building official shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures; discontinuance of illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- D. The building official shall not vary or change any terms of this chapter.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-223. Information to be Submitted.

- A. The building official shall require that every application for construction, relocation, rearrangement, alteration or change in type of use or type occupancy shall be accompanied by a written statement and plans drawn to an engineer's scale that shows the following in sufficient detail to enable the building official to determine conformance with this chapter:
 - 1. The actual shape, location, and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 - 2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any other buildings or other structures already on the lot.
 - 3. A written description of the existing and intended use of the lot and all of the structures or improvements upon it including utility lines; driveways and paved areas; landscaping; lighting and signs.
 - 4. Proof of ownership.
 - 5. Such other information concerning the lot or adjoining lots or other matters as may be essential for determining whether the provisions of this chapter are being observed.
- B. If the proposal is in conformity with the provisions of this chapter, the building official shall issue a zoning compliance permit. If an application for such permit is not approved, the building official shall state in writing on an appropriate denial form the cause for such disapproval. In some cases a building permit, zoning change, or site plan review shall also be required.
- C. The building official may accept a preliminary application with less extensive information than listed above in situations where a basic clarification is desired prior to proceeding with further design development. The building official may on such preliminary submittal, take the formal action of tentative denial or tentative approval.
- D. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this chapter.

- E. The building official, under any circumstance, is not permitted to grant alterations to the actual meaning of any clause, order or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
- F. The building official shall not refuse to issue a permit when the applicant complies with conditions imposed by this chapter. Violations of contracts, such as covenants, deed restrictions or private agreements not required by the city, which may result upon the granting of a permit, are not cause for refusal to issue a permit.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-224. Building and Zoning Compliance Permits.

- A. No building permit or zoning compliance permit shall be issued for the erection, alteration or use of any building or structure, or the use of any land, which is not in accordance with all provisions of this chapter.
- B. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit or a zoning compliance permit shall have been first issued for such work. The terms "altered" or "repaired" shall include any changes in structural parts, building facades, stairways, type of construction, class or kind of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the building code, Housing Law of Michigan, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- C. The zoning compliance permit signifies that, in the opinion of the building official, the intended use, building or structure complies with all provisions of this chapter. No building permit shall be issued unless the zoning compliance permit has been issued. It shall be unlawful to change a use of land, to change the use or occupancy of any building or structure, or to extend any use on any lot on which there is a nonconforming use or structure, until a zoning compliance permit has been issued. No occupancy permit shall be issued for any lot, building or structure that does not have a zoning compliance permit.
- D. Where a building permit is required, an application for a zoning compliance permit shall accompany or precede the application for a building permit. In all other cases in which a building permit is not required, the application for a zoning compliance permit shall be made prior to the date when a new or enlarged use of a building or lot or part thereof is intended to begin.
- E. The types of buildings and structures subject to a building permit or zoning compliance permit are generally described in the following table. The building official will make the final determination of the applicability of a building permit and/or zoning compliance permit, based on the information submitted by the applicant and subject to applicable legislation, including this chapter.

Buildings and Structures Subject to Building Permits	Buildings and Structures Subject to Zoning Compliance Permits
All principal structures	Change of use, including operations for current occupants
Accessory structures 2 stories in height or taller, regardless of floor area	Landscape changes; entrance features
Attached accessory structures	Lighting
Accessory structures that have a floor area of 120 square feet or greater	Utility relocation
Fences greater than 6 feet in height	1 story detached accessory structures that have a floor area less than 120 square feet
Retaining walls greater than 4 feet in height	Fences less than 6 feet in height

Created: 2022-04-23 16:39:27 [EST]

(Supp. No. 19)

	Retaining walls less than 4 feet in height
	Window awnings that are supported by an exterior wall
	Sidewalks and driveways
	Home occupations

F. It shall be unlawful to commence the excavation for construction of any building, structure or accessory building including garages, sheds, playhouses, greenhouses, barns or any other type building or structure, until the building official has issued a building or zoning compliance permit for such work and use. The fees for this permit shall be as prescribed by resolution of the city council.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-225. Voiding of Certificate of Compliance.

Any certificate of zoning compliance granted under this chapter shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within five hundred forty-five (545) days of the date of issuance.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-226. Fees.

Before any zoning compliance or building permit shall be issued, an inspection fee shall be paid in an amount fixed by a schedule established by resolution of the city council.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-227. Certificate of Occupancy.

No building or structure or use for which a building or zoning compliance permit has been issued shall be used or occupied until the building official has, after final inspection, issued a certificate of occupancy indicating his opinion that all the provisions of this chapter are met. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this chapter.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-228. Performance Guarantee.

- A. As used in this section "improvements" means those features and actions associated with a project which are considered necessary by the building official to protect natural resources, or the health, safety and welfare of the residents of the city, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.
- B. To ensure compliance with this section and any conditions imposed under this chapter, the city may require that a cash deposit, certified check, irrevocable bank letter of credit or security bond acceptable to the city covering the estimated cost of improvements associated with a project for which a building or zoning compliance permit is sought, be deposited with the city clerk to ensure faithful completion of the

improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning compliance permit. The city may not require the deposit of the performance guarantee before the date on which the city is prepared to issue the permit. The city shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

- C. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of Michigan of 1967 as amended.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-229. Violations.

Whenever by the provisions of this chapter the performance of any act is required, or the performance of any act is prohibited, or whatever regulation, dimension or limitation is imposed on the use of, or upon any land, or on the erection or alteration or the use or change of use of a structure or the uses within such structure, a failure to comply with such provisions of this chapter shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-230. Penalties.

Any person who violates this chapter shall be responsible for a civil infraction violation, subject to the fines and penalties set forth in Chapter 1, General Provisions, section 1-19 of the City of Farmington Code of Ordinances.

(Ord. No. C-746-2010, § 1, 4-19-10)

Secs. 35-231—35-240. Reserved.

ARTICLE 20. AMENDMENT PROCEDURE

Sec. 35-241. Initiation of Rezoning and Zoning Ordinance Text.

- A. The city council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the official zoning map (rezoning) or the provisions of this chapter.
- B. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the city council, the planning commission, the owner or owners of property or with permission of the owner which is the subject of the proposed amendment. Amendments to the text provisions of this chapter may be initiated by the city council, the planning commission or by petition of one (1) or more residents or property owners of the city.
- C. All proposed amendments to the official zoning map or the provisions of this chapter shall be referred to the planning commission for public hearing and recommendation to the city council, prior to consideration thereof by the city council.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-242. Application Procedure.

- A. An amendment to the official zoning map (rezoning) or the text of this chapter, except those initiated by the city council or planning commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee, which shall be established from time to time by resolution of the city council.
- B. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application form:
 - 1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 - 2. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
 - 3. The existing and proposed zoning district designation of the subject property.
 - 4. A site analysis illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, topography, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 - 5. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, building spacing, parking, loading and other site design factors.
 - 6. A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.
 - 7. A traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or one thousand (1,000) or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative uses in the current and requested zoning district; the determination of representative uses shall be made by the planning commission with input from city staff and consultants.
 - 8. A written evaluation to support the request that addresses consistency with the City's Master Plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area and other similar factors.
- C. In the case of an amendment to the official zoning map (rezoning), the following are required:
 - 1. The site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
 - 2. A sign shall be posted on the property by the applicant indicating that the property is proposed to be rezoned. Such sign shall also indicate the date, time and location of the planning commission public hearing where the proposal will be reviewed.
- D. In the case of an amendment to the text of this chapter, other than an amendment to the official zoning map, a general description and indication of the purpose of the proposed amendment shall accompany the application form.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-243. Rezoning and Zoning Ordinance Text Amendment Procedure.

- A. Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the city, not less than fifteen (15) days before the date of the hearing, in accordance with the provisions of the Michigan Zoning Enabling Act.
- B. Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council. Following receipt of the findings and recommendation of the planning commission, the city council shall consider the proposed amendment. In the case of an amendment to the text of this chapter, the city council may modify or revise the proposed amendment as recommended by the planning commission, prior to enactment.
- C. No petition for rezoning or zoning ordinance text amendment that has been denied by the city council shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-244. Amendments Required to Conform to Court Decree.

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the city council and published, without necessity of a public hearing or referral thereof to any other commission or agency.

Secs. 35-245—35-250. Reserved.

ARTICLE 21. DEFINITIONS

Sec. 35-251. Construction of Language.

The following rules of construction apply to the text of this chapter:

- A. The particular shall take priority over the general.
- B. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the planning commission, city council, building official, or board of zoning appeals, as indicated.
- D. The term "such as" shall be interpreted as "such as but not limited to."
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- F. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied," the word "building" includes the word "structure" and any part thereof; the word "dwelling" includes the word "residence;" the word "lot" includes the words "plot" or "parcel."
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated or unincorporated association, or any other entity recognizable as a "person" under the laws of Michigan.

-
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination (i.e., "or" also means "and/or").
 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. The terms "abutting" or "adjacent to" includes property "across from", such as across a street or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
- J. The term "this chapter" includes the zoning ordinance and any amendments thereto.
- K. Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. C-753-2011, § 2, 6-6-11)

Sec. 35-252. Definitions.

Accessory building: A supplementary and/or subordinate building, whether attached or detached, or a subordinate adjunct to a principal building, the use of which is customarily incidental to the permitted use of the principal building. Where an accessory building is attached to a principal building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the principal building.

Accessory use: A use incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Activity: Any use, operation or action including, but not limited to, filling, dredging, constructing or excavating of material and/or structures.

Adult care facilities: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

- (a) *Adult foster care facility:* A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center or a residential centers for persons released from or assigned to a correctional facility.
- (b) *Adult foster care small group home:* A private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (c) *Adult foster care large group home:* A private home with approved capacity to receive at least thirteen (13), but not more than twenty (20), adults to be provided supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (d) *Adult foster care family home:* A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more

consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- (e) *Adult foster care congregate facility*: A foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult day care facility: A residence or facility, not licensed by the state, which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four-hour day.

Adult regulated uses: For the purposes of this section, "adult regulated uses" are defined as and include the following:

- (a) *Sexually oriented businesses*: Defined as and including any of the following:
1. *Adult arcade*: A place to which the public is permitted or invited to view motion pictures, movies, videos, pictures, or other products of image-producing devices, where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
 2. *Adult book store, adult novelty store, or adult video store*: A commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, movies, video cassettes or video reproductions, DVDs, other video discs, or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
 3. *Adult cabaret*: A night club, restaurant, or similar commercial establishment which, as one (1) of its principal purposes, features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, videos cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
 4. *Adult motion picture theater*: A commercial establishment where, for any form of consideration, films, motion pictures, movies, video cassettes, slides, or similar photographic reproductions are regularly and primarily shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
 5. *Adult theater*: A theater, concert hall, auditorium, or similar commercial establishment which regularly and primarily features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
 6. *Sexual encounter center*: A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.
- (b) *Adult motels*: An establishment for temporary lodging where each individual room has a main entry door on the exterior of the building and where rooms are advertised for rent for less than a twelve (12) hour period of time or where rooms are rented at hourly rates, or both.

Alley: A public or legally established private thoroughfare other than a street which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of use of occupancy; or any change in the supporting structural members of a building, such as a wall, partitions, columns, beams, girders or any change which may be referred to herein as "altered" or "reconstructed".

Animal grooming and training establishment: Any place or establishment where animals are bathed, clipped, combed or otherwise cared for with the purpose of enhancing their aesthetic value or health, or where intermittent training classes are offered for the purpose of animal obedience. Grooming and training establishments may include animal day care facilities, and are distinct from kennels and veterinary clinics since their primary purpose is not to provide medical care, treatment or twenty-four-hour care or boarding.

Animal, domesticated/pet: Any animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming, or illness to human beings, including, but not limited to: dogs, cats (domesticated), birds (caged), fish, turtles, rodents (bred, such as gerbils, rabbits, hamsters or guinea pigs) and lizards (nonpoisonous). Livestock, wild, vicious, or exotic animals shall not be considered domesticated.

Architectural features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assisted living facility: A residential facility, not licensed by the state, providing housing, two (2) or more group meals a day, incidental nursing or medical services and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping and shopping.

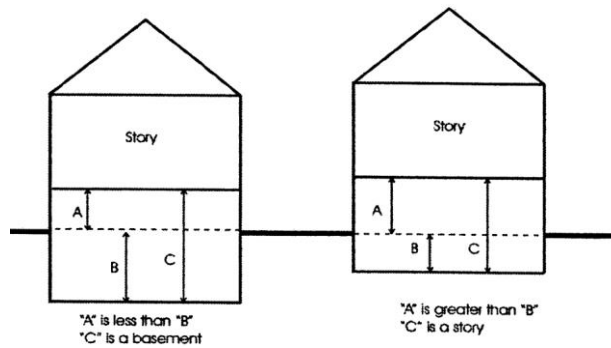
Automobile: Any motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans and motorcycles.

Automobile gasoline station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline service station may also include an area devoted to sales of automotive items and convenience goods (mini-mart) primarily sold to patrons purchasing gasoline. An establishment which provides vehicle maintenance or repair is not included within this definition.

Automobile service/maintenance facilities: A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work or painting. An automobile maintenance/service establishment may also sell gasoline, but is distinct from an automobile gasoline station.

Automobile repair facilities: A building or premises used primarily for the following: general automobile repair, engine and transmission rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile wash establishment: Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.



Basement: A portion of a building partly underground with more than one-half (½) of its height below grade.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Bed and breakfast: A use which is subordinate to the principal use of a dwelling unit in which transient guests are provided a sleeping room and board in return for payment.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, canal, levee, river or live stream; or between any of the foregoing and any other physical (natural and artificial) barrier to the continuity of development. An area bounded on all sides by streets or highways.

Boarding house, rooming house, lodging house: A building where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of time not less than ten (10) days in duration.

Board of zoning appeals or board: As used in this chapter, this term means the City of Farmington board of zoning appeals.

Brownfield site: A site that was contaminated with hazardous materials by a previous use and has the potential to be reused once the contamination is remediated.

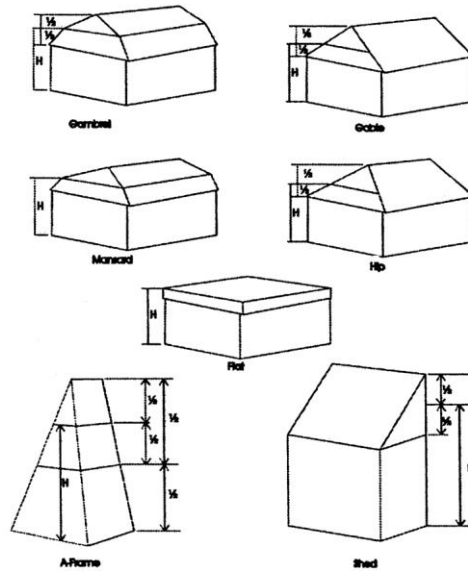
Buffer zone: A strip of land often required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and noise barrier.

Buildable area: The buildable area of a lot is the space remaining after the setback and the open space requirements of this chapter have been complied with.

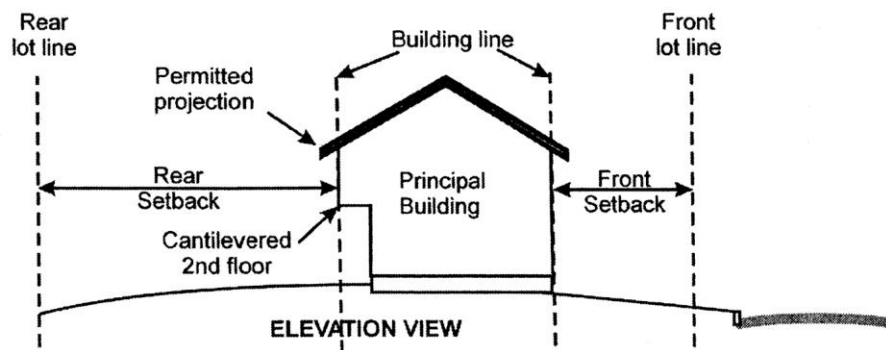
Building: A structure, either temporary or permanent, having a roof supported by columns, or any other support used for the enclosures of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building (unenclosed): A building having no enclosure, either by screening or otherwise, other than its roof and such necessary supporting structure as will present the minimum obstruction to light, air and view. The term shall include such carports, porches, soffits, cornices, awnings and similar structures.

Building height: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the mean established grade at the building wall perimeter.



Building line: A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear or side lot line.



Building official: An individual appointed by the city manager delegated to administer the city building code and city zoning ordinance.

Building, principal: A building in which is conducted the principal use of the lot on which it is situated.

Building permit: A building permit is the written authority as issued by the building official on behalf of the city permitting the construction, moving, alteration or use of a building in conformity with the provisions of this chapter and the city's building code.

Building setback: The area pertaining to the minimum setback distance established from the front street right-of-way or property line to a building, thus defining an area of the lot adjacent to the front, side or rear lot line in which no part of a building shall project or be located, except as otherwise provided for in this chapter.

Business, trade or vocational school: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, computer repair, hairdressing, or for the teaching of industrial skills.

Caliper: The diameter of a tree trunk measured six (6) inches above ground level up to and including four-inch caliper size and twelve (12) inches above ground level for larger sizes.

Canopy tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

Cellular antennae: Antennae used to send or receive wireless, telecommunication signals.

Cellular tower: A structure used to support wireless, telecommunications antennae.

Child care organization: A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance training and supervision notwithstanding that educational instructional may be given. Child care organizations are licensed and regulated under the State of Michigan Act 116 of 1973 and include the following:

- (a) *Child care center (or day care center):* A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day and for not less than two (2) consecutive weeks and where the parents or guardians are not immediately available to the child.
- (b) *Foster family home:* A private home in which one (1), but not more than four (4), minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (c) *Foster family group home:* A private home in which more than four (4), but fewer than seven (7), minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, are provided care for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (d) *Family day care home:* A private home in which one (1), but fewer than seven (7), minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (e) *Group day care home:* A private home in which more than six (6), but not more than twelve (12), minor children are given care and supervisions for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (f) *Child caring institution:* A child care facility which is organized for the purpose of receiving children for care, maintenance and supervision usually on a twenty-four-hour basis, in a building maintained for that purposed, and operates throughout the year. It includes a maternity home for the care of unmarried mothers and institutions for mentally, emotionally or developmentally challenged or disturbed children.

City council or council: The City of Farmington city council.

Clinic, medical or dental: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like but not for profit.

Commercial: This term relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during one (1) twelve-month period.

Commercial establishment: Examples of a "commercial establishment" in various contexts would include, without limiting, the following: a business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls with a door which may regularly be used by the public for exclusive ingress and egress to that business; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Commercial outdoor display, sales and storage: The commercial outdoor sales, leasing, display and storage of items such as, but not limited to: building materials and lumber; modular buildings; swimming pools; playground equipment; contractor's equipment and supplies; landscape materials and equipment; automobile and recreational vehicles; agricultural implements and similar items.

Commercial vehicle: Any vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise and/or motor vehicles designed and used for drawing other vehicles.

Convalescent or nursing home: A long-term recuperative care facility providing room and board and supervised personal care by facility staff on a twenty-four-hour basis for the aged, the infirm or persons recovering from illness. An unlicensed extended care facility or chronic care facility providing twenty-four-hour nursing care shall mean the same.

Cul-de-sac: A street having one (1) terminus open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

Decibel: A unit of measurement used to express the magnitude of sound pressure and sound intensity.

Diameter breast height (DBH): The diameter of a tree measure at four (4) feet above the natural grade.

District: A portion of the incorporated part of the city within which certain regulations and requirements are applied thereto under the provisions of this chapter.

Drive-in establishment: A commercial business establishment whose principal retail and/or service character is dependent primarily on providing a driveway approach and/or parking space for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles. This may include, but is not limited to, banks, restaurants, laundry pick-up, etc.

Drive-through establishment: A drive-through establishment that furnishes the patron with a product such as food in a state which may be picked up from a drive-through window or other similar arrangement to be utilized or consumed outside the building.

Dry cleaning establishments: An establishment which launders or dry cleans on-site articles dropped off on the premises directly by the customer; or an establishment where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

Dry cleaning plants: A building, portion of a building, or premises used or intended to be used for dry cleaning materials, apparel or other textiles or fabrics which are delivered from more than one (1) dry cleaning establishment for processing. Dry cleaning plants are those establishments which do not perform pick-up and delivery service directly to customers, or those that accept materials, apparel or other textiles or fabrics from more than three (3) other dry cleaning establishments.

Dumpster (waste receptacle): A container used for the temporary storage of rubbish pending collection having the capacity of at least one (1) cubic yard.

Dwelling, unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provision thereof relative to dwellings.

Dwelling, multiple: A building or portion thereof, used or designated for use as a residence for more than two (2) families living independently of each other. This definition does not include manufactured homes, single-family attached dwellings or two-family dwellings.

Dwelling, single-family attached: A group of three (3) or more family dwelling units which are joined to one another by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this chapter, dwellings such as semi-detached, rowhouses, patio-house and townhouse shall be deemed a single-family attached dwelling.

Dwelling, single-family detached: A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family: A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a "duplex."

Effective date: Whenever this chapter refers to "effective date" of this chapter, it shall be deemed to include the effective date of the amendment that created, increased or a decreased a nonconforming situation.

Efficiency unit: A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

Electrical switching station: A system of electrical equipment that interconnects several electrical transmission lines for the purpose of allowing the transmission lines to be serviced and maintained without disruption of power.

Electrical transmission lines: Electric utility wires that are generally strung on large metal or wooden towers including the towers or poles themselves whose function is the transportation of at least 69kV of electricity.

Entertainment establishments: An establishment which provides for activities such as, but not limited to: bowling alleys, billiard and pool halls, game and video arcades, and tag games. This definition does not include those uses defined in Article 12, Special Land Uses, Adult Regulated Uses.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon or any other physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential public services: The erection, construction, alteration, or maintenance by the public utilities or municipal department of underground, surface or overhead gas, electrical, cable television, steam, fuel or water transmission, or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith; but not including, buildings, electrical substations, transmission towers, air quality monitoring stations, storage yards, school bus parking yards, sales or business offices, or commercial buildings, or activities, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Essential public service building: A building or structure principal to an essential public service, such as drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations and gas regulator stations.

Essential public service storage yard: An outdoor storage area used as a principal or accessory use for an essential public service.

Excavating: The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

Exotic or vicious animal:

- (a) Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal; or
- (b) Any animal which, irrespective of geographic origin, is of wild or predatory character, or which, because of size, aggressive, or vicious characteristics, would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal; or
- (c) Any animal that attacks, bites, or injures human beings or other domesticated/pet animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated/pet animals.
- (d) Without limitation of the foregoing, the following animals shall be considered exotic or vicious:
 - (1) Apes, monkeys, chimpanzees, and related forms.
 - (2) Poisonous reptiles, spiders, insects, and animals.
 - (3) Constrictor snakes four (4) or more feet in length. Constrictor snakes less than four (4) feet in length must be kept in cages and not allowed to roam freely.
 - (4) Except as permitted by the Large Carnivore Act, MCL 287.1101, as amended, the following large carnivore:
 - a. Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat: a lion, a leopard (including, but not limited to, a snow leopard or clouded leopard), a jaguar, a tiger, a cougar, a panther, a cheetah, a bobcat, a lynx, a mountain lion, or a puma;
 - b. A bear of a species that is native or nonnative to this state, whether captive or wild bred.
 - (5) Non-domesticated carnivorous animals, including hybrid crosses of non-domesticated carnivorous, including, but not limited to, raccoons, skunks, and foxes.
 - (6) Predatory reptiles, including, but not limited to, crocodiles and alligators.
 - (7) Carnivorous fish, including, but not limited to, sharks.
 - (8) Flightless birds, including, but not limited to, ostrich.
 - (9) Large mammals that have a trunk, including, but not limited to, elephants.
 - (10) Hoofed mammals with an odd number of toes, including, but not limited to, rhinoceros and tapir.
 - (11) Hoofed mammals with an even number of toes, including, but not limited to, camels, sheep, and deer.

Facade: The exterior wall of a building exposed to public view.

Family:

- (a) A domestic family is one (1) or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling; or

-
- (b) The functional equivalent of the domestic family is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of not less than ten (10) acres in area. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping furbearing animals or game, or operating fish hatcheries, piggeries, stock yards, stone quarries, or gravel, dirt or sand pits shall not be considered farms.

Fence: A manmade, unroofed structure serving to enclose or divide all or part of a lot intended to function as a boundary or barrier between two (2) or more lots or to corral animals.

Fitness center or health club: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Floodplain: The area adjoining a river, stream, watercourse, or lake subject to a 100-year recurrence-interval flood as delineated by the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration of the Federal Emergency Management Agency.

Floor area, gross leasable: Gross leasable area (GLA) is defined as the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. For the purpose of parking calculations, the floor area of any parking garages within the building shall not be included within the GLA of the building. GLA is the area for which tenants pay rent, or the area that produces or may produce income.

Floor, first: The floor of a building most nearly on a level with the ground. A basement shall only be considered the first floor if over fifty (50) percent of its height is above the level from which the height of the building is measured and the finished surface of the floor above the basement is more than six (6) feet above grade plane, or, if it is used for a permitted business purpose.

Floor, upper: Any floor above grade that is not the first floor.

Frontage: The linear dimension measured along the public street right-of-way line or along a private road access easement.

Funeral home or mortuary establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

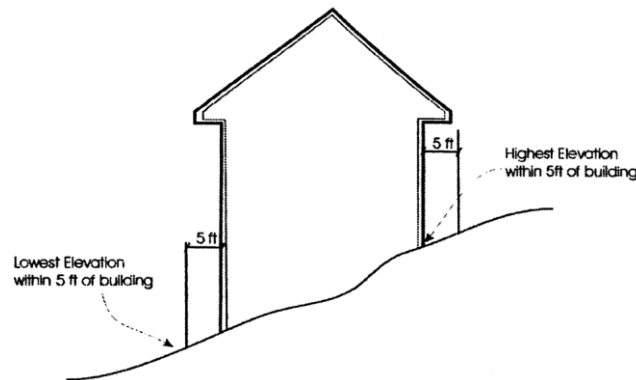
Garage, private or public: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garden center or nursery: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Grade, average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, natural: The elevation of the ground surface in its natural state, before construction begins.



Greyfield site: An industrial or commercial site that is economically obsolescent, underused, has outdated facilities or an oversupply of surface parking and may be redeveloped with the form of development recommended in the city's master plan. Buildings determined to be historic by the city shall not be considered greyfield sites, except where the historic structure can be retained and reused.

Greenbelt: A landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also refers to the front yard parking lot setback area.

Home occupation: An occupation that is a secondary use, which is clearly subservient or incidental to the use of a single-family dwelling unit for residential purposes.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Housing for the elderly: See "Assisted Living Facility", "Convalescent Home", "Senior Housing".

Industrial, general: Activities including: the assembly, manufacture, compounding, processing, packaging or treatment from previously prepared materials, or repair, of products; the assembly, manufacture, fabrication, processing, packaging, or treatment of products indoors from previously prepared material including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, rubber, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood (planing mills shall not be permitted) and yarns; breweries, distilleries, and wineries; painting and varnishing shops; printing, lithography, blueprinting, publishing and similar uses; tool, die, gauge, and machine shops; warehousing and wholesale establishments and material distribution facilities.

Industrial, heavy: Activities including: canning factories and food processing, excluding slaughtering or rendering; cogeneration plants; concrete and asphalt batch plants; extractive operations (sand, gravel mining, etc.); heating and electric power generating plants; incinerators, recycling centers, and composting facilities; lumber and planing mills; metal plating, buffing and polishing; salvage yards; water filtration and wastewater treatment plants, reservoirs, and sewage treatment facilities.

Industrial, light: Activities including: experimental, film and testing laboratories research and development facilities; research and development facilities, and corporate headquarters.

Infill housing development: The development, redevelopment or reuse of new housing on vacant sites in built-up areas.

Instructional entertainment uses: Facilities intended for commercial or recreational use that combine instructional learning with social events and gatherings, such as art classes, music lessons, professional open house receptions, etc. These uses may be permitted as a single, temporary event or as a permanent use.

Junk yard or salvage yard: An open area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard or salvage yard also includes automobile wrecking yards and any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

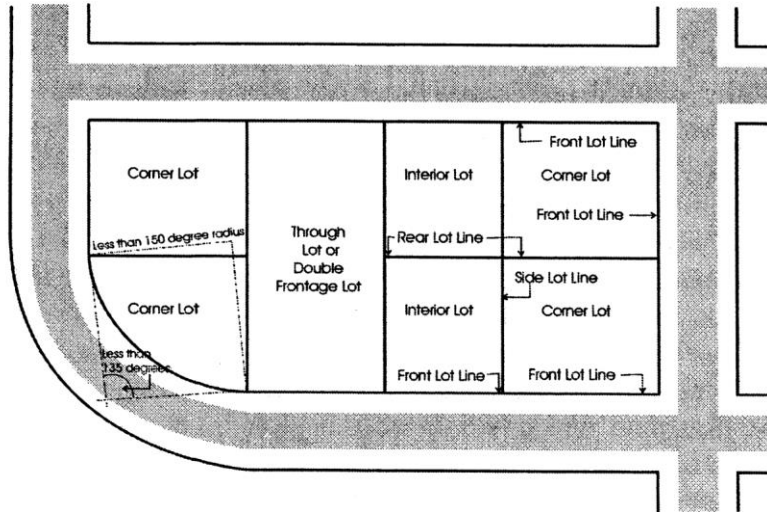
Kennel: Any lot or premises on which more than three (3) dogs or cats, six (6) months of age or older are either permanently or temporarily boarded.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material.

Livestock: Any domestic species of animal that is raised for use as food or in the production of food, or in the operation of a farm, and is not (a) an exotic or vicious animal as defined in this section or (b) a domesticated animal/pet as defined in this section, such as a dog, cat, or similar animal. Livestock shall include, but is not limited to, mules, donkeys, cattle, sheep, goats, buffaloes, swine, ducks, geese and turkeys.

Loading space: An off-street space on the same lot with a building or group of buildings for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading spaces are not to be included as off-street parking spaces in computation of required off-street parking.

Lot: An individual portion of land of at least sufficient size to meet minimum zoning requirements for use, buildings, structures, lot coverage, yards and other open spaces as may be present or required under the provisions of this chapter. Such lot shall have frontage on an improved public street, or an approved private road, and may consist of either a single lot of record, a portion of a lot of record, a combination of contiguous lots of record or a parcel of land described by metes and bounds.



Lot area: The total horizontal area within the lot lines of a lot.

Lot, corner: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

Lot coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot, depth: The mean horizontal distance from the front street line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

Lot, double frontage, through: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

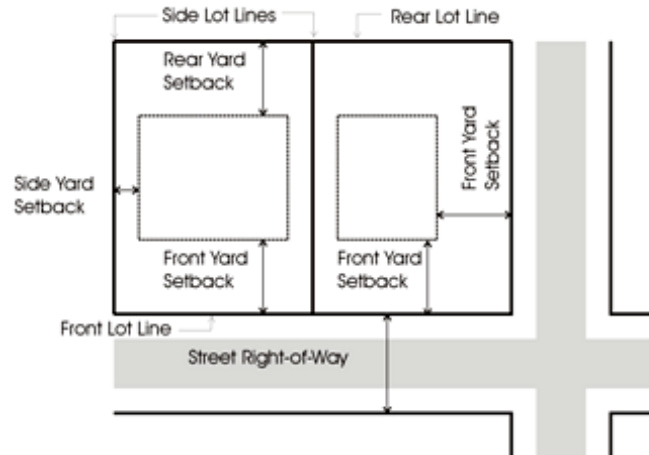
Lot, interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, zoning: A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

Lot lines: The property lines bounding the lot.

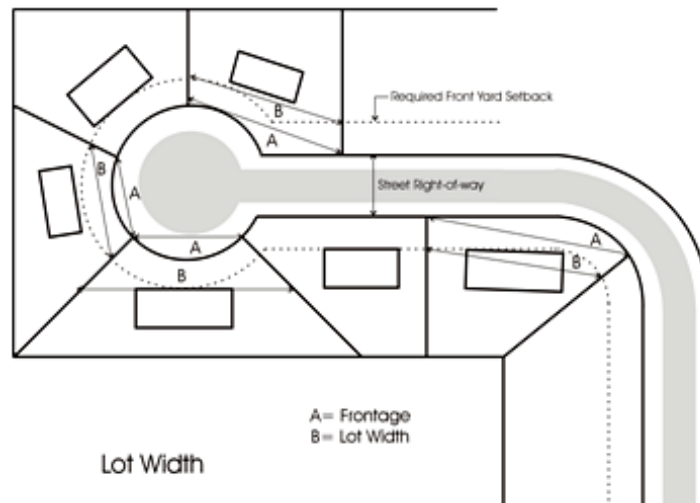
- (a) *Front lot line:* In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way. In the case of a corner or through lot, the front lot line shall be that line separating said lot from that street which is designated as the front street.
- (b) *Rear lot line:* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In case where none of these definitions are applicable, the building official shall designate the rear lot line.

- (c) *Side lot line*: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line or exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (d) *Street or alley lot line*: A lot line separating the lot from the right-of-way of a street or an alley.



Lots of record: A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width: The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot lines.



Manufactured home (i.e., mobile home): A structure transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation, when connected to required utilities, and include the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured housing community: A parcel or tract of land which is under the control of one (1) person, group or firm upon which three (3) or more manufactured homes have been located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use

incident to the occupancy of a mobile home. Manufactured housing developments are regulated by the Michigan Manufactured Housing Commission.

Master plan: The master plan of the City of Farmington which is intended to guide the physical development of the city and all portions thereof. Such plan including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with the Municipal Planning Act, Michigan Public Act 285 of 1931, as amended.

Mechanical amusement device: Any machine which, upon the insertion of a coin, slug, token, plate, or disc or the payment of price, may be operated by the public generally for uses as a game, entertainment or amusements, whether registering a score. It shall include such devices as marble machines, pinball machines, skillball machines, mechanical grab machines, coin-operated motion picture machines, shuffleboard machines or devices, whether played with discs, weights, pucks or balls, and all games, operations or transactions similar thereto under whatever name they may be indicated, and whether operated by hand or electric power, or a combination thereof.

Motel: A group of attached, semi-attached or detached rooming units with at least eighty (80) percent of the rooming units having individual entrances leading directly to the outside of the building, with not more than two (2) dwelling units for occupancy by management staff only with all required parking provided on the premises, and with no building or part thereof exceeding two (2) stories in building height.

Motor home: A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

Nonconformities: Existing lots, buildings, structures, site plans and uses of land were lawful prior to the effective date of this chapter, but which have become nonconforming under the terms of this chapter and its amendments.

Nonconforming building: A building or portion thereof lawfully existing at the effective date of this chapter, that does not meet the current minimum size, setbacks, height or other building provisions of the chapter in the district in which it is located. (Example: A house which does not meet the required front yard setback.)

Nonconforming lot: A lot of record lawfully existing at the effective date of this chapter that does not meet the current minimum area or lot dimensional requirements for the district in which it is located. (Example: A twenty-five thousand (25,000) square foot lot of record in a district which requires a minimum thirty thousand (30,000) square foot lot.)

Nonconforming site: Development improvements on a site which met this chapter requirements for site development at the time the site was developed, such as the amount of parking, parking lot pavement, landscaping signs or tree preservation; but which do not meet the current site design standards of the city. (Example: A retail store with ten (10) parking spaces when the current chapter requires fifteen (15) parking spaces.)

Nonconforming building or structure: A building or structure or portion thereof lawfully existing at the effective date of this chapter that does not conform to the provisions of the chapter in the district in which it is located. (Example: An accessory deck which does not meet current setback standards.)

Nonconforming use: A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nonresidential district: A zoning district with one (1) of the following zoning designations on the City of Farmington zoning map: O, Office; OS, Office Service; CBD, Central Business District; C2, Community Business; C3, General Business; or IND, Industrial.

Nudity and a state of nudity: Knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a

discernibly turgid state. Nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to feeding.

Nursing home: A state-licensed long-term facility providing room and board and supervised personal care by facility staff on a twenty-four-hour basis for seven (7) or more aged, infirm or persons recovering from illness which is regulated under Act 368 of 1978. A state-licensed sub-acute care facility, state-licensed home for the aged, a state-licensed nursing home or state-licensed hospice facility providing twenty-four-hour nursing care shall mean the same.

Office: A room, studio, suite or building occupied and for office uses only.

Off-street parking lot: A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

Open air business: Includes uses operated for profit substantially in the open air including:

- (a) Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services;
- (b) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities; or
- (c) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Open front store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure.

Open space, required: The open space established between the lot lines and the required setback, open, unoccupied, and unobstructed by any building or part thereof, from the ground to the sky, except as otherwise provided in this chapter.

Parking space: An off-street space exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

Pawn shop: Any business that loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Personal service establishments: Uses that provide services directly to the consumer including: barber/beauty shops, cleaning services, dry cleaners, pick-up, interior decorating shops, locksmith shops, photographic studios, small appliance repair shops, shoe repair shops, tailor shops and travel agencies.

Planned unit development (PUD): A zoning district which permits integrated and coordinated residential dwellings and/or certain nonresidential uses, all to be developed according to approved area and site plans, as provided in Article 10, Planned Unit Development, of this chapter.

Planning commission: The City of Farmington planning commission created under the Municipal Planning Commission Act, being Act 285 of the Public Acts of 1931, as amended.

Porch, enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the wall of said building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached.

Porch, open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal building: A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which the building is situated.

Principal purpose, primary purpose, and primarily: Means the sale or display of regulated material that comprises thirty-five (35) percent or more of sales volume or occupies thirty-five (35) percent or more of the floor area or visible inventory within the establishment.

Principal use: The primary use to which the premises are devoted and the primary purpose for which the premises exist.

Public utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation or water services.

Quasi-public institution: An organization owned or operated by a nonprofit entity such as a religious or charitable group, that is established to serve a social, educational, religious or other public need.

Recycling facility: A facility dedicated to the collection and/or processing of recyclables for conversion into raw materials or new products. This definition does not include landfills, junk yards or incinerators.

Recreational equipment and vehicles: Portable structures, machines or devices, self-propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures, machines or devices. Motorcycles, bicycles, minibikes, and such vehicles as jeeps, four-wheel drives, and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from the provisions of this chapter. This does not include a temporary building, structure or use, permitted to exist during periods of construction of the principal building, structure or use. Various types of recreational equipment and vehicles include:

- (a) *Travel trailer:* A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a nonmotorized recreational vehicle.
- (b) *Pickup camper:* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a nonmotorized recreational vehicle.
- (c) *Motor home:* A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.
- (d) *Van/camper:* A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.
- (e) *Folding tent trailer:* A folding structure, mounted on wheels and designed for travel and vacation use.
- (f) *Boats and boat trailers:* Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

-
- (g) *Other recreational equipment*: Includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recreation facility (indoor): A public or private establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities and bowling alleys. Auditoriums and stadiums are not included.

Recreation facility (outdoor): A publicly or privately owned facility designed and equipped for the conduct of sports activities and other customary recreational activities outside of an enclosed building such as, but not limited to tennis courts, swimming pools, archery ranges, golf courses, miniature golf courses, golf driving ranges, skating rinks, baseball fields, batting cages, soccer fields and campgrounds.

Residential district: A zoning district with one (1) of the following zoning designations on the City of Farmington zoning map: R1, R1A, R1B, R1C, R1D, Single-Family Residential; R1P, Single-Family Parking; R2 Two-Family, R3, R5, Multiple-Family; and R6, Single-Family Cluster.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- (a) *Restaurant, carry-out*: A business establishment whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (b) *Delicatessen*: A restaurant typically offering both carry-out and seating of sandwiches and other foods and beverages. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.
- (c) *Restaurant, drive-in*: A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- (d) *Restaurant, drive-through*: A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (e) *Restaurant, fast-food*: A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- (f) *Restaurant, open front window*: See "Open front store or restaurant".
- (g) *Restaurant, standard*: A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (h) *Bar/lounge/tavern*: A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may extend beyond 11:00 p.m.; thereby differentiating it from a standard restaurant. A brewpub or microbrewery that operates beyond 11:00 p.m. is considered a bar, tavern or lounge.

Retaining wall: A structure serving to prevent a mass of earth from slipping.

Room: A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, with closet space, and with or without bathroom, but without cooking facilities.

Secondhand dealers: Any person, corporation, partnership, firm or other entity, a substantial portion of whose business is that of purchasing, storing, exchanging and receiving secondhand property of any kind or description, excepting businesses whose primary products are bona fide antiques.

Semi-nude and semi-nude condition: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

Senior housing: An unlicensed multiple-family residential development for elderly persons needing little or no personal assistance, which provides independent living dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services for the elderly are provided.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this chapter. Setbacks from a public street shall be measured from the existing or proposed right-of-way lines, whichever is greater.

Shopping center: A group (more than one (1)) of primary retail and/or service commercial establishments constructed as one (1) development.

Sign: Any object, device, display or structure, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Site condominium development: A development of condominium units on an unplatted tract of land, in which each individual lot conforms with the requirements of the zoning district in which it is established.

Smoke shop: A retail establishment where fifty (50) percent or more of the retail area, defined as wall to wall, is used for the display, promotion, or sale of products listed below; or an establishment where the sale of products listed below constitutes greater than fifty (50) percent of the establishment's merchandise:

- (a) Cigarettes, e-cigarettes, vapor, nicotine/alternative nicotine products, cigars, and packaged tobacco;
- (b) Tobacco smoking and e-cigarette paraphernalia products, including, but not limited to: pipes for smoking tobacco and nicotine products, cigarette holders, pens and electronic devices used for smoking tobacco, vape, and other nicotine or alternative nicotine products, and cigarette rolling papers.
- (c) Alternative nicotine product means any noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.
- (d) Nicotine product means a product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.
- (e) Tobacco product means a product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.
- (f) Vapor product means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means regardless of shape or size that can be used to produce vapor from nicotine in a solution or other form. Vapor products

include, but are not limited to, an electronic cigarette (e-cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette (e-cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Special event: Any meeting, festival or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic on public rights-of-way or private property generally open to the public or occupies any area in a place open to the general public.

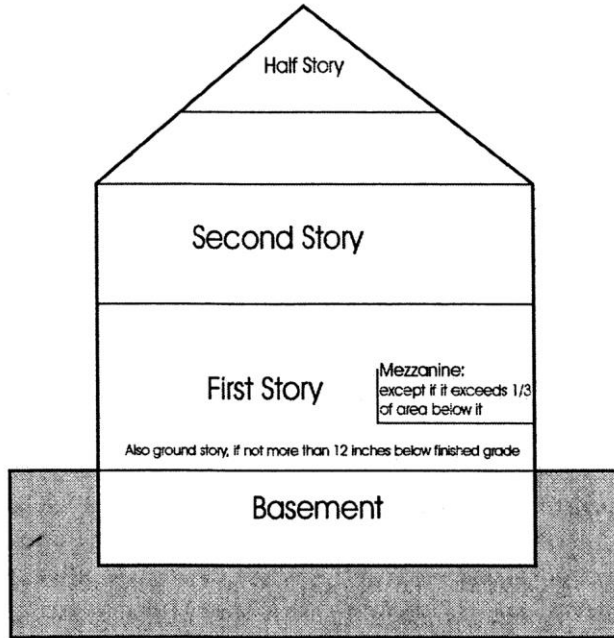
Specified anatomical areas: The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified sexual activities: Any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

Story (also called "floor") That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- (a) A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50) percent of the area of the story underneath the mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- (b) For the purpose of this chapter, a basement or cellar shall be counted as a story only if over fifty (50) percent of its height is above the level from which the height of the building is measured and the finished surface of the floor above the basement is more than six (6) feet above grade plane, or, if it is used for a permitted business purpose.

Story, half: The part of a building between a pitched roof and the uppermost full story having a floor area which does not exceed one-half ($\frac{1}{2}$) the floor area of the full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven and one-half ($7\frac{1}{2}$) feet.



Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined below.

- (a) **Arterial or major street:** A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Farmington area. An arterial or major street may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- (b) **Collector street:** A street or road whose principal function is to carry traffic between minor and local roads and arterial streets but may also provide direct access to abutting properties.
- (c) **Cul-de-sac:** A street or road that terminates in a vehicular turnaround.
- (d) **Dead end street:** Street that has one (1) terminus open for vehicular or pedestrian access and the other terminated on a temporary basis without a permanent vehicular turnaround.
- (e) **Local or minor street:** A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local streets with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.
- (f) **Private road:** A roadway contained within a private street easement which is privately owned and maintained and which provides the principal means of access to one (1) or more abutting lots.
 - 1. **Private driveway:** A private street that provides or is planned to provide access to more than one (1) or fewer than five (5) lots.
 - 2. **Private street easement:** An easement that is granted exclusively for private access to one (1) or more parcels of land that contains a private street.
- (g) **Public street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the city, Oakland County, State of Michigan or the federal government.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Substation, Distribution: An electrical substation that steps voltage up or down to or from electrical lines of under 69kV.

Substation, electrical: A system of electrical equipment that facilitates the stepping up or down of electrical voltage. For the purposes of this chapter, electrical substations shall include transmission substations and distribution substations.

Substation, transmission: An electrical substation that steps voltage up or down to or from an electrical transmission line.

Therapeutic massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two (2) or more of the following requirements:

- (a) The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least five hundred (500) hours of training including: theory, practice and techniques of massage (minimum three hundred (300) hours); human anatomy and physiology (minimum one hundred (100) hours); and professionalism (minimum one hundred (100) hours). Instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.
- (b) The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in (a) above.
- (c) The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in (a) above.
- (d) The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

Use: The primary purpose for which land or premises, or a building thereon, is designed, arranged or intended, for which it is occupied or maintained, let or leased.

Veterinary clinic, office or hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock provided that all activities are conducted within a completely enclosed building.

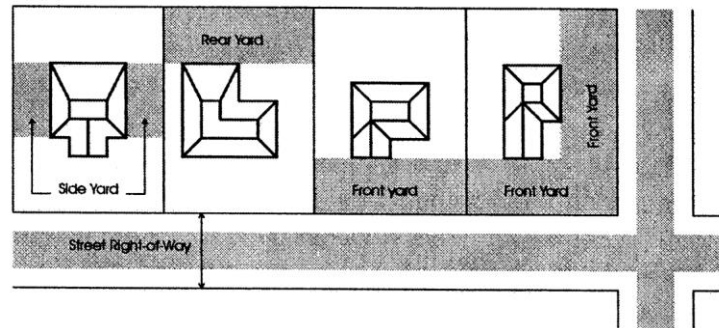
Waste disposal facility: A facility for end-of-the-line storage or incineration of solid and/or liquid waste including, but not limited to, household garbage, yard waste and nonhazardous industrial by-products.

Wireless communication towers: A structure of lattice or monopole framework to which an antenna may be attached for the transmission and/or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication or similar services.

Wireless communication antenna: The device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave or similar transmissions.

Yard: A required yard is an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (a) *Front yard*: A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches.
- (b) *Rear yard*: A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest line of the principal building.
- (c) *Side yard*: A required side yard is an open unoccupied area between a principal building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.
 1. *Interior side yard*: A side yard located immediately adjacent to another zoning lot.
 2. *Exterior side yard*: A side yard abutting a street of a corner lot.



Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

(Ord. No. C-751-2010, § 3, 1-18-11; Ord. No. C-753-2011, § 2, 6-6-11; Ord. No. C-760-2012, §§ 2—4, 3-19-12; Ord. No. C-765-2012, § 1, 8-20-12; Ord. No. C-767-2012, §§ 3, 4, 12-17-12; Ord. No. C-798-2020, § 1, 3-16-20)