

Chapter 40 ZONING¹

Article 1 Title, Purpose and Legal Clauses

Section 1.01 Title

This Ordinance shall be known and may be cited as the "City of Huntington Woods Zoning Ordinance," or the "Zoning Ordinance."

(Ord. No. 600, § 1, 1-8-2018)

Section 40-1.02 Preamble

In accordance with the authority and intent of Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the city desires to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Huntington Woods; by protecting and conserving the character and the social and economic stability of the residential, commercial and other use areas; by securing the most appropriate use of land; by preventing overcrowding of land and undue congestion of population; by providing adequate light, air and reasonable access; by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public needs, and by other means - all in accordance with an adopted Master Plan.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-1.03 Purpose

The purpose of this Ordinance is to implement the development strategies described in the Master Plan, and other development policies adopted by the City Commission. The Master Plan was formulated with the general purpose of guiding and accomplishing a coordinated and adjusted development and redevelopment of the city, which will, in accordance with present and future needs, best promote efficiency and economy in the process of development. The Zoning Ordinance will provide for the adequate distribution of traffic, safety from fire and other dangers, adequate provision for light and air, the healthful and balanced distribution of housing and population, the regulation of the density of population, the promotion of good development design and arrangement, the wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. The Zoning Ordinance is further designed to lessen congestion on public streets to facilitate adequate provisions for public transportation, streets, highways, sewers, water mains, schools, recreation areas and other public facilities, as carefully analyzed and conceived by said Master Plan and development policies.

¹Editor's note(s)—Ord. No. 600, § 1, adopted Jan. 8, 2018, amended the Huntington Woods Zoning Ordinance in its entirety. Former ch. 40, Zoning, §§ 40-1—40-394, derived from the 1988 Code, as amended through Ord. No. 598. See the Code Comparative Table for full derivative history of the former zoning provisions.

State law reference(s)—Michigan Zoning Enabling Act, MCL 125.3101 et seq.; Michigan Planning Enabling Act, MCL 125.3801 et seq.

Section 40-1.04 Validity and Severability

- A. If a court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
- B. If a court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-1.05 Scope and Construction of Regulations

- A. This Ordinance shall be liberally construed in such a manner as to best effectuate its purpose. In the interpretation and application of this Ordinance, these provisions are the minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity, and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law, rule, regulation or permit, then the provisions of this Ordinance shall control. Whenever any provision of this Ordinance imposes less stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law, rule, regulation or permit, then the provisions of the other law, rule, regulation or permit shall control.
- B. No building or structure, or part thereof, shall be used, erected, constructed, reconstructed or altered and maintained, and no new use or change in use shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-1.06 Conflict with Other Laws

- A. Except as otherwise provided under the Michigan Zoning Enabling Act (PA 110 of 2006, as amended, MCL 125.3101 et seq.) this Ordinance shall be controlling in the case of any inconsistencies between this Ordinance and an Ordinance adopted under any other law.
- B. This Ordinance is not intended to prevent compliance with any Federal, State, or local law, ordinance, or regulation, provided that where this Ordinance is more restrictive or imposes a higher standard, the provisions of this Ordinance shall prevail.
- C. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement. However, where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.
- D. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-1.07 Repeal of Ordinance

The City of Huntington Woods Zoning Ordinance, and all amendments thereto, and all prior zoning ordinances of the City of Huntington Woods, are hereby repealed effective coincident with the effective date of this Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Article 2 Definitions

Section 40-2.01 Rules of Interpretation

For the purposes of this Ordinance, certain terms or words used in this Ordinance shall be interpreted as follows:

- A. The particular shall control the general.
- B. In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "person" includes a firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity as well as an individual.
- D. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- E. The word "shall" is mandatory; the word "may" is permissive.
- F. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used" or "arranged to be occupied."
- G. 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," such conjunctions 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.
 - 3. "Either....or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- H. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-2.02 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALLEY: A way for public use, not exceeding 20 feet in width, or any way designated as an alley in a recorded deed, plat or decree of court.

ALTERATION: Any change, addition or modification in construction or to a structure or to a type of occupancy, or any change in the structural members of a structure, such as, but not limited to, walls or partitions, columns, beams or girders. Alterations may be referred to in this Ordinance as "altered" or "constructed" or "reconstructed".

ANTENNA: An exterior transmission or reception device mounted on a tower, structure, or utility poles and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

ATTIC: The unfinished space between the ceiling joists of the top story and the roof rafters.

BASEMENT: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the beams or joists of the floor above. A basement is not counted as a story.

BEST MANAGEMENT PRACTICES: Structural and non-structural practices and techniques that mitigate the adverse impacts caused by land development or water quality and quantity.

BUILDING: A structure having a roof supported by columns or walls for the shelter or enclosure of persons or chattels. The term "building" also means a platform or base designed to support columns, walls and/or a roof.

BUILDING, ACCESSORY: A subordinate building located on the same lot or attached to the main building, the use of which is clearly incidental to that of the main building and customarily found in connection therewith. The term "accessory building" includes, but is not limited to, a private attached or detached garage, carport, playhouse, greenhouse, pool cabana, gazebo, shed or storage building.

BUILDING LINE: The front line of a building.

BUILDING OFFICIAL: An individual who is employed by City of Huntington Woods and is charged with the administration and enforcement of the building code and who is registered in compliance with the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is constructed.

CITY: The City of Huntington Woods.

CITY COMMISSION: The Commission of the City of Huntington Woods.

CLUB: An organization and its premises catering exclusively to members and their guests for social intellectual, recreational, cultural, or athletic purposes not operated for profit.

CLUBHOUSE: A structure erected by or for a club as defined in this section.

CO-LOCATION: The location by two or more wireless communication providers of wireless communication facilities (WCFs) on a common tower or building with the intent of reducing the overall number of structures required to support wireless communication antennas within the City.

CONDOMINIUM: The following definitions shall apply in the construction and application of this Ordinance:

- A. **CONDOMINIUM PROJECT, CONVENTIONAL:** A development in which ownership interest is divided under the authority of the Condominium Act (P.A. 59 of 1978, as amended) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.
- B. **CONDOMINIUM, GENERAL COMMON ELEMENTS:** Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (P.A. 59 of 1978, as amended).

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- C. CONDOMINIUM, LIMITED COMMON ELEMENTS: Portions of the condominium development other than the condominium unit reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined by the Condominium Act (P.A. 59 of 1978, as amended).
 - D. CONDOMINIUM, MASTER DEED: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 of 1978, as amended.
 - E. CONDOMINIUM PROJECT, SITE: A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.
 - F. CONDOMINIUM UNIT: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended.

CONVENIENCE STORE: A type of general retail store which carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

CURB LEVEL: The mean level of the established curb in front of a building. When no curb has been established, the City Director of Public Works shall establish such curb level or its equivalent for the purpose of these regulations.

DAY CARE FACILITY: The following definitions shall apply in the construction and application of this Ordinance:

A. ADULT DAY CARE FACILITIES:

1. *Adult Family Day Care Home*: A private home in which six (6) or less adults eighteen (18) years of age or older receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
2. *Adult Group Day Care Home*: A private home in which more than six (6) but not more than twelve (12) adults eighteen years of age or older receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
3. *Adult Day Care Center*: A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse, rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

B. CHILD DAY CARE FACILITIES:

1. *Child Family Day Care Home*: A private home in which one (1) to six (6) 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.

2. *Child Group Day Care Home*: A private residence in which between seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
3. *Child Day Care Center*: A facility, other than a private residence, receiving more than one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, child kindergarten, play group, or drop-in center.

DRIVE-THROUGH BUSINESS: A principal use or accessory use of a business that by design permits customers to obtain goods or services while remaining in their motor vehicles.

DRIVEWAY: A short road or path providing an unobstructed passage from a roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

DRIVEWAY, SEMI-CIRCULAR: A private driveway which enters and leaves private property at two points within the same frontage.

DRY CLEANING AND LAUNDRY BUSINESSES: A commercial business providing dry cleaning and laundry services on-site for businesses and residents, which does not include a plant.

DRY CLEANING AND LAUNDRY PLANT: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other. Multiple-family dwellings may consist of the following:

- A. **EFFICIENCY UNIT**: A dwelling unit containing not more than one (1) room in addition to kitchen, dining and sanitary facilities.
- B. **ONE (1) BEDROOM UNIT**: A dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities.
- C. **TWO (2) BEDROOM UNIT**: A dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and sanitary facilities.
- D. **THREE (3) OR MORE BEDROOM UNIT**: A dwelling unit consisting of not more than four (4) rooms in addition to kitchen, dining and sanitary facilities.

DWELLING, ONE-FAMILY ATTACHED: A building containing not less than three (3) nor more than eight (8) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a common exterior door.

DWELLING, SINGLE-FAMILY: A building occupied or designed to be occupied by one family alone.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith, but not including: (i) buildings that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; (ii) utility poles and other structures more than 40 feet in height above ground level in a public right-of-way; and (iii) wireless equipment extending more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.

FAMILY: Means either of the following:

- A. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, 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.
- B. The functional equivalent of the domestic family, that 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. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie organization or group whose association is temporary or seasonal in character or nature. For the purposes of enforcement, it is presumed that a functional equivalent of a domestic family is limited to six (6) or fewer persons.

FENCE: A structure serving to enclose or divide all or part of a lot, or to function as a boundary or barrier between two or more lots.

FINANCIAL INSTITUTION: A business or entity which provides financial services which may include, but are not limited to, loans, savings, checking, money management and other similar services and includes, but is not limited to, banks, savings and loan associations, and credit unions.

FLOODLIGHT or SPOTLIGHT means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam.

FLOOR AREA, NONRESIDENTIAL: All floor area of the building, measured from the exterior faces of the exterior walls, used or intended to be used for service to the public as customers, patrons, clients or patients, or as tenants, and all floor area devoted to employee work space. Floors or parts of floors used exclusively for storage, toilets or rest rooms, and mechanical rooms shall be excluded from the definition of "usable floor area" for the purpose of this chapter.

FLOOR AREA, RESIDENTIAL: For the purpose of determining minimum and maximum floor area requirements, the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls but which shall exclude floor area of basements, garages, portions of attics with less than five feet of height, and unenclosed porches.

FOOD SERVICE BUILDING: Building whose principal use is the preparation, reheating, or serving of food including beverages.

FOSTER CARE FACILITIES: The following definitions shall apply in the construction and application of this Ordinance:

- A. **ADULT FOSTER CARE FACILITY:** A state-licensed 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 who do not require continuing nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential

centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et seq.; MSA 16.610(61) et seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

1. *Adult Foster Care Family Home*: A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, 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.
2. *Adult Foster Care Small Group Home*: An owner-occupied facility 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.
3. *Adult Foster Care Large Group Home*: A facility 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, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
4. *Adult Foster Care Congregate Facility*: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

B. CHILD FOSTER FAMILY FACILITIES:

1. *Child 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 or marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections MCL 710.21 to 710.70, 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.
2. *Child 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 Chapter X of Act No. 288 of Public Acts of 1939, 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.

FRONTAGE: Any portion of a parcel of land abutting, touching, or bordering a public or private street.

GARAGE, ATTACHED: A private garage having a common wall with the main building, with the roof of the main building continuous over the garage; or, a garage having a roof and floor continuous from one wall of the garage to a permanent connection with a wall of the main building with door beneath the roof both in the wall of the main building and in a wall of the garage.

GARAGE, DETACHED: A freestanding building designed or used primarily for the shelter or storage of vehicles that is not accessory to a single-family or duplex residence on the same building site. See accessory structure definition.

GARAGE, PRIVATE: An attached or detached accessory building with capacity for not more than three (3) vehicles, or 650 square feet, for storage only.

GARAGE, PUBLIC: Any building or premises used for the housing or care of more than four vehicles, or any building where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GAS STATION: A building or premises which dispenses or sells motor fuels directly to users of vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store.

GLARE: A light emitting from a fixture with an intensity great enough to reduce a viewer's ability to see, cause annoyance or discomfort, and in extreme cases, cause momentary blindness. Glare is most often caused by the fixture itself rather than what the fixture is meant to illuminate.

GOLF COURSE: A large, landscaped area laid out for playing the game of golf, with a series holes. A golf course may include accessory uses such as driving ranges and accessory buildings such as clubhouses.

HEDGE: A row of shrubs or trees.

HEIGHT OF BUILDING: The vertical distance measured from the lowest point of the natural ground level around the perimeter of the building to the highest point of the building.

HOME OCCUPATION: An occupation or business activity, whether for compensation or not, conducted by the resident of a dwelling that results in a product or service and that is accessory and secondary to the permitted principal residential use, as further defined in this ordinance.

LIGHT TRESPASS: A light which is produced on one property and causes direct light on an adjacent or nearby property.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings and accessory structures, and such yards, open spaces and parking spaces as are required under the provisions of this chapter. The boundaries of a lot shall be determined by the lines shown on the property description maps on file at the city offices, and include all the land described on the assessment roll of the city under a single tax parcel identification (Sidwell) number. No change or subdivision of lots, or alteration of lot lines as shown on the property description maps of the city shall be permitted without the prior approval of the city commission, or its designee, in its discretion.

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

LOT, CORNER: A lot fronting on two or more street intersections at an angle of not more than 135 degrees.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT FRONTAGE: The horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken, and shall be measured along the constructed portion of the right-of-way only.

LOT, INTERIOR: A lot with frontage on one street only.

LOT LINES: Lines bounding a lot as defined herein.

- A. **FRONT LOT LINE:** In the case of an interior lot, the lot line separating said lot from the street. In the case of a corner lot or double frontage lot, the line with the least amount of frontage upon a street.
- B. **REAR LOT LINE:** The line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
- C. **SIDE LOT LINE:** Any lot lines other than the front line or rear lot line.

LOT, THROUGH: A parcel extending through a block from one street to another.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the two points where the required front setback line intersects the side lot lines.

MARIHUANA or MEDICAL MARIHUANA Definitions:

MARIHUANA or MEDICAL MARIHUANA: term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.

MEDICAL MARIHUANA ACTIVITIES: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of medical marihuana by a qualifying patient or primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1. Allowable medical marihuana activities do not include medical marihuana provisioning centers or safety compliance facilities as defined herein.

MEDICAL MARIHUANA PROVISIONING CENTER: A commercial entity located in the City that acquires, possesses, manufactures, delivers, transfers, or transports medical marihuana and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term shall include, but not be limited to, dispensaries, cooperatives, and any other operation or facility similar in nature, and any commercial property where medical marihuana is sold to registered qualifying patients and registered primary caregivers, or any property used by more than one primary caregiver. The location used by a single primary caregiver to assist a qualifying patient connected to the caregiver through the medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this ordinance.

PRIMARY CAREGIVER or CAREGIVER: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the Code of Criminal Procedure, 1927 PA 175 (MCL 770.9a), as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1.

REGISTRY IDENTIFICATION CARD: A document issued by the State of Michigan that identifies a person as a registered qualifying patient or a registered primary caregiver.

SAFETY COMPLIANCE FACILITY: An entity that tests marihuana produced for medical use for contaminants.

SAFETY COMPLIANCE FACILITY AGENT or PROVISIONING CENTER AGENT: A principal officer, board member, employee, operator or agent of the safety compliance facility or provisioning center, as applicable.

MARIHUANA ESTABLISHMENTS: Those establishments as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

MIXED-USE DEVELOPMENT: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact urban form.

NON-CONFORMING BUILDING: A building or portion thereof, existing at the effective date of this Ordinance or amendments thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, or yards for the zoning district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of the Ordinance, or amendments thereto, that does not conform to the use regulations of the zoning district in which it is located.

PLACES OF WORSHIP: A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

PLANNING COMMISSION: The Planning Commission of the City of Huntington Woods.

PORCH: An open, unenclosed entrance to a building which may be covered by a roof or trellis, and which may be supported by columns but is not otherwise enclosed.

POWER GENERATOR: A machine, permanent or temporary, that changes mechanical energy into electrical and produces either direct or alternating current.

PUBLIC RIGHT-OF-WAY: The surface of, air space above, and area below the entire width of any road, highway, street, alley, thoroughfare, easement, or other area that is dedicated, reserved, used, or open to use as a matter of right, for public travel, whether owned or controlled by, or under the jurisdiction of, the city or county, state, or federal government.

RETAIL BUSINESS or RETAIL SALES: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

REQUIRED BUILDING LINE (BUILD-TO-LINE): A line established on which a building or a portion of a building must be located.

SENIOR HOUSING: An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily sixty (60) years of age or older. Senior Housing may include:

- A. **INDEPENDENT LIVING:** A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
- B. **CONGREGATE CARE:** A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.
- C. **ASSISTED LIVING:** A dependent elderly housing facility without cooking facilities in individual rooms and with and only central dining service. Limited medical care, including memory care, may be provided.
- D. **CONVALESCENT HOME:** A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including, facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as "nursing home".

SETBACK: The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure, excluding steps and unenclosed platforms.

SHIELD: An opaque cover over the light source.

SIGN: Any structure or part thereof, or devise attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises.

- 1. *Abandoned sign:* A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon, or product available on, the premises where such sign is displayed.
- 2. *Banner:* A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.
- 3. *Billboard:* See: *Outdoor Advertising Signs.*
- 4. *Canopy or sign:* Any sign attached to, or constructed within or on, a canopy or marquee.
- 5. *Electronic message sign (LED):* A sign with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means.
- 6. *Freestanding sign:* A sign supported by a structure, such as a pole or pylon, independent of any other structure. The definition shall not include a ground sign.

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7. *Ground sign*: A sign mounted directly on the ground or by a structure on a foundation.
 8. *Height of sign*: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
 9. *Identification sign*: A sign which carries only the name of the firm, the major enterprise, or principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise.
 10. *Off-site sign (off-premises sign)*: A sign other than an on-site sign.
 11. *On-site sign (on-premises sign)*: A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
 12. *Outdoor advertising sign*: A sign, including billboards, on which the written or pictorial information is intending to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
 13. *Portable sign*: Any sign not permanently attached to the ground or a building.
 14. *Temporary sign*: A sign that is intended to be displayed for a limited period of time.
 15. *Sandwich board*: A stationary, double faced temporary sign that is ground supported; also known as an *A-frame sign*.
 16. *Wall sign*: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
 17. *Window sign*: A sign installed on, or in, a window for the purpose of viewing from outside the premises. This term does not include merchandise located in a window.

SIGNBOARD: Any structure or part thereof on which is lettered, pictured or displayed matter, the chief purpose of which is for advertising or publicity.

SITE PLAN: The documents and drawings required in Article 7, herein of the Chapter 40, to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

STATE-LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979 (MCL 400.701—400.737), or Public Act No. 116 of 1973 (MCL 722.111—722.128), and provides residential services for six or fewer persons under 24-hour supervision or care.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF: That portion of a building between the eaves and the ridge lines of a pitched roof, containing at least one habitable room and connected by a fixed stairway to the main or ground floor.

STREET: A public thoroughfare more than 20 feet in width, unless designated otherwise by recorded deed, plat or decree of court.

STRUCTURAL ALTERATIONS: Any changes in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

STRUCTURE, ACCESSORY: A subordinate structure located on the same lot or attached to the main building, the use of which is clearly incidental to that of the main building and customarily found in connection therewith.

The term "accessory structure" includes, but is not limited to, a driveway, parking lot, sidewalk, swimming pool, pool equipment, tennis or basketball court, dog house, trash enclosure, lamp post, patio, deck or signs.

TEMPORARY USE OR BUILDING: A use or building permitted to exist during periods of construction of the main building or use, or for special events.

TOWER: A structure used to support wireless communication antennas. A tower within this definition, includes but shall not be limited to, a monopole, lattice tower, light pole, utility pole, flag pole, artificial tree or other structure which supports wireless communication facility (WCF) antennas. Buildings, equipment compounds and cabinets, and structures principally used for purposes other than supporting antennas shall not be considered as towers.

TOWER HEIGHT: The vertical distance measured from the lowest point of the natural ground level around the base of the tower to the highest point on the tower including any antenna.

USE: The purpose for which land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A use which is supplemental and subordinate to the main use and used for purposes clearly incidental to those of the main use.

UTILITY POLE: A pole or similar structure that is or may be used in whole or in part for cable, wireline, or wireless communications service, electric distribution, lighting, traffic control, signage, or a similar function.

VARIANCE: The term "variance" shall mean a modification of the literal provisions of the Zoning Ordinance, which may be granted by the Zoning Board of Appeals in accordance with the authority bestowed upon that Board by the provisions of this Ordinance.

WIRELESS COMMUNICATIONS FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short-wave receiving facilities; amateur (HAM) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- A. **WIRELESS COMMUNICATIONS ANTENNA (WCA):** Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multipoint distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. **WIRELESS COMMUNICATION SUPPORT STRUCTURES:** Shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. **COLLOCATION:** Shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

WIRELESS COMMUNICATION PROVIDER: A person, company, or entity providing or intending to provide wireless communication services of any kind, including telecommunications services.

WIRELESS EQUIPMENT: The equipment and components, including cellular antennae, transmitters, receivers, equipment shelters or cabinets, regular and backup power supply including emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless services, but excluding wireless support structures.

WIRELESS EQUIPMENT CABINET: An upright, stand-alone, cupboard-like enclosure for wireless communications equipment.

WIRELESS EQUIPMENT COMPOUND: An area, covered by a roof, supported by a foundation and enclosed by walls, adjacent to the base of a building or tower and within which wireless communications equipment is located.

YARD: The open space on the same lot with a dwelling or main building which is unoccupied and unobstructed from the ground upward except as provided in this chapter, and as defined herein:

- A. *Front yard:* An open space, extending the full width of the lot, between the front lot line and the nearest point of the main building.
- B. *Rear yard:* An open space, extending the full width of the lot, between the rear lot line and the rear elevation, following the contour of the main building. References in this chapter to such terms as "rearmost" shall be interpreted to mean the definition above, it being the intent that the measurement is taken from any portion of the main building in the rear yard.
- C. *Side yard:* An open space, extending from the front yard to the rear yard, between the side lot line and nearest point of the main building.

ZONING ADMINISTRATOR: The official of the City of Huntington Woods charged with the administration of this Zoning Ordinance.

ZONING DISTRICT: An area or areas within the incorporated area of the City of Huntington Woods within which regulations and requirements governing use, lot area, lot size, and other provisions are uniform.

ZOO: A park accredited by a national zoological or museum association in which living animals are kept and exhibited to the public.

ZOO ANIMAL HABITAT: A defined area or building in which animals are confined within enclosures, to be displayed, bred, cared for, or rehabilitated.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 603, § 1, 4-10-2018; Ord. No. 610, § 1, 9-4-2018; Ord. No. 618, § 1, 8-20-2019)

Article 3 Administration and Enforcement

Section 40-3.01 Zoning Administration

This Zoning Ordinance shall be administered by the Zoning Administrator or such deputies as designated by the City Manager. The Zoning Administrator shall be designated by the City Manager.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.02 Zoning Duties and Responsibilities

The duties and responsibilities of the Zoning Administrator shall include the following:

- A. Receive and review for completeness all applications for site plan review, special land uses, planned unit developments, or other matters regulated by this Ordinance.

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- B. Receive and review for completeness all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
 - C. Receive and review for completeness all applications for text or map (rezonings) amendments to this Ordinance and refer such applications to the Planning Commission and City Commission for determination.
 - D. Make periodic site inspections to determine Ordinance compliance, as needed.
 - E. Implement the decisions of the Planning Commission, Zoning Board of Appeals, and City Commission.
 - F. Coordinate with the Building Official where necessary to administer the Ordinance.
 - G. Investigate complaints regarding violations of the Zoning Ordinance.
 - H. Initiate prosecutions of violations of the Zoning Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.03 Public Hearing Notice Requirements

- A. When Required. Public hearings are required in those instances where public hearings are required by this Ordinance and the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.
- B. Notice Requirements. Notice shall be given not less than fifteen (15) days before each public hearing at which an application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Huntington Woods, and by personal delivery or mailing, where required, to the following:
 - (1) The applicant, and the owner(s) of the property, if the applicant is not the owner.
 - (2) All persons to whom real property is assessed within three hundred (300) feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Huntington Woods.
 - (3) The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Huntington Woods, except as set forth below.
 - (4) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - (5) The notice under subsection 40-3.03.B is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- C. Actions Exempt from Notification.
 - (1) Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
 - (2) For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirement for individual notice as set forth in Subsections 40-3.03.B(2), (3) and (4) does not apply to that group of adjacent properties.

D. Content of Notice. The notice shall include:

- (1) The nature of the request.
- (2) The property(ies) for which the request has been made.
- (3) A listing of all existing street addresses within the property(ies) which is (are) the subject of the request. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
- (4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
- (5) The date, time, and location of when the hearing on the application will take place.
- (6) The address at which written comments should be directed prior to the consideration.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.04 Guarantee for Improvements

A. Purpose and Intent. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the city and future users or inhabitants of an area for which a site plan for a non-single-family use has been submitted, the city may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, walls, screens, and landscaping.

A performance guarantee may be a cash deposit, certified check, or automatically renewable irrevocable bank letter of credit, in the amount of the 125% cost of the improvements based upon an estimate submitted by the applicant and verified by the city. The city shall be authorized to employ the applicable City Department and/or city consultants to review cost estimates and conduct periodic inspection of the progress of improvements.

B. Procedure.

- (1) When a performance guarantee is required, said guarantee shall be deposited with the city prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the city shall issue the appropriate building permit.
- (2) The approval shall also prescribe the period of time within which the improvements are to be completed. The period will begin from the date of the issuance of the building permit.
- (3) The Building Official, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactory completed, provided that the performance guarantee shall always be 125% of the cost of the remaining improvements.
- (4) Upon the satisfactory completion, as determined by the city, of the improvement for which the performance guarantee was required, the city shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the city is not required to deposit the performance guarantee in an interest-bearing account.
- (5) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the city, the city shall have the right, but not the obligation, to use the performance guarantee deposited and any interest earned thereon to complete

the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

If the performance guarantee is not sufficient to allow the city to complete the improvements, the applicant shall be required to pay the city all the additional costs of completing the improvements. Should the city use the performance guarantee, or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to the city's administrative costs including, without limitation, attorney consultant fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant. In the event the performance guarantee is not sufficient to allow the city to complete the improvements, the city completes the improvements, and the applicant fails to pay the deficiency, said deficiency shall be secured by a lien upon the property which may be enforced by the city in the same manner as the enforcement of liens for delinquent sewer or water charges.

If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the city to insure completion of an improvement, the applicant shall not be required to deposit with the city a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the city and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the city regarding the performance guarantee.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.05 Certificate of Occupancy and Compliance

- A. No premises shall be occupied or used and no building now or hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Official or designee stating that the building or proposed use of a building or premises, complies with all the building and health laws and ordinances, and with the provisions of this chapter.
- B. Certificate of occupancy and compliance shall be applied for after the issuance of a building permit, and shall be issued within ten days after the erection or alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the city clerk and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit; for all other certificates, or copies of any original certificate, a fee may be charged as prescribed by the city commission by ordinance or resolution.
- C. No permit for excavation for any building or construction shall be issued before the appropriate building permit is issued.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.06 Surveys

All applications for a building permit that alters a building footprint, shall be accompanied by a survey drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such applications and surveys shall be kept in the office of the City Clerk. No yard, or other open space provided about any building for the purpose of complying with the provisions of these regulations, shall be used as a yard, or other open space for another building. Surveys shall be prepared by a licensed surveyor or engineer.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.07 Violation Unlawful and Nuisance per se

It shall be unlawful for any person, the person's agents or employees, to erect, alter, raze or convert any building, or to use any premises situated in the city, contrary to the provisions of this chapter, and buildings erected, altered, razed or converted and uses carried on in violation of the provisions of this chapter, are hereby declared to be a nuisance per se.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.08 Municipal Civil Infractions

A person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter, or knowingly constructs, builds or maintains a structure in violation of any provision of this chapter or a site plan approved pursuant to this chapter, or who knowingly fails to comply with an order issued by the enforcing agency, Zoning Board of Appeals, Planning Commission, or City Commission, is responsible for a municipal civil infraction.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.09 Enforcement

The provisions of this chapter shall be enforced by the Zoning Administrator, Building Official, or ordinance officer. Appeals from the decision of the enforcing city official may be made to the Zoning Board of Appeals as provided in Article 12.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.10 Conflicting Authority

Authority given to any person or board under this chapter shall be considered as cumulative to and not in derogation of authority held under any other provision of this Code, the powers conferred, and duties imposed in this chapter to be construed as separate and distinct from powers conferred upon the duties required of any official or board under any other provision of this Code and not be construed as conflicting therewith or limiting the same.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.11 State Construction Code Provisions Not Affected

No buildings shall be erected or altered in the city except in conformity with Chapter 6 of the City Code, anything to the contrary herein contained notwithstanding.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-3.12 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any district indicated on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerline.
- F. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A through E of this section shall be so construed.
- G. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.
- H. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through G of this section, the Zoning Board of Appeals shall interpret the district boundaries.
- I. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that the district boundaries do extend to the center of any public right-of-way.

(Ord. No. 600, § 1, 1-8-2018)

Article 4 District Regulations

Section 40-4.01 Creation of Districts or Zones

For the purpose of this chapter, the city is hereby divided into nine zone districts known as:

R-1A	One-family district
R-1B	One-family district
R-1C	One-family district
R-1D	One-family district
R-1E	One-family district
RT	One- and two-family attached district
TD	Transitional district
BD	Business district
PRD	Parks and recreation district

(Ord. No. 600, § 1, 1-8-2018)

Section 40-4.02 Zoning Map

- A. The boundaries of these districts are hereby established as shown on the map on file in the office of the City Clerk and made a part of this chapter by reference, designated as "Zoning Map of the City of Huntington Woods," and said map and all notations, references and other data shown thereon shall be as much a part of

this chapter as if fully set forth herein. Unless otherwise shown, the boundaries of the districts or zones created in this chapter are either centerlines of streets or alleys, centerlines of vacated streets or alleys, lot lines, or such lines extended, or the city limit lines. Where uncertainty exists with respect to such boundary lines, the matter of the location of such lines shall be determined by the Zoning Board of Appeals upon petition of any person having an interest in the property affected.

- B. Any territory embraced within any future enlargement of the corporate limits of the city shall be deemed to be subject to the provisions of this chapter applying to the R-1C District until otherwise classified by the City Commission upon recommendation of the Planning Commission, and after publication of notice and public hearing thereon, as provided for in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, hereinbefore referred to.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-4.03 R-1A through R-1E: One-Family Districts

- A. *Intent.* The Master Plan recognizes that single-family residential neighborhoods are vital components of the city, and comprise the majority of the land area within the city. The intent of the R-1A through R-1E Districts is to provide areas for single-family dwellings with the primary distinction being a range of densities and bulk provisions, implemented through varying lot sizes. The R-1A through R-1E Districts are further intended to preserve and improve upon the quality of residential neighborhoods while permitting a limited number of other compatible uses that support residential neighborhoods.
- B. *Use Regulations.* No premises shall be used, and no building or structure shall hereafter be erected, altered, or used except for one or more uses contained within Section 40-4.08.
- C. *Special Land Uses.* Special land use procedures shall meet the standards of Article 8. For special land uses in Zones R-1A through R-1E on properties located within an historic district, special land use approval and site plan approval by the Planning Commission, and a certificate of appropriateness later issued by the Historic District Commission, shall be required. The Planning Commission shall consult the Historic District Commission during the Special Land Use and site plan reviews. In the event the Historic District Commission, or a committee thereof, is currently reviewing a property for the purpose of making a recommendation as to whether to establish an historic district or add the property to an established historic district, and the Historic District Committee, or a committee thereof, sends a report to the City Commission showing the presence of historic, architectural, archeological, engineering, or cultural significance of the property, then the City Commission can direct that the review process for the property and/or the proposed historic district follow the procedure contained herein for an established historic district.
- D. *Dimensional Requirements.* The following dimensional requirements shall apply to the R-1A through R-1E Districts:

Use District	Minimum Size of Lot per Unit		Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)			Min. Floor Area per Dwelling Unit (in sq. ft.)	Max. Floor Area per Dwelling Unit (sq. ft.) ^{(1) (6)}	Max. Percentage of Lot Coverage ⁽²⁾	Minimum Lot Area to be Used or Set Aside for Accessory Buildings (In Sq. Ft.)	
	Sq. Ft.	Width (Ft.)	Stories	Ft.	Front ⁽³⁾	Sides ⁽⁵⁾						Rear
						Least One	Least Two					

R-1A	30,000	160	2	30	40	20	40	60	1,400	Up to 3,600 sq. ft. without any bonus Up to 4,200 sq. ft. with character bonus Up to 4,350 sq. ft. with lot size bonus Up to 4,950 sq. ft. with character bonus and lot size bonus	15%	580
R-1B	9,000	60	2.5	35	40	5	14	35	1,300	Up to 3,000 sq. ft. without any bonus Up to 3,600 sq. ft. with character bonus Up to 3,812 sq. ft. with lot size bonus Up to 4,412 sq. ft. with character bonus and lot size bonus	25%	530
R-1C	7,000	50	2	30	30	5	14	35	1,300	Up to 2,500 sq.	30%	480

										ft. without any bonus		
										Up to 3,100 sq. ft. with character bonus		
										Up to 3,125 sq. ft. with lot size bonus		
										Up to 3,725 sq. ft. with character bonus and lot size bonus		
R-1D	6,000	50	2	30 ⁽⁴⁾	25	5	14	30	1,200	Up to 1,900 sq. ft. without any bonus	30%	440
										Up to 2,350 sq. ft. with lot size bonus		
										Up to 2,500 sq. ft. with character bonus		
										Up to 2,950 sq. ft. with character bonus and lot size bonus		
R-1E	5,000	40	2	30 ⁽⁴⁾	25	5	14	25	1,100	Up to 1,700 sq. ft. without	30%	400

										any bonus		
										Up to 2,100 sq. ft. with lot size bonus		
										Up to 2,300 sq. ft. with character bonus		
										Up to 2,700 sq. ft. with character bonus and lot size bonus		

District	Minimum Lot Area to be Used or Set Aside for Accessory Buildings (In Sq. Ft.)
R-1A	580
R-1B	530
R-1C	480
R-1D	440
R-1E	400

E. *Footnotes to Schedule of Regulations.*

- (1) If the subject lot is below the minimum lot size, subtract floor area from the number at the same ratio above.
- (2) Includes:
 - (a) The ground floor area of the main building;
 - (b) All appurtenances if covered by a roof; and
 - (c) All accessory buildings or the minimum lot area required to be set aside for accessory buildings, whichever is larger. For lots with less than 6,000 sq. ft. in area, the amount of lot coverage may be increase by 1 sq. ft. for every 6 sq. ft. that the lot is less than 6,000 sq. ft. For lots with less than 7,000 sq. ft. of area, a covered front porch may exceed the maximum lot coverage by up to one percent of lot area.

- (3) Where there are existing residential dwellings on both sides of the subject lot fronting on the same street, the required setback shall be no less than the least of the two adjoining front setbacks; where there is an existing residential dwelling on only one side of the subject lot fronting on the same street, the required setback shall be no less than the setback of the adjacent residential dwelling; and in no case shall the setback be less than listed in the schedule of regulations.
- (4) One additional foot of total side yard is required for every one foot or portion thereof of building height over 26 ft. At least one-half of the additional side yard shall be on the least side.
- (5) *Corner side yard.* In the case of corner lots where the adjacent house fronts upon the side street, a setback shall be required from the side street lot line, which is at least equal to the front setback of the other adjoining property facing the same side street. In no case shall the side street setback be less than eight (8) ft.
- (6) Maximum Floor Area per Dwelling Unit Bonuses.
 - (a) Character Bonus.

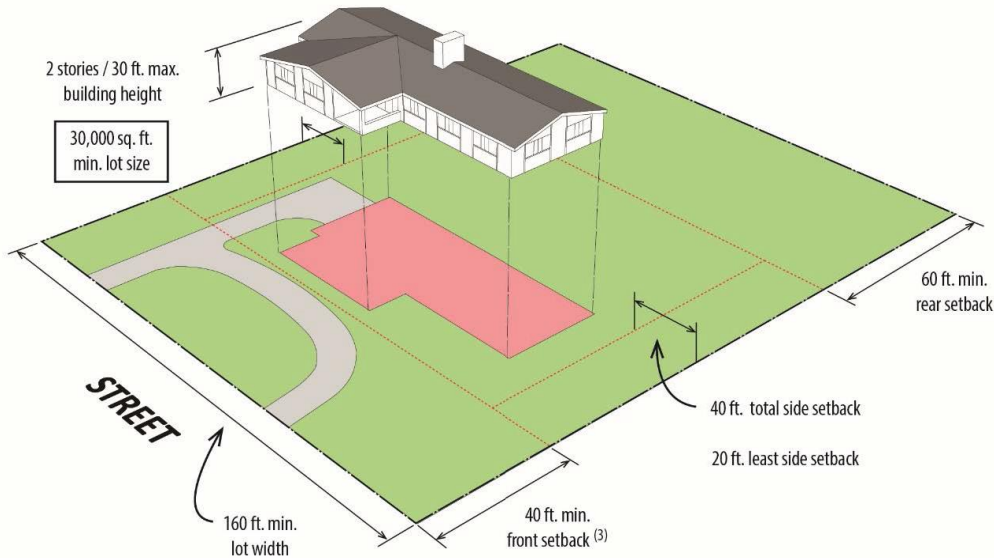
1. Single-family homes are permitted the following floor area square footage bonuses:

Character Bonus	New Construction Standard	Addition Standard	Eligible Bonus
Roof Height	Roof height of 26' or less	Roof height of addition is equal to or lower than the existing roof height	150 sq. ft.
Stepped in Second Floor	3-foot step-in on front elevation and at least one other elevation		100 sq. ft.
Fenestration	20% or more fenestration per elevation	Percentage of fenestration per elevation of addition is equal to or exceeds the elevation of the existing home with the highest percentage of fenestration or 20% whichever is greater	150 sq. ft.
Detached Garage	Existing or construction of a new detached garage		100 sq. ft.
Architectural Details	Any combination of 3 or more: quoins, muntin bars, key stones over windows and doors, shutters, pulled brick details, brick rowlocks or soldier coursing, trim boards for sided wall windows, natural materials, wood windows (can be clad), siding other than vinyl on permitted sided projects, or any other		Up to 250 sq. ft. as determined by the Planning Commission

	architectural detailed as deemed appropriate by the Planning Commission	
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2. The maximum combination of character bonuses shall not exceed a total of six hundred (600) square feet.
 3. New homes or additions to homes within a designated local Historic District automatically qualify for the maximum character bonus of six hundred (600) square feet provided that all other Historic District and applicable zoning regulations are met.
- (b) Lot Size Bonus. Lot size bonus shall be determined by the following formula:
1. R-1A: 1 sq. ft. for every 14 sq. ft. of lot area over 30,000 sq. ft., up to a maximum of 750 additional sq. ft.
 2. R-1B: 1 sq. ft. for every 9 sq. ft. of lot area over 9,000 sq. ft., up to a maximum of 812 additional sq. ft.
 3. R-1C: 1 sq. ft. for every 9 sq. ft. of lot area over 9,000 sq. ft., up to a maximum of 625 additional sq. ft.
 4. R-1D: 1 sq. ft. for every 12 sq. ft. of lot area over 6,000 sq. ft., up to a maximum of 350 additional sq. ft.
 5. R-1E: 1 sq. ft. for every 12 sq. ft. of lot area over 5,000 sq. ft., up to a maximum of 400 additional sq. ft.

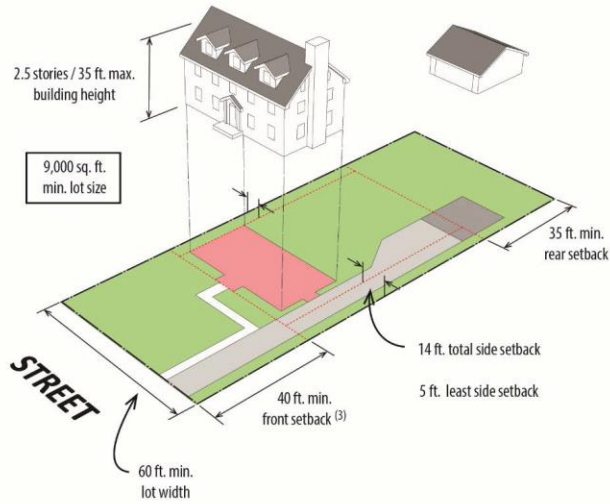
Figure 4.03.1: R-1A District



Refer to 4.03.E for footnotes to schedule of regulations.

Use District	Minimum Size of Lot per Unit ⁽¹⁾		Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)				Min. Floor Area per Dwelling Unit (in sq. ft.)	Max. Floor Area per Dwelling Unit (sq. ft.) ⁽⁶⁾	Max. Percentage of Lot Coverage ⁽²⁾
	Sq. Ft.	Width (Ft.)	Stories	Ft.	Front ⁽³⁾	Sides ⁽⁵⁾		Rear			
						Least One	Least Two				
R-1A	30,000	160	2	30	40	20	40	60	1,400	Up to 3,600 sq. ft. without any bonus Up to 4,200 sq. ft. with character bonus Up to 4,350 sq. ft. with lot size bonus Up to 4,950 sq. ft. with character bonus and lot size bonus	15%

Figure 4.03.2: R-1B District

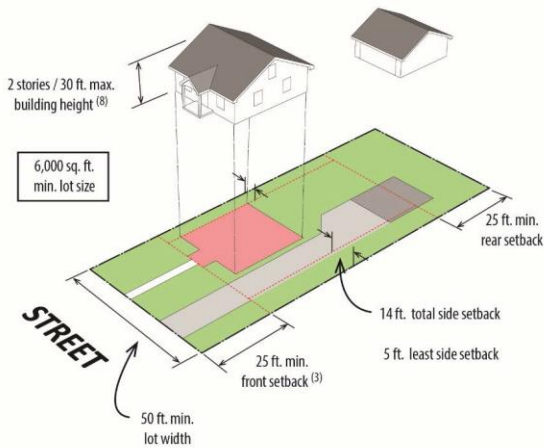


Refer to 4.03.E for footnotes to schedule of regulations.

Use District	Minimum Size of Lot per Unit ⁽¹⁾		Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)				Min. Floor Area per Dwelling Unit (in sq. ft.)	Max. Floor Area per Dwelling Unit (sq. ft.) ⁽⁶⁾	Max. Percentage of Lot Coverage ⁽²⁾
	Sq. Ft.	Width (Ft.)	Stories	Ft.	Front ⁽³⁾	Sides ⁽⁵⁾		Rear			
						Least One	Least Two				
R-1B	9,000	60	2.5	35	40	5	14	35	1,300	Up to 3,000 sq. ft. without any bonus Up to 3,600 sq. ft. with character bonus Up to 3,812 sq. ft. with lot size bonus Up to 4,412 sq.	25%

										bonus	
										Up to 3,125 sq. ft. with lot size bonus	
										Up to 3,725 sq. ft. with character bonus and lot size bonus	

Figure 4.03.4: R-1D



Refer to 4.03.E for footnotes to schedule of regulations.

Use District	Minimum Size of Lot per Unit ⁽¹⁾		Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)				Min. Floor Area per Dwelling Unit (in sq. ft.)	Max. Floor Area per Dwelling Unit (sq. ft.) ⁽⁶⁾	Max. Percentage of Lot Coverage ⁽²⁾
	Sq. Ft.	Width (Ft.)	Stories	Ft.	Front ⁽³⁾	Sides ⁽⁵⁾		Rear			
						Least One	Least Two				
R-1D	6,000	50	2	30 ⁽⁴⁾	25	5	14	30	1,200	Up to 1,900 sq.	30%

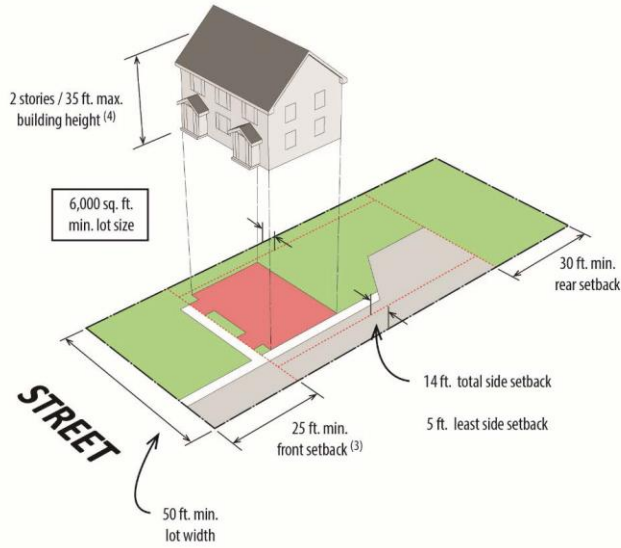
Refer to 4.03.E for footnotes to schedule of regulations.

Use District	Minimum Size of Lot per Unit ⁽¹⁾		Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)				Min. Floor Area per Dwelling Unit (in sq. ft.)	Max. Floor Area per Dwelling Unit (sq. ft.) ⁽⁶⁾	Max. Percentage of Lot Coverage ⁽²⁾
	Sq. Ft.	Width (Ft.)	Stories	Ft.	Front ⁽³⁾	Sides ⁽⁵⁾		Rear			
						Least One	Least Two				
R-1E	5,000	40	2	30 ⁽⁴⁾	25	5	14	25	1,100	Up to 1,700 sq. ft. without any bonus Up to 2,100 sq. ft. with lot size bonus Up to 2,300 sq. ft. with character bonus Up to 2,700 sq. ft. with character bonus and lot size bonus	30%

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 604, § 1, 4-10-2018; Ord. No. 619, § 1, 8-18-2020)

Section 40-4.04 RT, One and Two-Family Attached District

- A. *Intent.* The intent of the RT, One and Two-Family Attached District is to accommodate a mix of residential types, including but not limited to, detached single-family homes and attached multi-family townhomes and duplexes.
- B. *Use Regulations.* No premises shall be used and no building or structure shall hereafter be erected, altered, or used except for one or more uses contained within Section 40-4.08.
- C. *Dimensional Requirements.* The following dimensional requirements shall apply to the RT District:



Use District	Minimum Size of Lot		Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)				Min. Floor Area per Dwelling Unit (in sq. ft.)	Max. Floor Area per Dwelling Unit (sq. ft.) ⁽⁵⁾	Max. Percentage of Lot Coverage ⁽²⁾
	Sq. Ft.	Width (Ft.)	Stories	Ft.	Front ⁽³⁾	Sides ^(4, 6)		Rear			
						Least One	Least Two				
RT	6,000	50	2	35	25	5	14	30	1,100	2,500 +1 sq. ft. for every 6 sq. ft. of lot area over 6,000 sq. ft.	30%

District	Minimum Lot Area to be Used or Set Aside for Accessory Buildings (In Sq. Ft.)
RT	480

D. *Footnotes to Schedule of Regulations.*

- (1) If the subject lot is below the minimum lot size, subtract floor area from the base number at the same ratio above.
- (2) Includes:
 - (a) The ground floor area of the main building;
 - (b) All appurtenances if covered by a roof; and
 - (c) All accessory buildings or the minimum lot area required to be set aside for accessory buildings, whichever is larger. For lots with less than 6,000 sq. ft. in area, the amount of lot coverage may be increased by 1 sq. ft. for every 6 sq. ft. that the lot is less than 6,000 sq. ft. For lots with less than 7,000 sq. ft. of area, a covered front porch may exceed the maximum lot coverage by up to one percent of lot area.
- (3) Where there are existing residential dwellings on both sides of the subject lot fronting on the same street, the required setback shall be no less than the least of the two adjoining front setbacks; where there is an existing residential dwelling on only one side of the subject lot fronting on the same street, the required setback shall be no less than the setback of the adjacent residential dwelling; and in no case shall the setback be less than listed in the schedule of regulations.
- (4) One additional foot of total side yard is required for every one (1) foot or portion thereof of building height over 26 ft. At least one-half of the additional side yard shall be on the least side.
- (5) Not to exceed 3,500 sq. ft.
- (6) Corner side yard. In the case of corner lots where the adjacent house fronts upon the side street, a setback shall be required from the side street lot line, which is at least equal to the front setback of the other adjoining property facing the same side street. In no case shall the side street setback be less than eight (8) ft.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 619, § 2, 8-18-2020)

Section 40-4.05 TD: Transitional District

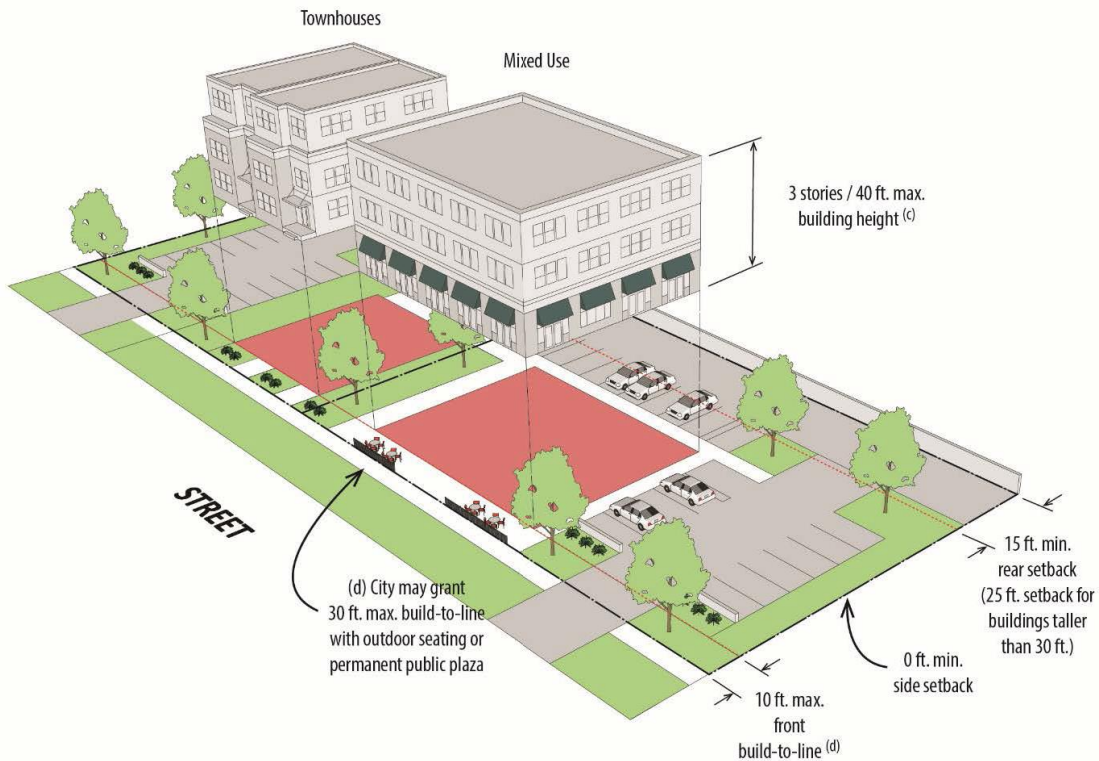
- A. *Intent.* The TD, Transitional District, is intended to encourage a mixture of compatible uses, including multiple-family residential dwelling, retail, and office. Though built-out with established development patterns of isolated parcels and single-use development, redevelopment within the Transitional District encourages the development of a mixed-use environment that meets the needs for commercial, residential, and office space and increases transit and non-motorized transportation options while maintaining the existing neighborhood fabric and providing appropriate edge transitions.

Multiple-family residential uses permitted within the Transitional District are intended to complement the city's existing single-family residential housing stock, thereby affording a diversity of housing opportunities in the city. The TD is intended to provide a buffer between adjacent single-family residential zones and major arterial roads. The limited hours of operation for nonresidential uses are intended to minimize potentially

adverse effects upon adjoining and nearby residential districts. The regulations of the district are intended to promote high-quality architecture and site design, consistent with the established character of the city.

Consolidation of smaller parcels into large parcels and mixed use development is encouraged and incentivized to meet the vision of the Master Plan and intent of the TD, Transitional District. Incentives as set forth in Section 40-4.05.E include additional height and parking reduction in exchange for a commensurate public benefit.

- B. *Use Regulations.* No premises shall be used and no building or structure shall hereafter be erected, altered, or used except for one or more uses contained within Section 40-4.08.
- C. *Dimensional Requirements.* The following dimensional requirements shall apply to the TD, Transitional District:



Use District	Maximum Height of Building		Yard Setbacks and Build-to-line (Per Lot in Ft.)				Min. Floor Area per Dwelling Unit (in sq. ft.)
	Stories ⁽³⁾	Ft. ⁽³⁾	Maximum Front Build-to-line ^{(1), (4)}	Minimum Sides ⁽²⁾		Minimum Rear	
				Least One	Least Two		
TD	3	40	10	0	0	15 (25 ft. for buildings taller than 30 ft.)	700

D. *Footnotes to Dimensional Requirements.*

- (1) Corner Lot. In the case of a corner lot, any yard extending along the full length of a street line is considered a front yard.
- (2) Side yard shall not be required for an interior lot in the TD, provided that: adequate access to the rear of the property is provided from an alley or driveway; the side in question abuts property in the TD.
- (3) Buildings in the TD may be permitted additional building height per the bonus provisions of Section 40-4.05.E.
- (4) Developments that incorporate outdoor seating or a permanent public plaza in the front of the building may be permitted a maximum front yard build-to-line of 30 ft. at the discretion of the Planning Commission as reviewed during the site plan review process.

E. *Supplemental District Standards.*

- (1) Architectural and Site Design Standards.
 - (a) No building shall exceed two hundred (200) feet in length without an alley, driveway, or pedestrian pathway providing through access.
 - (b) The front facade of any principal building on any lot shall face onto a street.
 - (c) A minimum of fifty (50) percent of the first-floor facade area facing a right-of-way shall be clear glass. A minimum of thirty (30) percent of the first-floor facade area facing a side yard or parking area shall be clear glass. First floor facade is measured from grade to eight (8) feet. For multiple tenant buildings the required transparency shall be provided for each tenant space. Visibility through the required transparency must portray the principal use of the operation and shall not portray secondary or "back of house" operation areas including, but not limited to, laundry, cleaning supply, stock, or storage areas.
 - (d) Outdoor seating areas may satisfy up to twenty-five (25) percent to transparency requirement.
 - (e) Ground floor shall include a depth of at least twenty-five (25) feet from the front facade and shall include an average of at least 14'-0" floor-to-ceiling height.
 - (f) Design details, building articulation, and techniques such as variation in wall plane shall be used to reduce the perceived mass of buildings, promote human-scale architecture, and stimulate pedestrian interest. Unadorned blank walls that are visible from a public right-of-way shall be prohibited on all buildings. All buildings should avoid being corporately "branded" so as to allow for their adaptation to future tenants.
 - (g) Building construction shall use high-quality exterior building materials such as full brick or modular stone. Use of exterior building materials such as cinder block, vinyl, aluminum, standard (smooth-faced) concrete masonry units (CMUs), or exterior insulation and finish systems (EIFS) shall be prohibited.
 - (h) Architectural features, materials, and facade articulation shall be consistent on all sides of buildings.
 - (i) Buildings should frame and enhance street corners through the use of architecturally prominent features at the corners or prominent three-dimensional site improvements (fountains, towers, sculpture, art, etc.).
 - (j) Flat roofs shall be enclosed by parapets. Parapets may exceed the maximum building height requirements of this chapter by not more than ten (10) percent.

- (k) Building entrances shall be clearly defined by architectural elements. A functional door shall be provided both on the façade facing the right-of-way and the façade facing the parking lot.
- (l) Front entry garages shall be prohibited. Garages shall be placed to the side or behind the main structure so as to effectively screen them from major arterial roads and internal roads. Garages may be attached or detached and accessed by driveways or by use of alleys. Parking may also be provided in underground garages or parking decks located above the ground floor use.

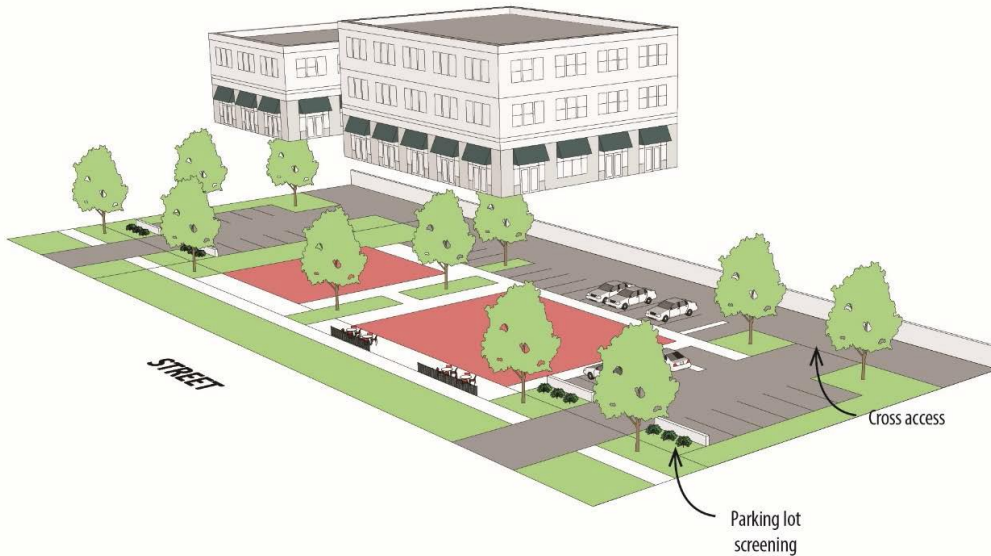
Figure 4.05.E.1. - Façade Transparency



- (2) Parking, Access Management, and Loading.
 - (a) Off-street parking is required for all uses and shall comply with the numerical parking requirements pursuant to Section 40-10.06. Certain projects may be eligible for parking reduction per Section 40-4.05.E. Parking shall be not permitted between any building line and right-of-way.
 - (b) When located to the side of a building, no more than fifty percent (50%) of the total site's frontage along the required building line shall be occupied by parking. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) of the total site's frontage along both frontages; the building shall be located at the corner of the lot adjacent to the intersection.
 - (c) Parking in excess. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of stormwater runoff. Exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
 - (d) Cross access may be required by Planning Commission for any non-single-family development going through a site plan review process. Cross access may be required for the purpose of providing a direct connection with an existing cross access point, or to allow a future cross access to abutting non-residential properties when those properties are redeveloped. A site plan without cross access may be approved when it can be demonstrated that there are either physical limitations or functional circumstances that would prevent such access from being installed.

- (e) Loading spaces shall be located in the rear of a building and be so located as to minimize visibility from adjacent streets and uses.

Figure 4.05.E.2. - Shared Parking/Cross Access



- (3) Landscaping and Screening Requirements.
 - (a) Developments within the TD shall meet the landscaping and screening requirements contained within Section 40-10.02.
 - (b) Parking that is adjacent to the public roadway shall be screened by a 30-inch tall masonry wall with landscaping. Alternative screening options may be considered by the Planning Commission.
 - (c) Screening of trash enclosures and mechanical equipment shall be screened in accordance with Section 40-10.03.
- (4) Wall requirements. Where a lot in the TD District abuts a lot within an R-1 or RT District, the rear or side of each lot so abutting shall be provided with a continuous, unpierced brick masonry or brick patterned poured-in-place concrete wall which complies with the requirements of Section 40-10.10.
- (5) Bonus Provisions. There are instances where it is in the best interests of the private landowner and the City of Huntington Woods to modify standards of this chapter. In such instances, the City's interests in upholding its standards can be offset by the provision of certain exemplary amenities that will benefit the Transitional District as a whole. This system provides regulatory incentives while ensuring that modifications are not made solely and exclusively for the private benefit of the landowner.

Buildings within the Transitional District are eligible for a height bonus where certain eligibility criteria are met.

- (a) Bonus Height Eligibility Criteria:
 - 1. Buildings within the Transitional District are eligible for a height bonus of up to one (1) additional story and/or fifteen (15) feet where two (2) or more of the following criteria are met.

- a. A mixed-use building that provides residential dwelling units above the first-floor commercial/office use where a minimum of 50% of the building's floor area is residential.
 - b. An assemblage of parcels in conjunction with a development as approved by the Planning Commission.
 - c. Installation of streetscape furnishings above and beyond what is required within this section, at the discretion of the Planning Commission, including street trees, tree grates, decorative lighting, or street furniture.
 - d. Dedication of an improved public plaza or open space area which ties into Woodward's pedestrian circulation system.
2. Additional stories shall be setback at least 50 feet from the rear property line in order to reduce the appearance of excessive height.
 3. The provision of such bonus shall be the discretion of the Planning Commission, provided that the Planning Commission finds the proposed height bonus is commensurate with benefit being provided by the development.
- (b) Drive-Through. A drive-through is only permitted to be reviewed as a Special Land Use where one (1) or more of the following criteria are met:
1. A mixed-use building that provides residential dwelling units above the first-floor commercial/office use where a minimum of 50% of the building's floor area is residential.
 2. An assemblage of parcels in conjunction with a development as approved by the Planning Commission.
 3. Installation of streetscape furnishings above and beyond what is required within this section, at the discretion of the Planning Commission, including street trees, tree grates, decorative lighting, or street furniture.
 4. Dedication of an improved public plaza or open space area which ties into Woodward's pedestrian circulation system.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-4.06 BD Business District

- A. *Intent.* The BD, Business District is intended to provide a limited range of businesses and services for the local neighborhoods of the city and nearby vicinity. Because of the proximity of the business district to residential zones and the limited land typically available for building setbacks and off-street parking, the regulations of this district are intended to minimize potentially adverse effects upon adjoining and nearby residential districts.
- B. *Use Regulations.* No premises shall be used and no building or structure shall hereafter be erected, altered, or used except for one or more uses contained within Section 40-4.08.
- C. *Dimensional Requirements.* The following dimensional requirements shall apply to the BD, Business District:

Use District	Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)			
	Stories	Ft.	Front ⁽¹⁾	Sides ⁽²⁾		Rear
				Least One	Least Two	

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(Supp. No. 12)

BD	2	35	12	0	0	15
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D. *Footnotes to Dimensional Requirements.*

- (1) Corner lot. In the case of a corner lot, any yard extending along the full length of a street line is considered a front yard.
- (2) Where a lot in BD abuts a lot within the R-1 or RT District or a residential use, the abutting side yard setback shall be a minimum of 8 ft.

E. *Supplemental District Standards.*

- (1) Wall requirements. Where a lot in the BD District abuts a lot within a R-1 or RT District, the rear or side of each lot so abutting shall be provided with a continuous, unpierced brick masonry or brick patterned poured-in-place concrete wall which complies with the requirements of Section 40-10.10.

- (2) Architectural and Site Design Standards.

- (a) Architectural design requirements.

1. The front facade of any principal building on any lot shall face onto a street.
2. A minimum of thirty (30) percent of the first-floor facade area facing a right-of-way shall be clear glass. The minimum transparency for facades facing a side yard, or parking area shall be no less than twenty (20) percent of the façade.
3. Design details, building articulation, and techniques such as variation in wall plane shall be used to reduce the perceived mass of buildings, promote human-scale architecture, and stimulate pedestrian interest. Unadorned blank walls shall be prohibited on all buildings.
4. Building construction shall use high quality exterior building materials such as full brick or modular stone. Use of exterior building materials such as cinder block, vinyl, aluminum, standard (smooth-faced) concrete masonry units (CMUs), or exterior insulation and finish systems (EIFS) may be considered but should not be the primary material use.
5. Architectural features, materials, and facade articulation shall be continued on all sides of buildings that are visible from a public right-of-way.
6. Flat roofs shall be enclosed by parapets. Parapets may exceed the maximum building height requirements of this chapter by not more than ten (10) percent.
7. Building entrances shall be clearly defined by architectural elements.

- (b) Parking, Access Management, and Loading.

1. Off-street parking is required for all uses and shall comply with the numerical parking requirements pursuant to Section 40-10.06.
2. Shared parking lots and driveways are encouraged within the BD for neighboring uses based upon the fact that certain uses may operate at various times over a 24-hour period, with the greatest demand for parking occurring at separate times. The Planning Commission may approve shared parking provided a signed agreement showing a permanent arrangement for shared parking is provided by the property owners, and the applicant(s), and the applicant can demonstrate that the peak usage will occur at different periods of the day. To demonstrate shared parking compatibility, the applicant shall use a recognized industry standard such as the Urban Land Institute Shared Parking Report.

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3. Parking in excess. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of stormwater runoff. Exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
 4. Cross access may be required by Planning Commission as part of a site plan review and shall be located to provide a direct connection with the existing or future access of the abutting non-residential properties. A site plan without cross access may be approved when it can be demonstrated that there are either physical limitations or functional circumstances that would prevent such access from being installed.
 5. Loading spaces shall be located in the rear of a building and be so located as to minimize visibility from adjacent streets and uses.
- (c) Landscaping, and Screening Requirements.
1. Developments within the BD shall meet the landscaping and screening requirements contained within Section 40-10.02.
 2. Parking that is adjacent to the public roadway shall be screened by a 30-inch tall masonry wall with landscaping. Alternative screening options may be considered by the Planning Commission.
 3. Screening of trash enclosures and mechanical equipment shall be screened in accordance with Section 40-10.03.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-4.07 PRD: Parks and Recreation District

- A. Intent. Recognizing that a substantial portion of the city's land area is devoted to parkland and recreational uses, the PRD, Parks and Recreation district is intended to retain publicly-owned lands already improved for or intended to be improved for parks, recreational uses, and/or open space. The intent of the district is further described as follows:
- (1) To protect natural resources and wildlife habitat;
 - (2) To protect historic and cultural resources;
 - (3) To preserve areas significant to community character;
 - (4) To protect lands for scenic and visual enjoyment, and to beautify the city;
 - (5) To provide current residents of the city and the Detroit Metropolitan Area, as well as future generations, with access to green spaces and recreational opportunities;
 - (6) To preserve large outdoor recreation uses that could not easily be provided in the already urbanized portions of the city;
 - (7) To contribute to the environmental health of surrounding neighborhoods; and
 - (8) To provide a continued economic benefit, and to preserve and enhance property values in the city.

Because of the proximity of the Parks and Recreation district to residential zones, the regulations of this district are also intended to ensure compatibility with adjacent and nearby residential uses.

- B. Use Regulations. No premises shall be used and no building or structure shall hereafter be erected, altered, or used except for one or more uses contained within Section 40-4.08.
- C. Special Land Uses. For special land uses in the PRD District on properties located within an historic district, or within a proposed historic district consistent with Public Act 169 of 1970, as amended, MCL 399.214(3), special land use approval and site plan approval by the Planning Commission, and a certificate of appropriateness from the Historic District Commission, shall be required. Special land use approval and site plan approval shall be granted prior to the certificate of appropriateness. The Planning Commission shall consult the Historic District Commission during the special land use and site plan reviews.
- D. Dimensional Requirements. The following dimensional requirements shall apply to the PRD District:

Use District	Maximum Height of Building		Minimum Yard Setback (Per Lot in Ft.)			
	Stories	Ft.	Front	Sides		Rear
				Least One	Least Two	
PRD	2.5	35	30	6	12	6

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 604, § 2, 4-10-2018)

Section 40-4.08 Schedule of Use Regulations

- A. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article. The following land use matrix shows the uses which are permitted, permitted as a Special Use, permitted as an accessory use, or prohibited in specific districts or zones in the City of Huntington Woods. The land use matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. More detailed standards regarding uses are contained within the individual district standards within Article 5 - Specific Use Provisions.
- B. The Schedule of Use Regulations identifies uses as follows:
- P:** Permitted Uses - Uses permitted by right in the applicable Zoning District, subject to compliance with all other applicable requirements of this Zoning Ordinance.
 - S:** Special Land Uses - Uses which may be allowed subject to review and approval by the Planning Commission in accordance with Article 8, subject to compliance with all other applicable requirements of this Zoning Ordinance.
 - A:** Accessory Uses - Uses which may be permitted as an accessory use incidental to the principal use of the premise in accordance with Article 6, subject to compliance with all other applicable requirements of this Zoning Ordinance.
 - NP:** Not Permitted - Uses not permitted within the district.

LAND USE		ZONING DISTRICT					
NP = Not Permitted S = Special Use	P = Permitted by Right A = Accessory Use	R-1	RT	TD	BD	PRD	Footnote
RESIDENTIAL							
Single-family dwelling (one per lot)		P	P	NP	NP	NP	
Home occupations		A	A	A	NP	NP	1
One-family attached		NP	NP	P	P	NP	5

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(Supp. No. 12)

Two-Family dwelling	NP	P	NP	NP	NP	
Multiple-Family dwelling	NP	NP	P	S	NP	5
Multiple-Family in mixed use building	NP	NP	P	P	NP	5
Senior housing and assisted living facilities	NP	NP	S	S	NP	
OFFICE						
Professional office	NP	NP	P	P	NP	
Medical office	NP	NP	P	P	NP	
RETAIL, ENTERTAINMENT AND SERVICE						
General retail and personal service uses not exceeding six thousand (6,000) sq. ft. for a single use.	NP	NP	P	P	NP	4
General retail and personal service uses exceeding six thousand (6,000) sq. ft. for a single use.	NP	NP	S	S	NP	4
Personal Service	NP	NP	P	P	NP	4
Dry cleaners/laundromat	NP	NP	NP	P	NP	4
Convenience stores (no gasoline/no drive-through)	NP	NP	P	P	NP	4
Restaurants (no drive-through)	NP	NP	P	P	A	4
Outdoor seating areas	NP	NP	P/S	P/S	NP	6
Outdoor display of goods or materials	NP	NP	S	S	NP	
Financial institutions (no drive-through)	NP	NP	P	P	NP	4
Private recreational uses such as tennis clubs and swim clubs	NP	NP	NP	NP	P	4
Medical Marihuana	P	NP	NP	NP	NP	
AUTOMOTIVE/TRANSPORTATION						
Gasoline filling stations	NP	NP	NP	S	NP	4
Drive-through for bank or pharmacy	NP	NP	S	S	NP	4
Drive-through for food uses	NP	NP	NP	S	NP	4
Public garages	NP	NP	NP	P	NP	
INSTITUTIONAL						
Adult/Child Family day care homes	P	P	NP	NP	NP	
Adult/Child Group day care homes	S	S	NP	NP	NP	
Adult/Child Day Care Center + Preschools	NP	NP	S	P	NP	
Adult and Child Foster Care Family Home	P	P	NP	NP	NP	
Adult Foster Care, small group home	S	S	NP	NP	NP	
Adult Foster Care, large group home	NP	S	NP	NP	NP	
Adult Foster Care Congregate Facility	NP	NP	NP	S	NP	
Child Foster Care Family Group Home	S	S	NP	NP	NP	
Publicly owned parks	P	P	P	P	P	
Recreational facility, municipal building and use	NP	S	S	NP	S	
Clubs	NP	S	S	NP	S	
Place of Worship	NP	S	S	NP	S	

School	NP	S	S	NP	S	
Educational facilities, such as nature centers, arboretums and botanical gardens	NP	NP	NP	NP	S	
MISCELLANEOUS						
Accessory Building/Structure	A	A	A	A	A	2
Wireless Communication Facilities (WCFs)	P	P	NP	NP	P	3
Adult regulated use	NP	NP	NP	S	NP	
Zoo	NP	NP	NP	NP	P	7
Golf course, but not including "par-3" or "miniature golf."	NP	NP	NP	NP	P	
Other uses similar to the above	S	S	S	S	S	

C. Footnotes to the Use Matrix.

- (1) Home occupations shall be subject to the Specific Use Provisions contained in Section 40-5.03.
- (2) No more than two (2) accessory buildings may be permitted per lot. Accessory buildings and structure shall be subject to the provisions contained in Section 40-6.03.
- (3) Wireless communication facilities (WCFs) in R-1 districts shall be located on the same lot as a publicly owned park, recreational facility, or municipal building and use and shall comply with Section 40-5.13.
- (4) Hours. No premises shall be open to the public between the hours of 11:00 p.m. and 5:00 a.m.
- (5) In TD, district Multiple-family dwellings are permitted either:
 - (a) Within a mixed-use building, on upper floors above retail and/or office uses; or
 - (b) As townhouses, with a single unit occupying a minimum of two (2) floors; provided, however, that apartment flats or "stacked ranch" units shall be permitted if they provide an exterior façade with the appearance of townhouse-style architecture, as deemed appropriate by the Planning Commission.
- (6) Outdoor seating areas are permitted by right if located towards the front or side of a building and located further than seventy (70) feet from a residentially-zoned or used property. Outdoor seating areas located behind a building or seventy (70) feet or less from a residentially-zoned or used property may be permitted as a special land use subject to the special use standards contained within Article 8.
- (7) Zoo fences shall comply with Section 40-10.10.

(Ord. No. 600, § 1, 1-8-2018)

Article 5 Specific Use Provisions

Section 40-5.01 Intent

The intent of this Article is to provide standards for specific uses, whether regulated as a permitted use or Special Use.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.02 Family Day Care Homes, Group Day Care Homes, Day Care Center, and Child and Adult Foster Care

- A. A family day care home shall be a permitted home occupation, subject to regulations contained in Section 40-5.03, and further subject to the following regulations:
- (1) The owner or occupant shall obtain a license for the operation of the dwelling from the city clerk as a family day care home pursuant to Chapter 8 of the City Code.
 - (2) The dropping off and picking up of children shall not be allowed between the hours of 10:00 p.m. and 6:00 a.m.
 - (3) No family day care home may operate within a distance of 750 feet from any existing registered family day care home or group day care home, measured from the nearest property line of the proposed use to the nearest property line of the existing use, except upon review and approval by the Planning Commission as a Special Use, and upon proof and specific findings by the Commission that the resulting concentration of uses will not adversely affect the peace and tranquility of the residential character of the surrounding area.
- B. A group day care home may be a permitted home occupation as a Special Use, subject to the Special Use standards as set forth in Article 8 and the Home Occupation standards of Section 40-5.03, and subject to the following conditions and requirements:
- (1) The owner or occupant of the dwelling shall, after approval of the operation by the Planning Commission, obtain a license therefor pursuant to Chapter 8 of the City Code.
 - (2) That the proposed use will not result in on-street parking requirements, traffic congestion, or hazardous traffic conditions.
 - (3) No family day care home may operate within a distance of 750 feet from any existing registered family day care home or group day care home, measured from the nearest property line of the proposed use to the nearest property line of the existing use, except upon review and approval by the Planning Commission, and upon proof and specific findings by the Commission that the resulting concentration of uses will not adversely affect the peace and tranquility of the residential character of the surrounding area.
 - (4) One (1) off-street parking space per employee and/or caregiver shall be provided.
 - (5) No group day care home shall be conducted unless a Special Use is granted by the Planning Commission upon finding that:
 - (a) The proposed group day care home meets all the conditions and requirements set forth in Article 8.
 - (b) The proposed group day care home meets any other conditions and requirements applicable to a particular proposed group day care home.
 - (c) The proposed group day care home is not likely to be dangerous or detrimental to residents of the neighborhood or contrary to public health, safety, or general welfare.
 - (d) The proposed group day care home and its location will be desirable to the public convenience or welfare and consistent with the spirit and purpose of this section.
 - (e) The proposed group day care home will preserve the residential character of the affected neighborhood.

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- (f) That the use not result in on-street parking requirements, traffic congestion or hazardous traffic conditions.
- C. A day care center. The following conditions shall apply:
- (1) Frontage and access on an arterial street.
 - (2) A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - (3) A site plan, prepared in accordance with Article 7 shall be required to be submitted.
 - (4) There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived if a public play area is available five hundred (500) feet from the subject parcel.
 - (5) One (1) off-street parking space per employee and/or caregiver shall be provided.
 - (6) Appropriate licenses with the State shall be maintained.
- D. Adult Foster Care Facilities.
- (1) Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
 - (2) Child foster care group and adult foster care small group home.
 - (a) A site plan, prepared in accordance with Article 7 shall be required to be submitted.
 - (b) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
 - (c) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (d) One (1) off-street parking space per employee and/or caregiver shall be provided.
 - (e) Appropriate licenses with the State of Michigan shall be maintained.
 - (3) Congregate care and Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.
 - (a) Frontage and access on an arterial street.
 - (b) A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - (c) A site plan, prepared in accordance with Article 7 shall be required to be submitted.
 - (d) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
 - (e) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (f) One (1) off-street parking space per employee and/or caregiver shall be provided.

(g) Appropriate licenses with the State of Michigan shall be maintained.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.03 Home Occupations

- A. Purpose. It is the intent of this section to permit the owner, lessee, or other persons who have legal right to use of the dwelling unit to also have the ability to conduct a home occupation without securing special permission to do so. However, such person shall be subject to all conditions which are applied in this chapter generally, such as off-street parking, and to all other business licenses. It is also the intent of this section to eliminate as home occupations all uses except those that conform to the standards set forth in this chapter. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted elsewhere in this chapter. The standards for home occupations in this chapter are intended to ensure compatibility with other permitted uses and with the secondary or incidental status in relation to the residential use of the main building.
- B. Necessary conditions. Home occupations are permitted accessory uses in all R1, one-family residential districts; RT, one- and two-family district; and the TD, transitional district only so long as such home occupations do not change the character of the residential district in which they are located or adversely affect the uses permitted in the residential district and meets the following conditions:
- (1) Such occupations shall be conducted entirely within the dwelling unit.
 - (2) No more than 25 percent of the gross area of said residence shall be used for the home occupation purpose.
 - (3) The use of accessory buildings for a home occupation is prohibited.
 - (4) No use shall:
 - (a) Require internal or external alterations;
 - (b) Involve construction features; or
 - (c) Involve the use of electrical or mechanical equipment that would change the fire rating of the structure based on the International or other applicable Fire Code in which the structure is located.
 - (5) No more than one (1) employee shall be permitted other than members of the immediate family resident in the dwelling unit.
 - (6) There shall be no outside storage of any kind related to the home occupation.
 - (7) The use may increase vehicular traffic flow and parking by no more than two additional vehicles at a time.
 - (8) No use shall create noise, dust, vibration, odor, smoke, mold, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
 - (9) There shall be no sale of goods on the premises other than those incidental to the services performed and expressly permitted by this section.
 - (10) The home occupation shall not involve the use of commercial vehicles, other than one vehicle not to exceed three-quarter-ton load carrying capacity, owned by the resident of the dwelling, which shall be parked in accordance with section 36-675i.

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(11) Deliveries to or from the premises by commercial suppliers shall not be made more than once each week, shall not restrict traffic circulation, and shall be made between the hours of 8:00 a.m. and 7:00 p.m. only.

- C. Nameplate allowed. Only one nameplate shall be allowed. It shall not exceed one-half of one square foot in area, shall be non-illuminated and attached flat to the main structure or visible through a window. The limitation of one nameplate is intended to apply to all lots, including corner lots.
- D. Uses that are prohibited. The following uses by the nature of the investment or operation generally require the use of electrical or mechanical equipment; generate excessive pedestrian or vehicular traffic, noise, odor, smoke, dust, vibration, mold, solid waste, etc.; have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations as outlined in subsection 5.03.B. above; cause a potential fire hazard or other danger; have a tendency to involve or attract criminal activity; have an adverse effect upon adjacent and nearby residents; and/or impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified in this subsection shall not be permitted as home occupations:

Auto repair, minor or major; barbershop; beauty parlor; carpentry work; dental or medical office; dealer of firearms; food processing; massage therapy; social worker, counselor, psychologist or psychiatrist; painting of vehicles, trailers or boats; photo developing; private school with organized classes; electronics repair; and upholstering.

- E. Uses that may qualify as a home occupation with approval as a Special Use. The following are examples of uses which may qualify as home occupations with approval by the Planning Commission as a Special Use:

Bakers; confectionery; dance instruction; photo studio; food preparation; offices of a landscaper; locksmith or other tradesmen, and other uses similar to those listed herein.

No Special Use for a home occupation shall be granted by the Planning Commission unless it finds that:

- (1) The proposed home occupation meets all the conditions and requirements set forth in subsection 40-5.03.B of this section;
 - (2) The proposed home occupation meets any other conditions and requirements applicable to a particular home occupation;
 - (3) The proposed home occupation is not likely to be dangerous or detrimental to residents of the neighborhood or contrary to public health, safety, morals or general welfare;
 - (4) The proposed home occupation and its location will be desirable to the public convenience or welfare and consistent with the spirit and purpose of this section;
 - (5) The proposed home occupation will preserve the residential character of the affected neighborhood;
 - (6) The proposed home occupation will not result in on-street parking requirements, traffic congestion or hazardous traffic conditions; and
 - (7) The proposed home occupation is consistent with and complies with the intent and purposes of this chapter, the Huntington Woods Master Plan and other statutorily authorized and properly adopted city planning documents, other applicable ordinances, and state and federal statutes.
- F. Any home occupation carried on in violation of the provisions of this chapter is hereby declared to be nuisance per se and is subject to the penalties set forth in Section 40-3.08.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 608, § 1, 8-14-2018)

Section 40-5.04 Medical Marihuana and Marihuana

- A. Uses of land or buildings or structures for commercial uses or purposes that are prohibited by or contrary to federal, state or local regulations and ordinances are expressly prohibited in any zoning district within the City. Medical marihuana provision centers, safety compliance facilities, dispensaries, cooperatives, and any other operation or facility similar in nature, are specifically prohibited. However, the following activities are exempt from this prohibition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, MCL 333.26423(d):
- (1) The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Medical Marihuana by a registered qualifying patient as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, subject to Sec. 5.04.B below;
 - (2) The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Medical Marihuana or provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, subject to Sec. 5.04.B below.
- B. Medical marihuana activities shall be subject to the following limitations:
- (1) Medical marihuana activities are permitted only in the R-1A, R-1B, R-1C, R-1D and R-1E zoning districts. Medical marihuana activities are expressly prohibited in all other zoning districts
 - (2) All medical marihuana activities shall be conducted in full compliance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law, as amended.
 - (3) All medical marihuana activities shall be conducted in full compliance with all applicable building, plumbing and fire codes.
 - (4) Medical marihuana provisioning centers, safety compliance facilities, dispensaries, cooperatives, and any other operation or facility similar in nature are specifically prohibited.
 - (5) Medical marihuana activities shall not be conducted in accessory structures, including but not limited to detached garages.
 - (6) Medical marihuana activities conducted by a primary caregiver shall only be permitted to occur in the primary residence of the primary caregiver.
- C. The City of Huntington Woods hereby prohibits all marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended, within the boundaries of the City.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 602, § 1, 4-10-2018; Ord. No. 618 , § 2, 8-20-2019)

Section 40-5.05 Outdoor Seating Areas

- A. Outdoor seating areas accessory to a permitted use shall be subject to the following:
- (1) The seating area may be located toward the front or side of a building.
 - (2) The seating area shall not be located within a public right-of-way.
 - (3) A five-foot wide pedestrian path shall remain clear.
 - (4) Noise levels at all property lines shall not exceed seventy (70) A-weighted decibels (dB(a)) between the hours of 7:00 a.m. and 11:00 p.m.

- (5) A physical barrier, such as a fence (permanent or temporary), planters or bollards shall be installed to define the outdoor eating area.
- (6) Outdoor seating areas located seventy (70) feet or less from a residentially-zoned or used property, shall be reviewed as a Special use, shall limit the hours of outdoor dining to between 7:00 a.m. and 10:00 p.m, and shall be appropriately screened from the adjacent residential property.
- (7) All food preparation shall take place inside of the building on the premises.
- (8) Outdoor seating areas shall not have the effect of reducing the number of on-site parking.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.06 Outdoor Display of Goods or Materials

- A. Outdoor display of goods or materials accessory to a permitted retail use shall be subject to the following:
 - (1) The display area may be located in a required front or side yard.
 - (2) The display area shall not be located within a public right-of-way.
 - (3) A five-foot wide pedestrian path shall remain clear.
 - (4) The display area shall be located against the building wall and shall not extend more than three (3) feet from the building.
 - (5) The display area shall not block access to alleys, off-street parking, or trash storage areas.
 - (6) The display area shall not exceed thirty (30) percent of the length of the storefront.
 - (7) The product displayed must be sold within interior to the retail establishment.
 - (8) Outdoor sales are prohibited.
 - (9) Outdoor display is not a permitted principal use of a parcel.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.07 Gas Stations

- A. Permissible uses of a gas station do not include major mechanical and body work, straightening body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations. A gas station shall not include a repair garage or a body shop.
- B. Any services other than the dispersing of fuel and incidental related services shall be conducted inside a completely enclosed building. No motor vehicles shall be parked or stored in the open or out of doors for a period of time longer than twelve (12) hours or between the hours of 10:00 p.m. and 7:00 a.m.
- C. The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with fueling station:

Setback	Canopy Support	Pump Islands	Canopy Edge
Front Property Line	15	20	10
Side Property Line	15	20	10
Rear Property Line	30	30	20

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- D. Canopy structures shall be designed and constructed in a manner that is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.08 Places of Worship

- A. All religious activities shall take place in a fully enclosed building except as may be approved by the City.
- B. Facilities shall front and have access to an arterial road.
- C. Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner that is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site such as recreation centers, banquet facilities, retreat facilities, conference centers, schools, convents, and others shall meet all requirements of this Ordinance for such uses.
- D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.09 Adult Regulated Uses

- A. Intent. The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses within the City. It is recognized that the adult businesses identified in this section, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of such businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of City residents.

The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also neither the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

Prior to adopting these regulations, the City reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law.

- B. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.
 - (1) **ADULT BOOKSTORE:** An establishment having as a substantial or significant portion of its stock in trade, for sale, lease or any other exchange, books, videotapes, movies, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating

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- to "specified sexual activities," or "specified anatomical areas," as defined in this subsection, or an establishment within a segment or section devoted to the sale, lease, or display of such material.
- (2) ADULT MINI-MOTION PICTURE THEATER: An enclosed building with capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein.
 - (3) ADULT MOTION PICTURE THEATER: An enclosed building with capacity for fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein.
 - (4) SPECIFIED ANATOMICAL AREAS:
 - (a) Less than completely and opaquely covered:
 - 1. Human genitals, pubic region;
 - 2. Buttock; and
 - 3. Female breast below a point immediately above the top of the areola.
 - (b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.
 - (5) SPECIFIED SEXUAL ACTIVITIES:
 - (a) Human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy;
 - (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - (6) SWINGERS CLUBS OR SIMILAR ESTABLISHMENTS A social gathering specifically designed for various couples (male and/or female) to engage in sexual activities, ranging from a couple to a group of participants, whether the activities take place on a particular parcel or whether the individuals are transported elsewhere after meeting on the particular parcel.
- C. Regulated Uses. In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent uses. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. Prior to adopting these regulations, the City reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area, not more than two (2) such uses within five hundred (500) feet of each other, which would create such adverse effects. The uses subject to these controls are as follows:
- (1) Adult bookstore.
 - (2) Adult motion picture theater.
 - (3) Adult mini-motion picture theater.
 - (4) Swingers Club.
- D. Procedure. Application to establish any of the above regulated uses shall be made to the Planning Commission, who shall not approve any such request if there are already in existence two (2) or more such

regulated uses within one thousand (1,000) feet of the boundaries of the site of the proposed regulated use, except as provided in subsection 40-5.09.E.

- E. Reduction of locational provision. The Planning Commission may reduce this locational provision for adult bookstores, adult motion picture theaters and adult mini-motion picture theaters, if the following findings are made:
- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit of the chapter will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a rundown or dilapidated area within the city.
 - (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere any plans for future development of the area according to the City's Master Plan.
 - (4) That all applicable regulations of this chapter will be observed.

The Planning Commission may not waive this location provision for sexually-oriented businesses as defined by this Ordinance.

- F. Adult bookstore, adult motion picture theater, adult mini-motion picture theater, swingers club prohibited. It shall be unlawful to hereafter establish any adult book store, adult motion picture theater, adult mini-motion picture theater or swingers club within five hundred (500) feet of any building containing a residential dwelling, or rooming unit. This locational provision may be reduced if the person applying for the reduction shall file with the Planning Commission, a petition which indicates approval of the proposed regulated use by fifty-one (51) percent of the persons owning, residing or doing business within a radius of five hundred (500) feet of the proposed use. The petitioner shall attempt to contact all eligible locations within the radius and must maintain a list of all addresses at which no contact was made. A minimum of fifty-one (51) percent of the persons owning, residing or doing business within the five hundred-foot radius is required.
- (1) The Planning Commission shall adopt rules and regulations governing the procedure for securing the required petition of consent. The rules shall provide that the circulator of the petition requesting a reduction shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Planning Commission, and that the same were affixed to the petition by the person whose name appeared thereon.
 - (2) The Planning Commission shall not consider the reduction of locational requirements set forth in this chapter, until the above-described petition shall have been filed and verified with the city clerk.
- G. Conditions of approval: The Planning Commission may recommend that the City Commission impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated use, as shall, in its judgment, be necessary for the protection of the public interest, except that any conditions imposed on an adult business as defined in this Section shall be limited to those conditions necessary to assure compliance with the standards and requirements of this Section. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a sexually-oriented business shall be fulfilled.
- H. Time limits for review: The following time limits shall apply to the review of an application by the Planning Commission and City Commission for special approval of an adult business as defined by this Section.
- (1) The Planning Commission will publish notice and hold a public hearing as required for special land use approval within sixty (60) days of receiving a technically complete special approval and site plan application as required by Article 7 of the Zoning Ordinance for an adult business as defined in Subsections 40-5.09.B and C of this Section. This period can be extended by agreement of the Planning Commission and the applicant.

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- (2) The Planning Commission will make its recommendation regarding the special approval application for an adult business at the next regularly scheduled meeting of the Planning Commission following the public hearing held to review the application, unless additional information is required from the applicant, or unless this period of time is extended by agreement of the Planning Commission and the applicant. If additional information is required, the Planning Commission will make its recommendation at the next regularly scheduled meeting after receipt of the requested additional information, unless this period of time is extended by agreement of the Planning Commission and the applicant.
 - (3) The recommendation of the Planning Commission will be forwarded to the City Commission within sixty (60) days of the meeting at which Planning Commission issues its recommendation. The City Commission will render its decision to grant or deny special approval of the adult business or to grant approval with conditions, as stipulated by the Zoning Ordinance at this meeting, unless the City Commission requires additional information, or unless this period of time is extended by agreement of the City Commission and the applicant.
 - (4) Failure of the City to act within the above-specified time limits shall not be deemed to constitute the grant of special approval to the adult business.
- I. Effect of denial. No applicant for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.
 - J. An applicant shall have the right to appeal a denial in whole or in part of an application for a regulated use a court of competent jurisdiction.
 - K. Revocations: In any case where a building permit for a regulated use is required and has not been obtained within six (6) months after the granting of the special approval by the City Commission, the grant of special land use approval shall become null and void.
 - L. Reconstruction of damaged regulated uses: Nothing in this Section shall prevent the reconstruction, repairing or rebuilding and continued use of any building or structure, the use of which makes it subject to the controls of this Section, which is damaged by fire, collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed sixty percent (60%) of the reconstruction cost of the building or structure at the time such damage occurred, provided that where the reconstruction repair or rebuilding exceeds the above-stated expense, the re-establishment of the use shall be subject to all provisions of this Section and further provided, that the re-established use complies with the off-street parking requirements of Article 10.
 - M. (Reserved for future use.)

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.10 Zoos and Golf Courses

- A. The total size of any zoo or golf course shall be no less than 120 acres.
- B. The zoo or golf course shall front and have access to an arterial road.
- C. Golf courses may also include accessory uses and structures such as, but not limited to, clubhouse, restaurant, pro shop, and maintenance building. Any accessory uses and buildings associated with the golf course, and any buildings on the site shall conform to setback and dimensional requirements of the zoning district. Such ancillary accessory use shall be incidental to principal use of the golf course as a golfing facility. Any improvement to the golf course shall comply with all applicable Local Historic District regulations.
- D. A driving range is only permitted as a Special Use in conjunction with an existing golf course.

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- E. All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property.
 - F. Site Plan Review for Development within the Zoo.
 - (1) Any construction of a new or modification, except minor modifications as listed in subsection 40-5.10.F(2) below, to an existing zoo animal habitat, food service building, or office building within 120 feet of the Huntington Road centerline shall require site plan review as set forth in Article 7. Any construction of a new or modification to a zoo animal habitat, food service building, or office building outside of 120 feet from the Huntington Road centerline is exempt from site plan review, if such improvement complies and consistent with the Zoo Master Plan. Any construction of a new or modification to a zoo animal habitat, food service building, or office building outside of 120 feet from the Huntington Road centerline must be in compliance with City ordinances controlling noise, height, lighting and odor. Landscaping may be required to screen the development if the City Manager or his/her designee determines it is in the best interest of the City.
 - (2) Minor modifications to existing zoo animal habitats, food service building, or office building within 120 feet of the Huntington Road centerline may be permitted without site plan review. For the purposes of zoo animal habitats, food service building, or office buildings only, minor modification shall be defined as any interior building modification, or a modification that does not increase the buildings height, encroach closer to residential property, or increase the footprint by more than 500 square feet.
 - (3) The Zoo Master Plan shall be submitted annually to the City for administrative review. City administration will review the Zoo Master Plan, note any proposed changes from the prior year's Master Plan, and forward a report to the Planning Commission. The Planning Commission will review the Zoo Master Plan and consider whether any proposed changes or development would create an adverse impact on the public health, safety and welfare of the residents of Huntington Woods. The Zoo Master Plan shall be reviewed annually by the City.
 - (4) Any fence or modification to an existing fence within 120 feet of the Huntington Road centerline shall require compliance with Section 40-10.10.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.11 Drive-Through Facility

- A. On-Site Stacking. On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way. Adequate on-site stacking space for vehicles shall be provided for each drive-through window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site shall not interfere with peak hour traffic flow on the street serving the property.
- B. Traffic Control. Projected peak hour traffic volumes which will be generated by the proposed drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
- C. Ingress and Egress. Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner that promotes pedestrian and vehicular operation and safety.
- D. Drive-Through Locations. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.

E. Stacking Space Requirements. Each drive-through facility shall provide stacking space meeting the following standards:

- (1) Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
- (2) If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
- (3) The number of stacking spaces per service lane shall be provided for the uses as listed in Table 5.11.E.(3).

Use	Stacking Spaces
Pharmacy/Financial Institution/Other	4
Restaurant and/or any food use	10

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.12 Senior and Assisted Living Centers

A. The maximum allowable density varies by housing type, but shall not exceed the following:

- (1) Dwellings may be provided for as single-family detached, two-family or multiple family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

Efficiency/one (1) bedroom	2,000
Two (2) bedroom	2,500
Each additional bedroom	500 additional

- (2) Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.

- B. Parking is not allowed in any front yard.
- C. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
- D. The drop-off/pick-up of residents shall be provided at the front entrance of the building with a covered canopy.
- E. Frontage on an arterial street shall be required. All site access shall be provided on an arterial street.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-5.13 Wireless Communications

- A. For wireless communications facilities (WCFs) only, the application is considered to be complete when the city manager or his or her designee makes that determination 14 business days after the city manager or his or her designee receives the application, whichever is first.
- B. Wireless Communications Facilities.
- (1) For WCFs only, if the city manager or his or her designee notifies the applicant before the expiration of the 14-day period, that the application is not complete, specifying the information necessary to make the application complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period shall be tolled until the applicant submits to the city manager or his or her designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
 - (a) Not less than 15 days before the date of the public hearing and review, the notice of the hearing shall be published in a newspaper of general circulation in the city.
 - (b) Not less than 15 days before the date of the public hearing and review, the notice shall be sent by mail or personal delivery to the owners of the property that is the subject of the request and to all persons to whom real property is assessed within 300 feet of the subject property and to the occupants of all structures within 300 feet of the subject property.
 - (c) At the appointed date, time and place, the Planning Commission shall conduct the public hearing, site plan review and Special Use review. Comments from the public and staff, and the Planning Commission's finding of fact, decisions and any conditions imposed thereon, shall be recorded in the minutes of the meeting and shall become part of the permanent record.
 - (2) For WCFs only, the Planning Commission shall approve or deny the application not more than 60 days after the application is considered complete for WCFs co-located on an existing tower or 90 days for a new WCF, unless an extension in time is mutually agreed to between the WCF applicant and the Planning Commission. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved.
 - (a) A building permit shall not be issued until Special Use approval and site plan approval have been granted by the Planning Commission. If no building permit is required, a certificate of occupancy or business license shall not be issued until Special Use approval and site plan approval have been granted by the Planning Commission.
 - (3) For WCFs only, the WCF shall not be authorized by the city commission until Special Use approval and site plan approval have been granted by the Planning Commission, if required.
 - (a) After approval for a Special Use has been granted, no change in that use may be made, nor may any addition or change in the building or improvements on the property take place until a new request for approval has been filed with the Planning Commission and the Planning Commission has approved the request for change.
 - (b) After approval of a Special Use has been granted by the Planning Commission, application for a building permit, or if no building permit is required, application for a certificate of occupancy or business license shall be filed with the building department within 120 days thereafter, or such approval shall automatically be revoked unless an extension is granted. The Planning Commission may grant an extension of the first approval for good causes for a period not to exceed six (6) months.

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- (4) Equipment or shelters housing equipment for wireless communication facilities shall be permitted in the PRD subject to a Planning Commission determination that the architectural design is appropriate in relation to the surrounding neighborhood in accordance with a site plan and special use review. Accessory buildings and structures may be erected within the boundaries of any rear yard required hereunder upon application to and approval by the Planning Commission. The Planning Commission shall not permit the erection of any accessory building or structure nearer to the side property line than the width of the side yard required hereunder, nor closer to the rear property line than six (6) feet. The Planning Commission shall not permit the erection of such accessory building or structure, if it finds that:
- (a) Sufficient off-street parking has not been provided on the premises to fully meet the needs of employees and customers.
 - (b) The accessory building or structure will impair the values of the adjoining properties, as a result of insufficient screening or by other means.
 - (c) The accessory building or structure is closer to the rear property line than six (6) feet.
- (5) Utility poles, structures and wireless equipment in a public right-of-way are subject to the following regulations:
- (a) Utility poles and structures in a public right-of-way shall not be more than 40 feet in height above ground level.
 - (b) Wireless equipment shall not extend more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.
 - (c) The applicable wireless communications facilities provisions in Article III of Chapter 34 of the Huntington Woods City Code.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 610, § 2, 9-4-2019)

Section 40-5.14 Single-family Architectural Design Standards

- A. Community Expectations. Design review involves a balancing of the needs and expectations of the applicant with those of the surrounding neighbors, many of which bought into the neighborhood for the residential quality and character, have made substantial investments in their homes, and have developed an understandable attachment to the surrounding visual qualities. An applicant should be aware of the built and natural elements and architectural styles that establish the unique character and scale of each neighborhood and block.

The 2015 Huntington Woods Master Plan underlines the importance of residential quality and design integrity by retaining and enhancing the community character of the Huntington Woods' neighborhoods. Each Huntington Woods' neighborhood has its own unique image established by the existing setbacks, lot sizes, building materials, masonry and architectural styles that predominate the block. Huntington Woods neighborhoods vary from the older tracts of the Hill Historic District and the denser areas of the Bronx subdivision, to the larger lots on Borgman, LaSalle, and Nadine Avenue. The natural setting, the pattern of lot subdivision, and the dominant period of development establish the defining characteristics of each of Huntington Woods neighborhood.

Neighborhood character is often apparent through observable patterns, such as:

- Quality exterior building materials;
- Exterior wall complexity and fenestration;
- Appropriate window types, size, and proportions;

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- Consideration of entry treatment and scale;
 - Appropriate roof types, orientation, slopes, eave heights, gables, and over hangs;
 - Compatible building heights;
 - Congruent second floor size and placement;
 - Proper garage location, size and treatment; and
 - Use of decorative fencing and landscaping.

Huntington Woods' housing stock primarily consists of Colonial Revival, and Tudor Revival, but also includes a mix of Contemporary, Ranch, Craftsman, Prairie, Mid-Century Modern, and Foursquare. The community expects to see design integrity in additions and new homes that respect the qualities that make the neighborhood unique and to see care taken in the siting and design. Though new homes tend to be larger than the older homes of the neighborhood they should be designed to maintain a compatible scale and bulk of other nearby homes and add to the fabric of the neighborhood. The fact that one or more homes of a different scale and character have been constructed in the past, often before design review, does not negate the need and desirability of relating new homes to the majority of homes nearby. Further, where streetscape components are similar or compatible in appearance, they contribute to and provide a cohesive sense of neighborhood character. These features should not necessarily be copied but should be respected to avoid new construction that detracts from the neighborhood.

- B. Purpose and Intent. The following standards are to help applicants prepare plans for construction. The standards will also be used by the Planning Commission to determine if proposed plans for new residential buildings (principal or accessory) or additions are in compliance with the Standards for Site Plan Review:

The standards emphasize the architectural elements that shape the building's appearance from the street. Primary importance is the use of high quality exterior finishes and 360-degree architecture treatment. These standards are intended to help maintain the high quality of Huntington Woods' neighborhoods by providing standards for the design of new houses, additions and/or remodels in existing neighborhoods. These standards are intended to focus on the characteristics of neighborhood compatibility and to leave individual homeowners with flexibility to build, expand or remodel to meet their own needs and objectives.

- C. Exterior Finishes.

- (1) Intent. Building materials shall be selected of high, durable quality that are representative of houses historically built in Huntington Woods.
- (2) Standards:
 - (a) The exterior building finish for new homes shall be the same predominant material as the existing homes in the neighborhood. A detached garage for a new home shall include a minimum of 50% of the predominant material used for the new home.
 - (b) The exterior building finish for additions shall be the same predominant material as the existing building. Materials shall be the same proportions, within 10%, as the original structure unless it can be reasonably demonstrated that those materials are unavailable.
 - (c) The Planning Commission on a case-by-case basis may consider alternative exterior materials of proven durability and longevity, which are compatible with existing materials in the neighborhood. Samples and specifications must be submitted for evaluation and the Planning Commission may impose restrictions as to grade, design, and area where certain materials may be used.
 - (d) Accent materials may be used for architectural detailing and trim such as wooden rake boards, limestone keystones, fieldstone corners, wooden columns, etc.

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- (e) Natural materials to the extent possible shall be used rather than engineered materials.
 - (f) Chimneys shall have a foundation and are of masonry or stone construction and finish.
 - (g) Where the predominant exterior material is wood, vinyl, aluminum, cement board or other siding material, such material may also be used on the addition.
 - (h) Roofing materials may include asphalt and wood shingles. Metal, copper, and clay-tile may be used as accent roofing materials.

D. Elevations.

- (1) Intent: The design of buildings shall coordinate the materials and details of all sides of the building with the design of the front elevation and side streets. Materials and colors shall harmonize with existing home design, desired architectural style, and neighborhood character.
- (2) Standards:
 - (a) All elevations of the main building shall have the same materials in the same approximate proportions, and matching windows, trim, and architectural details, providing a 360-degree finish.
 - (b) The exterior materials, windows, trim and architectural details on the sides and rear of a building shall be compatible with those used on the front.
 - (c) All elevations shall have windows and the windows shall be placed so that no elevation has a large expanse of blank wall. The Planning Commission may approve elevations without a window if the applicant is able to demonstrate difficulty including a window on an elevation due to floorplan layout or intended use. In lieu of a window, additional architectural details may be required.
 - (d) The addition is constructed so the character-defining features such as lintels, quoins, keystones, etc. are not obscured, damaged or destroyed.

E. Form, Scale and Massing.

- (1) Intent: The architectural form, scale, and massing shall be carefully crafted to reduce visual mass, and distinguish the house's architectural lines or style to ensure buildings are in proportion and complementary to those in the existing neighborhood.
- (2) Standards:
 - (a) Additions may not be greater than the floor area of the existing main building.
 - (b) The depth of the building cannot exceed twice the width of the building.
 - (c) No portion of the second story may be cantilevered beyond the first story by more than 18 inches. Cantilevers are only permitted when used for architectural feature appropriate for the architectural style. Cantilevers may not encroach within a required setback.
 - (d) Gables and dormers shall be proportional to and not dominate the main roof over the house or garage.
 - (e) Entrance design characteristics shall be similar to other buildings in the neighborhood; specifically: (1) the main entrance faces the street, (2) the front porch is unenclosed, (3) if the front porch has a roof, it is only 1 story in height, not 1-1/2 or 2 stories, (4) the front porch and entrance are stepped up only slightly from the grade of the property, (5) the front door is a single door, not a double door or the appearance of a double door (such as a single door with a stationary door), and (6) if the building is masonry, the front porch is masonry.

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- (f) Bay windows on the front facade shall not extend above the first story.
 - (g) The building shall not have more than three front gables. Layered gables shall be separated by at least 12 inches of depth.
 - (h) Front facing garage doors shall be stepped back from the plane of the front door of the house and the roof over the garage shall be lower than the height of the main building, even if living space is above the garage.
 - (i) An attached garage cannot exceed more than 50% of first floor length of the front building façade.
 - (j) Gables and dormers on an attached garage shall be no larger than the gables and dormers on the main house.
 - (k) Side-entry doors may be covered with an awning or covering provided the canopy or covering does not encroach into a required side yard by more than three feet.

F. Roofs.

- (1) Roofing material, and style should be consistent with the building architectural style. Roof profiles shall enhance the form, scale and proportion of primary and secondary house volumes.
- (2) Standards:
 - (a) New roofs, including additions, porches, gables, and dorms, shall be perceived as similar or related to the pitch of the existing or main roof. These new roofs may have a different scale and/or style.
 - (b) Roofs may overhang a maximum of 12-inches into a side yard when used for an architectural feature appropriate for the architectural style. Roof overhangs over 12-inches may be granted by the Planning Commission if the overhang is appropriate for the architectural style.
 - (c) There shall only be one main roof ridge.
 - (d) Flat roofs may be used if appropriate for the architectural style.
 - (e) Reverse gables shall not be higher than the main roof.
 - (f) The height of the roof of an addition shall be less than or equal to the existing roof peak.
 - (g) Roofs for additions shall utilize the same material and style as the existing remaining structure.
 - (h) Buildings shall be limited to two roofing materials: one for the main roof and another material as an accent for dorms, porches, or other smaller roofs. Accessory structures shall utilize the same roofing material.
 - (i) Metal roofs are permissible if determined by the Planning Commission to be compatible with and appropriate for the architectural style.

G. Windows and Doors.

- (1) Intent: Window and door styles and frame materials are an important expression of architectural style and should be consistent among all elevations of a building.
- (2) Standards:
 - (a) The style, sash color and proportions of new windows should be compatible with the existing windows on the original building unless the new windows are not visible from the street.

H. Yard and Landscape.

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- (1) Intent: To ensure that the front yard complements the home and the street block face.
 - (2) Standards:
 - (a) A front yard shall be 80% grass unless a natural lawn with native plants and maintenance plan is approved by the Planning Commission.
 - (b) Patios, and fountains are permitted in the rear and side yard but may not be located between the front building line and the street. Anything projecting into the required setback must obtain a variance.

(Ord. No. 600, § 1, 1-8-2018)

Article 6 General Provisions

Section 40-6.01 Intent/Applicability

The intent of this Article is to provide regulations that generally apply to all uses regardless of the particular zoning district.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-6.02 General Lot Requirements

- A. General Lot Requirement. No portion of a lot used to comply with the yard, setback requirements, lot area per unit, residential density, percentage of lot occupancy, or other site requirement of this Ordinance shall be counted toward the yard, lot area per unit, residential density, percentage of occupancy, or other site requirement for any other existing building or structure.
- B. Number of Buildings per Lot.
 - (1) There shall be only one (1) single-family dwelling or one (1) two-family dwelling permitted per lot, provided all other requirements of this Ordinance are met.
 - (2) For all developments within the TD, Transitional District BD, Business District; or PRD, Parks and Recreation District more than one (1) principal building per lot may be permitted, as long as all other requirements of this Ordinance are met.
- C. The requirements for a rear yard herein set forth shall not apply to buildings on through lots running from street to street.
- D. In computing the depth of a rear yard or the distance a building or structure must be set back from the rear lot line where such yard abuts an alley or street, one-half of such alley or street may be assumed to be a portion of the yard.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-6.03 Accessory Buildings, Structures and Uses

- A. General Requirements
 - (1) Accessory uses, buildings, and structures customarily incidental and accessory to the uses permitted by Section 40-4.08 shall be permitted when located on the same lot and in accordance with the provisions of this section.

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- (2) No accessory building or structure shall be built upon a lot or parcel unless and until a principal structure is erected.
 - (3) No accessory use on a lot shall be permitted to operate unless such lot is occupied by an operational principal use.
 - (4) In no instance, shall an accessory building or structure be located within a dedicated easement or right-of-way.
 - (5) An accessory building attached to the principal building shall be considered part of the principal building and shall be made a structural part thereof and shall comply with the provisions of this Ordinance.

B. Accessory Buildings in Residential Zoning Districts.

- (1) No more than two (2) accessory building or structures may be permitted per lot. A private garage or carport not to exceed 650 square feet in floor area and one other accessory building not to exceed 100 sq. ft. in floor area may be permitted.
- (2) An accessory building shall not be used for the conduct of any business or home occupation or for use as a dwelling.
- (3) An accessory building or structure shall only be built or constructed in the rear yard except for the exceptions as provided in Section 40-6.04.
- (4) Accessory buildings or structure shall meet the following setbacks, except for the exceptions as provided in Section 40-6.04:
 - (a) Accessory structures may be no closer than six (6) feet to the rear lot line.
 - (b) No detached accessory building or accessory structure may be closer than three (3) feet from a side lot line. If a detached accessory building is to be located within ten (10) feet of a residence on an adjoining lot, such accessory building shall be at least five (5) feet from the side lot line.
 - (c) A detached accessory building shall be no closer than ten (10) feet to the principal building or another accessory building.
 - (d) Where an accessory building or structure is attached to a principal building or is an extension of a principal building (such as a garage, carport, deck, chimney, window box, cantilevered bay, etc.) said building or structure shall conform to all regulations applicable to the principal building.
 - (e) In the case of a corner lot, where an adjacent house fronts upon the side street, an accessory building or accessory structure shall be set back from the side street lot line a distance which is at least equal to the front setback of the adjoining house facing the same side street. In no case, shall the accessory building or accessory structure be located closer than eight (8) feet from said side street lot line. A private garage, whether attached or detached, the garage doors of which face the side street shall be set back at least 18 feet from the side street lot line.
- (5) The total ground area covered by all accessory buildings and structures together shall not occupy more than 50 percent of the rear yard.
- (6) An accessory building or structure attached to a main building shall not exceed the height of the main building. All other accessory buildings or structure shall not exceed 16 feet in height, except as provided in Section 40-6.04, and shall not include any habitable living space.
- (7) An attached accessory building shall not project forward of any portion of the front façade of the main building including the front door and shall not exceed 50 percent of the width of the building.

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- C. Accessory Buildings in the TD, Transitional District; BD, Business District; or PRD, Parks and Recreation District.
- (1) Accessory buildings or structure shall meet the following setbacks, except for the exceptions as provided in Section 40-6.04:
 - (a) No accessory buildings or structures shall be erected within the boundaries of any front or side yards required hereunder.
 - (b) Accessory structures may be located in a rear yard, but no accessory building or accessory structure shall be located within six (6) feet to the rear lot line.
 - (2) An accessory building or structure attached to a principal building shall be considered part of the principal building and meet all bulk regulations. All other accessory buildings or structures shall not exceed 16 feet in height, except as provided in Section 40-6.04.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-6.04 Height and Area Regulations and Exceptions

- A. Height Exceptions.
- (1) A chimney may exceed the height regulations of the zoning district in which it is located by two (2) feet.
 - (2) In the TD, Transitional District; BD, Business District; or PRD, Parks and Recreation District, roof structures and screening devices for the housing of elevators, stairways, tanks, roof-mounted mechanical equipment, solar panels, or similar equipment required to operate and maintain the building shall not exceed by more than ten (10) feet the height limit of the district in which the use is located.
 - (3) Fire walls and skylights shall not exceed the height limit of the district in which the use is located by more than five (5) feet.
 - (4) A structure which is permitted by this Section to exceed height limits shall account for no more than ten percent (10%) of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building.
- B. Front porches. An open, single-story, unenclosed porch may project in front of a dwelling, into a required front yard for a maximum distance not to exceed six (6) feet. Uncovered steps may project an additional two (2) feet in front of a front porch. The steps must be the same material as the porch. The porch may be covered by a roof subject to the following conditions:
- (1) The porch ceiling shall not exceed the eaves of the house to which it is attached.
 - (2) The porch roof may be supported by columns but shall not be otherwise enclosed (i.e., no walls, windows or screens).
 - (3) Railings, if required, shall not be a solid wall and shall not exceed 36 inches in height.
 - (4) Pressure treated lumber and synthetic deck materials are prohibited.
 - (5) If the porch floor is masonry, it shall have a solid concrete foundation and exposed foundation walls must be brick, stone, decorative block or other finished masonry to match the dwelling.
 - (6) If the porch floor is wood, it shall be a minimum of three-fourths inch solid tongue and groove style boards with a finish compatible with existing siding. The exposed foundation walls may have non-

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- pressure treated wood lattice between masonry porch piers, and the bottom framing piece resting on the soil may be made of pressure treated lumber.
- (7) The width of the porch, including the roof overhang, shall not exceed the width of the dwelling; however, a front porch may wrap around to a side porch provided the required side yard setback is met.
 - (8) For lots with less than 7,000 square feet of area, a covered front porch may exceed the maximum lot coverage allowed in the Schedule of Regulations by up to one (1) percent of the lot area.
- C. Handicap Ramps. A handicap ramp may project into a front yard for a distance necessary to meet the standards set forth in Public Act No. 230 of 1972 (MCL 125.1501 et seq.).
- D. Projections. Roof overhangs, cornices, eaves, gutters, window awnings and similar projections may extend into a required front yard or rear yard for a distance not exceeding three (3) feet. Garden windows, first floor cantilevered bay windows and chimneys may extend into a required front yard or rear yard for a distance not exceeding two (2) feet. Roof overhangs, cornices, eaves, gutters and chimneys may extend into a required side yard for a distance not exceeding one (1) foot. Window or door wells for emergency escape and rescue openings shall only be located in a rear yard, except a window well may be located in a side yard, including a required side yard, provided:
- (1) The window well extends outward from the building no more than three (3) feet.
 - (2) There is at least two (2) feet between the window well and the side lot line.
 - (3) The window well is no more than six (6) inches above the surrounding grade.
 - (4) The window well is covered by a safety grate.
- E. Air Conditioners and Power Generators. Refrigeration or cooling equipment (used for central air conditioning purposes) or power generators (used as a source of interim power) installed outside of a dwelling or main building shall be:
- (1) Screened with approved fencing or landscaping.
 - (2) Located in the rear yard of the dwelling or main building.
 - (3) In compliance with sound emission as set forth in Section 40-9.04.C.
 - (4) In the case of corner lots, the city manager or his designee may authorize installation toward the side lot line adjacent to the street in instances where compliance with the general rules set forth above would cause practical difficulties or result in unnecessary hardship. If authorized, shrubbery or other live plant material must be planted and maintained to screen it from view; further provided that the city manager or his designee may authorize installation toward side lot lines on any lot upon the receipt of written approval of such installation from the owner of the premises adjacent to and affected by such installation.
- F. Basketball Net Assemblies. A maximum of two (2) basketball net assemblies may be erected upon a lot. Only one (1) basketball net assembly may be erected in the front yard provided that it is setback at least 50 percent of the front setback to the front lot line. Basketball net assemblies shall be set back at least six (6) inches from the lot line.
- G. Driveways. A driveway may be constructed in a front, side or rear yard provided such driveway is in conformance with the regulations of Section 40-10.09.
- H. Sidewalks, Sprinkler Systems and Yard Lights. Sprinkler systems and yard lights may be constructed or installed in a front, side or rear yard.
- I. Exceptions. The Planning Commission may permit exceptions to:

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- (1) The height regulations of this chapter for towers of places of worship and for towers for wireless communications facilities.
 - (2) The height, area, and setback regulations of this chapter for bus shelters, utility cabinets, recreation facilities such as tennis courts and play structures, and similar structures.
 - (3) In approving such exception, the Planning Commission shall make a finding that the exception will not have an adverse impact on adjacent or nearby properties.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 628, § 1, 12-7-2021)

Section 40-6.06 Visibility at Intersections

- A. No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

(Ord. No. 600, § 1, 1-8-2018)

Article 7 Site Plan Review

Section 40-7.01 Intent

The site plan review requirements are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to ensure safety for both internal and external vehicular and pedestrian users, to achieve innovative stormwater management solutions, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives. Through the application of the following provisions, the attainment of the City's plans and goals will be ensured and the city will progress in an orderly fashion.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-7.02 Site Plan Required

- A. Site Plan Review. A site plan shall be submitted to the Planning Commission for approval of:
 - (1) New single-family dwellings. For purposes of this section, a new single-family dwelling is a dwelling proposed for construction on a vacant lot or an existing dwelling where more than 50 percent of the existing floor area is being altered as determined by the City Building Official or his/her designee.
 - (2) Additions to single-family dwellings except those additions which meet all of the following:
 - (a) Are to the rear of the existing building;
 - (b) Are no higher than the existing building;
 - (c) Are no closer to the side lot lines than the existing building;
 - (d) Are no larger than 50 percent of the floor area of the existing building;

(Supp. No. 12)

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- (e) Are of the same predominant exterior material and proportion as the existing building; and
 - (f) Have windows on all elevations so that no elevation has a large expanse of blank wall.
- (3) Additions or alterations to nonconforming uses, buildings containing nonconforming uses and/or changes in the off-street parking connected therewith. Any addition or alteration to a nonconforming use or building containing a nonconforming use shall require approval of a variance by the Zoning Board of Appeals prior to submission of the site plan.
 - (4) All residentially-related buildings and uses, such as, but not limited to: places of worship, schools, clubhouses, public facilities and additions thereto.
 - (5) Nonresidential buildings and accessory buildings, and additions or alterations to nonresidential buildings and accessory buildings.
 - (6) Off-street parking areas for three (3) or more vehicles in connection with subsections A(1) through (5) of this section.
 - (7) Semicircular driveways.
 - (8) Special land uses.
 - (9) Notwithstanding the foregoing, site plan review by the Planning Commission shall not be required with respect to properties located within an historic district, or within a proposed historic district consistent with Public Act 169, as amended, MCL 399.214(3), but only if special land use approval is not required. The City Commission has provided that all applications for such properties be referred to the Historic District Commission.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 604, § 3, 4-10-2018)

Section 40-7.03 Application

Application for site plan review shall be made to the Zoning Administrator by submitting an application not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission, at which the application for a preliminary site plan will be considered. The application shall contain the following:

- A. The applicant's name, address and telephone number.
- B. A signed statement that the applicant is the owner of the property or a signed statement from the owner that the applicant is officially acting on the owner's behalf, and whether there are any options on the property or liens against it.
- C. A boundary survey prepared by a registered land surveyor or civil engineer, including the following information:
 - (1) Certification that lot corners have been found and staked.
 - (2) Existing and proposed grades on the site and grades of adjacent properties.
 - (3) The date of the drawing.
 - (4) North arrow and scale (to be drawn at a minimum scale of one inch equals 20 feet).
 - (5) Name, address and telephone number of the surveyor or civil engineer.
 - (6) A site location map.
 - (7) Street address and legal description of the property.
 - (8) Property boundaries, dimensions and size (in square feet).

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- (9) Location of existing buildings on the property including all dimensions.
 - (10) Distances to lot lines and immediately adjacent buildings.
 - (11) Front and side yard setbacks of buildings on either side of subject property.
 - (12) Location of existing and proposed structures including air conditioners, swimming pools, decks, porches, patios, etc.
 - (13) Location of driveways and parking areas on the property.
 - (14) Existing roads and utility lines.
 - (15) Trees, including trees to be removed and trees in the city's right-of-way.
- D. Architectural plans prepared by an architect or designer, including the following:
- (1) Name, address and telephone number of architect or designer.
 - (2) A summary of pertinent facts about the plan (i.e., square feet of land, square feet of building, and percentage of lot coverage).
 - (3) Elevations for the front, sides, and rear of the building including all dimensions and location of gutters and downspouts (to be drawn at a scale of one-fourth inch equals one foot).
 - (4) Floor plans, including all dimensions (to be drawn at a scale of one-fourth inch equals one foot).
 - (5) A roof plan, including pitch, (to be drawn at a minimum scale of one-eighth inch equals one foot).
 - (6) Materials and colors to be used on existing and proposed buildings.
 - (7) If the front elevation is changing, a drawing of the front elevation of the buildings on the site together with the elevations of the immediately adjacent buildings drawn to a minimum scale of one-eighth inch equals one foot.
 - (8) For new buildings and semi-circular driveways, a landscaping plan, including trees, shrubs and other vegetation to be added (to be drawn at a minimum scale of one inch equals 20 feet).
 - (9) Site Plan requirements for uses or development in any R1 District shall include:
 - (a) All drawings are to have a title block, which shall have the name of the project and date of plans including revision dates.
 - (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.
 - (c) All lot and property lines.
 - (d) Location of all proposed structures.
 - (e) Existing and future right-of-way of adjacent streets, including centerlines and section lines where applicable.
 - (f) Location of all fences, driveways, and sidewalks, on and adjacent to the site.
 - (g) Setbacks and required yards.
 - (10) In addition to the above, applications for site plan review for uses or development in RT, One and Two-family Attached District; TD, Transitional District; BD, Business District; and PRD, Parks and Recreation District shall include:
 - (a) All drawings are to have a title block, which shall have the name of the project and date of plans including revision dates.
 - (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.

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- (c) All lot and property lines.
 - (d) Location of all proposed structures.
 - (e) Existing and future right-of-way of adjacent streets, including centerlines and section lines where applicable.
 - (f) Location of all sidewalks, on and adjacent to the site.
 - (g) The means by which stormwater detention will be provided.
 - (h) Setbacks and required yards.
 - (i) Parking areas, access drives, loading and unloading areas, and trash receptacles.
 - (j) Greenbelts, landscape areas, other open space areas and screening walls.
 - (k) The location of any existing driveways and streets within one hundred (100) feet of the subject property, including those across frontage streets.
 - (l) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
 - (m) Calculations for the following shall be included on the site plan:
 - 1. Gross and net (after rights-of-way) site area.
 - 2. Gross and net ("usable") building area.
 - 3. Required parking and statement of parking provided.
 - 4. Required landscape and open space area, and statement of intent for each.

E. Zoning Administrator.

- (1) The Zoning Administrator may waive the submission of a site plan submittal requirement where such information is not material to the Planning Commission and/or the City Commission action.
- (2) The Zoning Administrator may require additional information or studies to assist in the review of a site plan where such information is material to the Planning Commission and/or the City Commission action.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-7.04 Procedure

- A. Prior to review by the Planning Commission, the site plan application as required in Section 40-7.03 shall be reviewed, as applicable, by the Public Safety Director, the Zoning Administrator, the Director of Public Services, and the City's consulting engineer and City's consulting planner, for compliance with the City Code and the standards of the respective departments. The site plan will then be placed on a Planning Commission agenda for review.
- B. The petitioner and all property owners within 300 feet of the subject property will be notified by mail of the date, time and place of the Planning Commission meeting.
- C. In the event that permission for a Special Use is also required for the subject property, such Special Use shall be applied for and reviewed by the Planning Commission concurrent with review of the site plan.
- D. If an application to the Board of Zoning Appeals requires site plan approval by the Planning Commission pursuant to the provisions of this article, the applicant shall first receive site plan approval as set forth in this article.

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- E. The site plan, staff comments and comments from the public shall become part of the permanent record. The Planning Commission shall state in the record all the grounds for the action taken upon the site plan submitted for its approval.
 - F. Site plan review and approval by the Planning Commission is required prior to the issuance of a building permit.
 - G. Approval of a site plan by the Planning Commission shall be valid for one (1) year from the date it is granted. Thirty (30) days prior to the expiration date, the applicant may make application to the Planning Commission for a six-month extension with no fee. The applicant shall explain in writing why the development has not proceeded, what the current timeframe is and why an extension should be granted. The Planning Commission will consider the reasons, and determine whether an extension should be granted.
 - H. An applicant, having secured approval of a site plan, shall develop such site in complete conformity with the approved site plan. Any change to the approved site plan deemed significant by the Zoning Administrator, shall be submitted with fee to the Planning Commission for revised approval.
 - I. For all new buildings, an "as-built" boundary survey prepared by a registered land surveyor or civil engineer certifying compliance with all approved grades, both existing and proposed, must be submitted prior to final inspection by the Building Official and prior to the issuance of a certificate of occupancy.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-7.05 Amendment or Revision of Site Plan

A site plan for which the Building Official has not issued a building permit, or the work authorized under an issued building permit has not been completed, may be amended by the Planning Commission. Any amendment to an approved site plan shall be made upon application and in accordance with the procedure provided under Section 40-7.04 of this Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-7.06 Standards

- A. The Planning Commission shall grant approval to a site plan which meets all of the following standards:
 - (1) The proposed use conforms to the uses permitted in that zoning district.
 - (2) The dimensional arrangement of buildings and structures conform to the required yards, setbacks and height restrictions of this chapter.
 - (3) The location, size and height of buildings, walls, fences and structures provides adequate landscaped open space, light, air and access to the subject property and to adjacent properties.
 - (4) The development will not hinder the reasonable development of adjoining properties nor diminish the value thereof.
 - (5) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects (upon owners and occupants of adjacent and surrounding properties) by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm drainage, erosion, grading, lighting and parking.
 - (6) The site plan and its relation to streets, driveways and sidewalks does not interfere with and is not hazardous to vehicular and pedestrian traffic.

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- (7) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar purposes) or where they assist in preserving the general safety, health and appearance of the neighborhood.
 - (8) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate shielding, screening, fencing, or landscaping.
 - (9) All buildings and structures are accessible to emergency vehicles.
 - (10) The site plan is consistent with and complies with the intent and purposes of this chapter, the Huntington Woods Master Plan and other statutorily-authorized and properly adopted city planning documents, other applicable ordinances, and state and federal statutes.
- B. In addition to the above, all site plans in Zone R-I A, R-1B, R-1C, R-1D, R-1E and RT, One and Two-family Attached District, shall comply with the Design Standards set forth in Section 40-5.14.
- C. Appeals. Any applicant for site plan review shall have the right to appeal a decision of the Planning Commission to the Zoning Board of Appeals as set forth in this chapter.
- (Ord. No. 600, § 1, 1-8-2018)

Article 8 Special Land Use Approval

Section 40-8.01 Intent

This Article provides a set of procedures and standards for Special Uses, which, because of their unique characteristics, require specific consideration in relation to the welfare of adjacent properties and the community as a whole.

These provisions are designed to allow practical latitude for the applicant and at the same time, maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community. Among the purposes for Special Use review are to:

- A. Provide for public input on decisions involving land uses that may be more intense, less desirable, or potentially more problematic.
- B. Reduce negative impacts of potentially conflicting land uses.
- C. Provide greater flexibility to integrate land uses within the city.
- D. Permit certain land uses that might not otherwise be permitted, provided such uses comply with established standards and specific conditions that may be imposed by the Planning Commission.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-8.02 Procedure

- A. Application. A petitioner seeking Special Use approval shall file an application with the Zoning Administrator, together with the appropriate fee and required information, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission at which the Special Use application will be considered. The application shall include the following:
 - (1) A detailed description of the proposed Special Use.

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- (2) The address and legal description of the property where the Special Use will be located.
 - (3) The name, address, phone number and other contact information of:
 - (a) The applicant (including the basis of representation).
 - (b) The firm or other individuals responsible for the establishment and operation of the special land use.
 - (c) The legal owner of the property.
 - (4) The signature of the applicant and the date of the application.
 - (5) A signed and notarized statement that the applicant is the owner of the property or a signed and notarized statement from the owner that the applicant, the firm or other individuals named in the application have authorization to establish and operate such special land use on the property.
 - (6) A site plan with the required information, as set forth in Section 40-7.03.
 - (7) A statement addressing compliance with the standards required for approval in Section 40-8.03, Standards for Special Use approval and any specific standards required by the Ordinance for the requested use.
- B. Review. Upon receipt of an application, the Zoning Administrator shall determine if it is complete.
- C. Public Notice and Signage. If complete, a notice of the public hearing and review shall be prepared which:
- (1) Describes the nature of the request.
 - (2) Indicates the property that is the subject of the request.
 - (3) States when and where the request will be considered.
 - (4) Indicates when and where written comments will be received concerning the request.
- D. Public Hearing. The process for Special Use review includes a public hearing and site plan review in accordance with MCL 125.3501 and 125.3502 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use permit, notice of which shall be in the manner required by Section 40-3.03.
- E. Planning Commission Action.
- (1) At the public hearing, the Planning Commission shall review the application for Special Use approval and shall either approve the application, approve the application with conditions, deny the application, or postpone action.
 - (2) The Planning Commission 's decision shall be made a part of the public record and incorporated into a resolution.
 - (3) Any conditions required by the Planning Commission for approval shall also be made a part of the public record and incorporated into the resolution.
 - (4) The decision of the Planning Commission shall be final. The Zoning Board of Appeals shall have no authority to review Planning Commission decisions regarding a Special Use.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-8.03 Special Use Standards

- A. Standards. The Planning Commission shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards and any specific standards established for a particular use:
- (1) Compatibility with Adjacent Uses. The Special Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. A Special Use shall be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses.
 - (2) Compatibility with the Master Plan. The proposed Special Use shall be compatible and in accordance with the goals and objectives of the Master Plan and any associated subarea and corridor plans.
 - (3) Traffic Impact. The proposed Special Use shall be located and designed in a manner that will minimize the impact of traffic, taking into consideration: pedestrian access and safety, vehicle trip generation (i.e., volumes), types of traffic, access location, and design, circulation, and parking design, street and bridge capacity, and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated to provide alternate modes of access and alleviate vehicular traffic congestion.
 - (4) Impact on Public Services. The proposed Special Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools. Such services shall be provided and accommodated without an unreasonable public burden.
 - (5) Compliance with Zoning Ordinance Standards. The proposed Special Use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.
 - (6) Impact on the Overall Environment. The proposed Special Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impact associated with typical permitted uses.
 - (7) Special Use Approval Specific Requirements. The general standards and requirements of this Section are basic to all uses authorized by Special Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
 - (8) Additional Findings. The Planning Commission shall also consider the following factors when reviewing a Special Use request:
 - (a) The nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use.
 - (b) Public safety, specifically police and fire.
 - (c) Vehicular circulation and parking areas.
 - (d) Outdoor activity, storage, and work areas.
 - (e) Hours of operation.
 - (f) Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-8.04 Conditions of Approval

- A. Authority. The Planning Commission, in its review of a request for Special Use approval, may at its discretion impose additional conditions when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. Scope. Conditions that are imposed by the Planning Commission shall:
 - (1) Be related to and ensure that all site design standards of Article 10 and any other applicable specific regulations are met.
 - (2) Be related to a valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (3) Be applicable to a property, not property owners, so long as use remains in effect under terms set forth in Section 40-8.06.
 - (4) Remain unchanged unless an amendment to the Special Use approval is approved.
- C. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the Planning Commission to terminate such Special Use permit, upon notice and an opportunity to be heard by the permittee.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-8.05 Effectiveness

- A. Remain in Force. Receipt of Special Use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the Planning Commission resolution of approval.
- B. Abandonment. When a use approved under the Special Use approval procedure ceases to function or is abandoned for a period of twelve (12) months, the Special Use approval shall lapse and shall no longer be in effect.
- C. Resubmittal. No application for a Special Use permit which has been denied wholly or in part by the Planning Commission shall be re-submitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of change conditions found by the Planning Commission to be valid.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-8.06 Amendments, Expansions, or Change in Use

The following provisions apply when there is an amendment or a proposed expansion to approved Special Uses or when there is a proposed change from one Special Use to another:

- A. Amendments. Any applicant who has been granted Special Use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan. The Zoning Administrator shall determine whether a proposed amendment requires new Special Use approval. A new Special Use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

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- B. Expansions. An expansion of any use requiring a Special Use approval that results in an increase of the building, parking, paved areas, or site area shall require resubmittal in the manner described in this Article. A separate Special Use approval shall be required for each use requiring Special Use approval on a lot, or for any expansions of a Special Use approval.
 - C. Change in Use. The applicant shall be responsible for informing the Zoning Administrator of any change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new Special Use approval is required. Change in use shall mean 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, additional outdoor storage, or display.

(Ord. No. 600, § 1, 1-8-2018)

Article 9 Sustainable Design and Environmental Standards

Section 40-9.01 Purpose

Sustainable design and environmental standards are established to preserve the short-term and long-term environmental health, safety and quality of Huntington Woods. No use that does not conform to the environmental standards set forth in this Article shall be permitted.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-9.02 Stormwater Management

- A. Intent. The intent of this section is to encourage the use of structural, vegetative or managerial practices, commonly referred to as best management practices (BMP's), designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff. Where practical, all development projects subject to site plan review shall use best management practices (BMP's) to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands and watercourses on the site to the maximum extent feasible.
- B. Stormwater Management. All stormwater management plans shall meet the Engineering Standards adopted by Oakland County as determined by the City Engineer, and shall utilize nonstructural control techniques to the maximum extent feasible, including, but not limited to:
 - (1) Limitation of land disturbance and grading.
 - (2) Maintenance of vegetated buffers and natural vegetation.
 - (3) Minimization of impervious surfaces.
 - (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales.
 - (5) Use of infiltration devices.
- C. General Standards.
 - (1) The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with the standards of the Oakland County Drain Commissioner.

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- (2) Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
 - (3) Priority shall be placed on-site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation of water quality for adjacent or downstream property owners.
 - (4) The use of swales and buffer strips vegetated with desirable native materials is encouraged as a method of stormwater conveyance to decrease runoff velocity, allow for bio-filtration, allow suspended sediment particles to settle and to remove pollutants.
 - (5) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
 - (6) Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the state department of environmental quality and the county drain commissioner, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the city engineer, with consultation of appropriate experts.
 - (7) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.
- D. Prohibitions. Any person engaged in activities which will or may result in pollutants entering storm sewers, detention facilities, and other stormwater management facilities shall undertake reasonable measures to reduce such pollutants. Examples of such activities include, but are not limited to:
- (1) Improper application, overuse, and disposal of deicing materials, herbicides, pesticides, and fertilizers.
 - (2) Topsoil or other landscaping materials entering storm sewers, detention facilities, and other stormwater management facilities.
 - (3) Washing out concrete trucks or equipment into storm sewers, detention facilities, and other stormwater management facilities.

(Ord. No. 600, § 1, 1-8-2018; Ord. No. 622 , § 1, 2-4-2020)

Section 40-9.03 Solar Structures and Easements

- A. Active and passive accessory roof mounted solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to site plan review in accordance with Article 7.
- B. Separate, non-integrated, flush-mounted solar panels shall be located on a rear- or side-facing roof, which do not front any street, unless such installation is proven to be ineffective or impractical as determined by the Planning Commission. Such system shall not project vertically above the peak of the roof to which it is attached, or project vertically more than three (3) feet above a flat roof installation.
- C. Integrated flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof.
- D. Ground-mounted solar systems are not permitted.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-9.04 Environmental Performance Standards

- A. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
- B. Fire and Explosive Hazards. Any activity, or storage and handling of flammable and combustible liquids, liquefied petroleum gases, and explosives shall comply with applicable State of Michigan requirements.
- C. Noise.
 - (1) Definitions. For the purpose of this section, all terminology used in this section, not defined in this section, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI). The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (a) *A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network as specified in the American National Standards Institute Standard S1.4-1983, or its successor provision. The sound pressure level so read is designated dB(A) or dBA.
 - (b) *Authorized city official* means all designated Huntington Woods Public Safety Officers, Building Officials or Code Enforcement Officers, authorized to investigate all complaints of violation of this section and who are further authorized to issue municipal civil infractions.
 - (c) *City commission* means the City Commission of the City of Huntington Woods.
 - (d) *Commercial area* means property zoned for uses other than residential or parks-recreation, regardless of whether the property has a commercial use.
 - (e) *Continuous sound* means any sound with a duration of more than one (1) second, as measured with a sound level meter set to the "fast" meter response.
 - (f) *Decibel (dB)* means a unit of sound pressure level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with the American National Standards Institute Standard S1.4-1983, or its successor provision.
 - (g) *Extraneous sound* means a sound which is relatively intense, intermittent and of short duration and is neither part of the neighborhood residual sound, nor comes from the sound source under investigation. The sources of extraneous sound are noted, but excluded from all measurements (e.g., passing vehicle or distant train).
 - (h) *Immediate vicinity* means any distance beyond the property line of the parcel or lot from which the source of noise or disturbance is emanating as determined by the authorized city official during the course of investigating a complaint of noise disturbance.
 - (i) *Motor vehicle* means every vehicle which is self-propelled whether or not licensed or intended for use on the public roads.
 - (j) *Neighborhood residual sound level* means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former is a steadier state, although they may not be continuous.
 - (k) *Parks-Recreation* means Parks and Recreation District as defined by the Huntington Woods Code of Ordinances.

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- (l) *Person* means any owner, lessee or occupant of property, including any individual, corporation, business or other entity; "person" also means any individual in any public place or any private place open to the general public.
 - (m) *Property line* means the imaginary line which represents the legal limits of property owned, leased, or otherwise occupied by a person or business entity. In cases involving sound from an activity on a public right-of-way, the property line shall be the nearest boundary of the public right-of-way.
 - (n) *Public right-of-way* means the entire easement width or ownership interest of any publicly dedicated street, avenue, boulevard, highway, sidewalk, alley or similar place.
 - (o) *Residential area* means property used for temporary or permanent dwelling purposes.
 - (p) *Sound level meter* means an instrument used to measure sound pressure levels. This instrument shall comply with the standards for type 1 or type 2 sound level meters as specified in the American National Institute Standard ANSI S1.4-1983, or its successor provision.
 - (q) *Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. This sound pressure level is expressed in decibels (dB).
 - (r) *Total sound level* means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources. (Ord. No. 576, § 1, 6-16-2015)
- (2) Interference with sound monitoring equipment. No person shall remove or render inaccurate or inoperative any sound level meter or any similar monitoring instrument or device positioned for the purpose of enforcing the provisions of this section. (Ord. No. 576, § 1, 6-16-2015)
 - (3) Prohibited acts; purpose generally. It is the purpose of this article that no person shall create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbance of noise of a high volume or intensity which is clearly audible and disturbs, annoys or endangers the safety of others beyond the immediate vicinity of the disturbance ("noise disturbances"). Those noise disturbances not in compliance with Section 40-9.04.C(4) or Section 40-9.04.C(5) shall be a violation of this article. (Ord. No. 576, § 1, 6-16-2015)
 - (4) Prohibited acts; specifically. No person shall commit or cause to be committed any of the following acts of noise disturbance which are deemed a violation of this section:
 - (a) The sounding of any horn, car alarm or signaling device in any vehicle while not in motion except as a danger signal, or where the car alarm is properly used or to give warning of intent to enter a lane of traffic.
 - (b) The playing or use of any battery or electrically powered or electronic sound-producing or amplifying device, speaker or instrument, including a musical instrument, in such a manner or in such a loud volume or intensity, at any time or place, that exceeds permissible sound levels in Section 40-9.04.C(5).
 - (c) The sound created by any domesticated animal kept or maintained by any person, when such animal creates a noise disturbance that is frequent or continued and clearly audible at a distance within or beyond the immediate vicinity of the noise as determined by an authorized city official.
 - (d) No person shall create a noise disturbance in or with a motor vehicle, motorcycle, or other motorized equipment so as to disturb or destroy or endanger the peace, comfort or repose of a person within or beyond the immediate vicinity of the source of the noise disturbance as

determined by an authorized city official. No person shall operate a motor vehicle, motorcycle, or other motorized equipment without a properly functioning muffler.

- (e) Engaging in the erection, including excavating therefor, demolition, alteration or repair of any building, and the excavation of streets and highways, at any time on Sundays, and on other days, except between the hours of 8:00 a.m. and 9:00 p.m. (or between 7:00 a.m. and 9:00 p.m. on properties in Parks and Recreation District, unless a permit is first obtained from the City Manager. (Ord. No. 576, § 1, 6-16-2015)
- (5) Maximum permissible sound levels for amplified sounds and mechanical devices. Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose, except by speakers in the course of public address which is noncommercial in character (recognized First Amendment speech), shall be subject to the following:
 - (a) *Continuous sound.*
 1. No person shall cause, suffer, allow, or permit the operation of any source of amplified sound on any property or in the public right-of-way in such a manner as to create a sound level that exceeds the sound level limits listed in Table 9.04.C(5) as measured at any location at or within the property line of another person's property. A sound source shall not continuously exceed the sound level listed in Table 9.04.C(5) for longer than the period of time defined in Section 40-9.04.C(5)(a)2.). Sound pressure levels in excess of those established in for the period of time in 40-9.04.C(5)(a)2.), shall constitute prima facie evidence that such sound is in violation of this Code.

**TABLE 9.04.C.(5)
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS DB(A)**

Commercial and Parks-Recreation (all times):	65
Residential (all times):	65

2. The limits defined in Table 9.04.C.(5) may not be exceeded continuously for more than one minute.
 3. Nothing in this section supersedes the requirements of employers to comply with the Occupational Noise Exposure Standard of the Occupational Safety and Health Administration (29 CFR Part 1910.95). Compliance will help conserve workers' hearing, and reduce potential liability for the source.
- (b) *Steady pure tones.* If the sound source under investigation is a mechanical device, and is in the authorized city official's opinion emitting a sound with a steady tonal quality, the maximum permissible sound level limits in Table 9.04.C(5) shall be reduced by 5dB. The sound emissions must be comprised of a single frequency and/or its harmonics, which may be referred to as a tone, whine, hum or buzz. Such sound sources include, but are not limited to: heating, ventilating or air conditioning units; refrigeration units; and transformers. (Ord. No. 576, § 1, 6-16-2015)
- (6) Procedures for the determination of sound levels. The sound level shall be measured with a field calibrated sound level meter. The sound level meter shall conform with ANSI S1.13 of 1973, or its successor provision. The DB(A) methodology will be used to measure sound levels, and the meter readings will be set for a fast response. (Ord. No. 576, § 1, 6-16-2015)
 - (7) General exemptions. The following activities are exempted from specific prohibited acts and/or the sound pressure level limitations set forth in Section 40-9.04.C(5):

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- (a) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect persons or property from imminent danger.
 - (b) Sounds made to alert persons to such emergency, danger or attempted crime.
 - (c) Parades, concerts, festivals, fairs or similar activities, if approved by the City Commission, subject to any sound pressure limits specified in the City Commission's approval.
 - (d) Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools.
 - (e) Bells, chimes or carillons while being used in conjunction with an ongoing religious service.
 - (f) Sounds created while conducting yard work or lawn maintenance between the hours of 8:00 a.m. and 9:00 p.m. including, but not limited to, lawn mowing, leaf blowing, brush clearing, the use of chain saws, etc. However, no more than two gas-powered pieces of equipment shall be permitted to be used or operated at any one time on any single residential property.
 - (g) Sounds created during new construction, remodeling or maintenance activities on a building or structure between the hours as specified in Section 40-9.04.C(4), subject to the limitation that no more than two gas-powered machines shall be operated or in use at one time on any single residential property.
 - (h) Sounds created while removing snow or cleaning streets, roads, driveways, parking lots or sidewalks necessary to allow safe access and transport.
 - (i) The use of fireworks in compliance with State law and City ordinance. (Ord. No. 576, § 1, 6-16-2015)
- (8) Temporary exemptions.
- (a) The City Manager is authorized to grant a temporary exemption from the provisions of this section if such temporary exemption would be in the public interest, and if there is no feasible and prudent alternative to the activity or the method of conducting the activity for which the temporary exemption is sought.
 - (b) The following factors shall be considered by the City Manager in determining whether to grant a temporary exemption:
 - 1. The hardship to the applicant, the community and other persons if the exemption is not granted, balanced against the adverse impact on the comfort, repose, health, peace or safety of persons if the exemption is granted;
 - 2. The nearness of any residence or residences, or any other land use which would be adversely affected;
 - 3. The sound pressure level to be generated by the activity for which the temporary exception is sought;
 - 4. Whether the type of sound to be produced by the activity is usual or unusual for the location or area for which the exemption is requested;
 - 5. The density of population in the area where the activity is to take place; and
 - 6. The time of day or night during which the activity will take place.
 - (c) A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, up to thirty (30) days, which may, if necessary be extended by the city commission upon written request by the applicant. (Ord. No. 576, § 1, 6-16-2015)

(9) Liability of owner, lessee or occupant. If the person responsible for an activity which violates this section cannot be determined, the owner of the property upon which the activity is located shall be deemed responsible for the violation unless the property is leased or occupied by persons other than the owner, in which case the lessees or occupants in possession and/or control of the property shall be responsible for the violation. (Ord. No. 576, § 1, 6-16-2015)

(10) Enforcement.

(a) This section governs the initiation of enforcement actions and the imposition of civil penalties for violations of this Code.

(b) If a person violates any provision of this Code, or an order issued, the city may institute an action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary manner.

(c) Any person who violates any provision of this Code is guilty of a municipal civil infraction. Each day during which the violation continues shall constitute an additional, separate and distinct violation.

(Ord. No. 600, § 1, 1-8-2018)

Article 10 Site Design Standards

Section 40-10.01 Intent

The intent of this Article is to promote the public health, safety, and welfare and improve the site design and visual appearance of the city by requiring consistent standards for such site elements as landscaping, trash enclosures, lighting, parking, loading, site access, and signage.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.02 Landscaping

A. Requirement. A separate, detailed landscape plan shall be submitted for all developments, including single-family residential, as part of the site plan review as set forth in Article 7. A detailed landscape plan shall be drawn to the same scale as required in Article 7, Site Plan Review. The landscape plan shall include the location, spacing, size, number and root type (bare root (BR), balled and burlapped (BB), pot (p), or container (C)) and botanical and common name for each plant type proposed for use within the required landscape area and shall demonstrate that all requirements of this Section are met.

B. Parking Lot Landscaping.

(1) Landscaping Standards within Parking Lots. Each row of parking in a parking lot serving uses other than one- and two-family dwellings shall include landscaped end islands. End islands shall be a minimum of five (5) feet in width with a depth two (2) feet shorter than the depth of adjacent parking spaces. At least one (1) deciduous canopy tree shall be planted on each island.

(2) Landscaping Standards at the Perimeter of Parking Lots. The perimeter of parking lots serving uses other than one- and two-family dwellings shall be planted with one (1) deciduous canopy tree and three (3) shrubs per thirty (30) linear feet. The parking lot perimeter shall be defined as the area extending six (6) feet from the parking lot edge.

(3) Wall/Screening Requirement.

- a. Where lots used for off-street parking facilities in non-one-family and two-family zoning district about lots in one-family and two-family districts, the rear or side of each lot so abutting and so used shall be provided with a continuous unpierced brick masonry or brick patterned poured-in-place concrete wall which complies with the following requirements:
 - 1. It shall measure six feet in height and a minimum of eight inches in width with a reinforced trench foundation 42 inches below grade and a minimum of four inches wider than the wall to be erected;
 - 2. It shall not contain any wood, vinyl or metal except for unexposed reinforcing materials and shall be faced on all sides with brick, stone or textured concrete with a limestone or concrete cap;
 - 3. It shall not contain any openings except as approved by the Planning Commission;
 - 4. Where underground utilities interfere, the location of the wall shall be determined by the Director of the Department of Public Services; and
 - 5. It shall be constructed before occupancy.
- b. Combinations. A combination of landscaping and a solid opaque wall or fence may be approved by the Planning Commission where such a combination provides more effective screening.
- C. Landscaping Adjacent to Roads. Deciduous canopy trees shall be installed at no more than 40-foot intervals along the road right-of-way. Installation of street trees in tree wells in the sidewalk or within a planting strip between the sidewalk and the curb shall be encouraged.
- D. Landscaped Open Space. Landscaped open space, equal to at least ten (10) percent of the lot area, shall be provided. Such landscaped open space may include landscaping within required yards, rights-of-way, or stormwater storage areas.
 - (1) A building designed or intended to be used for a use permitted in TD, Transitional District shall provide and maintain the following: in the case of a corner lot, a side yard setback of at least eight (8) feet from the side street lot line, which shall be landscaped with live plant material and shall not be used for the purpose of parking or storing vehicles. This side yard may be used as part of the landscaped open space required in Section 40-10.02.D.
- E. Composition.
 - (1) Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Oakland County, conform to the current minimum standards for nursery stock of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections.
 - (2) A mixture of live plant material, such as evergreen and deciduous trees and shrubs, is required as a protective measure against insect and disease infestation. Artificial plant materials are prohibited. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly arrangement.
 - (3) Species sizes at time of planting:

	Height		Spread
	6' - 7'	5' - 6'	2"
Large Evergreen Trees, such as:			
Fir (Abies)			
Spruce (Picea)			

Pine (Pinus)			
Hemlock (Tsuga)			
Douglas Fir (Pseudotsuga)			
Tamarack; Larch (Larix)			
Narrow Evergreen Trees, such as:			
Arborvitae (Thuja)			
Juniper (Juniperus)			
Large Deciduous Trees, such as:			
Oak (Quercus)			
Maple (Acer)			
Beech (Fagus)			
Linden or Basswood (Tilia)			
Sweetgum (Liquidambar)			
Ginkgo (Male Only) (Ginkgo)			
Honeylocust (Gleditsia)			
Birch (Betula)			
Sycamore (Plantanus)			
Hickory (Carya)			
Black Cherry (Prunus)			
Tulip Tree (Liriodendron)			
Blackgum (Nyssa)			
Small Deciduous Trees (Ornamental), such as:			
Dogwood			
Flowering Cherry, Plum, Pear			
Hawthorn			
Redbud			
Magnolia			
Flowering Crabapple			
Mountain Ash			
Hornbeam			
Sassafras			
Ironwood			
Serviceberry; Juneberry			

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.03 Trash Containers

- A. The standards set forth in this Section shall apply to all uses that have refuse disposal service. This does not include curbside pickup for single-family residential uses.

B. Standards.

- (1) Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with a wall, and gate at least as high as the container, up to eight (8) feet in height, and shall be constructed of durable material and construction which is compatible with the architectural materials used in the site development.
- (2) Containers shall be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.
- (3) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (4) Concrete pads and aprons of appropriate size and construction shall be provided.
- (5) Dumpsters should be located in a rear yard and be so located as to minimize visibility from adjacent properties. An alternative location on the site may be as approved by the City Manager if putting the dumpster in the rear yard is not achievable or another location provides better screening.
- (6) Trash pickup may not occur between the hours of 8:00 p.m. to 7:00 a.m.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.04 Equipment Screening

A. Where Required. The standards set forth in this Section shall apply to all uses for which mechanical equipment is placed upon a roof of any building or on the ground outside of the building. Mechanical equipment includes, but is not limited to: generators, heating, ventilation and air conditioning units.

B. Screening Requirements. All equipment shall be screened as follows:

- (1) Rooftop screening.
 - (a) Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.
 - (b) Rooftop equipment shall be located on the side or rear of a pitched-roof building, screened from public view.
 - (c) Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.
 - (d) Rooftop equipment shall be situated so that it does not cause excessive nuisance or offense to occupants of nearby buildings.
- (2) At-grade equipment.
 - (a) At-grade equipment shall be screened with architectural and/or landscape materials matching or harmonious with the building or landscape materials provided elsewhere on-site.
 - (b) Landscape materials shall be evergreen species, planted at the height of the equipment upon installation, so as to provide a screen year-round.
 - (c) Walls provided to screen mechanical equipment shall be an opaque fence or wall, with a gate at least as high as the equipment being screened.
 - (d) At-grade equipment shall be located in a side or rear yard, screened from public view.

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- (e) At-grade equipment shall be situated so that it does not cause excessive nuisance or offense to occupants of nearby buildings.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.05 Lighting

- A. Intent. The purpose of this section is to protect the health, safety and welfare of the public by regulating the use of outdoor lighting in all zone districts to encourage lighting practices and systems that will minimize glare, energy usage, and light trespass and maintain the character and ambiance of an area, while recognizing the need for safety, security, and visibility.
- B. Residential.
 - (1) On all residential property, high intensity discharge lighting, including but not limited to, high pressure sodium, mercury vapor and metal halide shall be prohibited.
 - (2) All outdoor lighting used to light the general area of a site shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lights away from all adjacent residential districts or adjacent residences.
- C. Non-Residential.
 - (1) Lighting Plan Requirements. The following information must be provided on all site plan submissions:
 - (a) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and/or building elevations.
 - (b) Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles) and ten feet beyond the parcel lines. The Zoning Administrator may waive the requirement for sites with parking lots of twenty (20) spaces or less.
 - (c) Specifications and details for the type of fixture being proposed, including the initial lumen rating, type of lamp, method of shielding, type of lens and all applicable accessories. The details shall include a depiction of the lighting pattern and light levels applicable for the proposed pole height.
 - (2) Freestanding Pole Lighting.
 - (a) Fixture Design.
 - 1. Exterior lighting shall be a full cut-off fixture or a fully shielded fixture, downward directed with a flat lens to prevent glare.
 - 2. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be shown that there will be no off-site glare through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.
 - (b) Lighting Levels.
 - 1. The intensity of light at the base of a light fixture pole shall not exceed twenty (20) foot-candles during business hours and ten (10) foot-candles after business hours.
 - a. All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property for non-single-family residential uses, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise. The following exceptions may be approved:

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- i. Where greater lighting levels are necessary for security or safety purposes; or
 - ii. Where permissible commercial or industrial uses such as sales, assembly and repair operate after 11:00 p.m., in which case the lighting levels shall be turned off or reduced after the use ceases for that day.
 2. Light shall not exceed one-tenth (0.1) foot-candle along any boundary adjacent to residentially zoned or used property, and one (1) foot-candle along all nonresidential property boundaries.
 3. Light levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line boundary or street right-of-way line at a height of five (5) feet above grade level.
 4. Height. The maximum height of a base, a pole and fixtures shall be eighteen (18) feet.
 - (3) Building-Mounted Lighting. Building-mounted lighting for the purpose of lighting entrances, adjacent sidewalks, parking areas and loading areas is permitted subject to the following restrictions:
 - (a) Building-mounted lighting shall be a full cutoff fixture or fully shielded and directed downward to prevent glare. The intensity of light shall not exceed twenty (20) foot-candles during business hours and ten (10) foot-candles after business hours at the ground level for any building-mounted fixture. Maximum height shall be eighteen (18) feet.
 - (b) Light shall not exceed one-tenth (0.1) foot-candle along zoned or existing residential property lines and one (1) foot-candle along non-residential property lines.
 - (c) Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be proven that there will be no off-site glare through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.
 - (4) Prohibited Lighting Types. The following lighting types are prohibited:
 - (a) The use of search lights or any similar high intensity light for outdoor advertisement or entertainment.
 - (b) Flashing, moving, strobe, or intermittent type lighting, or any light having regular periods of shining and eclipse.
 - (5) Exemptions. The following are exempt from the lighting requirements of this Section, except that the Zoning Administrator may require a lighting and photometric plan when deemed necessary to protect the public health, safety and welfare:
 - (a) Sports fields.
 - (b) Holiday decorations.
 - (c) Three-foot high, shielded pedestrian walkway lighting.
 - (d) Ornamental low voltage lighting (twelve (12) volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred (100) lumens.
 - (e) Street lights or lights within a public or private road right-of-way.
 - (f) Traffic control devices, municipal lights, and temporary emergency lights.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.06 Parking and Circulation

- A. Parking Space Required. Hereafter, no building intended for occupancy within the city shall be erected unless there be provided on the same parcel of land or adjacent thereto off-street parking space or spaces in a ratio hereinafter set forth, which shall be the minimum area for such parking as hereinafter specified.
- B. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.
- C. Off-street parking shall be provided and maintained for a principal use erected, altered, or expanded after the effective date of this Ordinance.
- D. General Off-Street Parking Requirements. No permit shall be issued for the erection or alteration of any building or structure in the TD, Transition District; BD, Business District, or Parks and Recreation District unless the requirements of this chapter concerning off-street parking have been complied with. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings, shall be in accordance with the requirements of this subsection except as otherwise provided, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. In addition, off-street parking in the TD, Transition District; BD, Business District, or Parks and Recreation District shall be constructed and maintained subject to the following regulations:
 - (1) Adequate and safe ingress and egress shall be provided to meet the approval of the Director of Public Safety and the City Engineer.
 - (2) Such parking lots shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a durable, hard, smooth, dust-proof surface to meet the approval of the City Engineer and shall be graded and proper drainage facilities provided to dispose of all surface water to meet the approval of the City Engineer.
 - (3) Such parking lot shall be used only for parking automobiles and no commercial activities such as washing or greasing, sale of merchandise, repair work or servicing of any kind shall be done thereon.
 - (4) Parking lot lighting shall adhere to the outdoor lighting requirements of this Code. When such property is closed at night, no lighting shall be maintained, except as may be reasonable for the protection of the premises.
 - (5) Necessary curbs or other protection against damage to adjoining properties shall be provided and maintained.
 - (6) Off-street parking lot for residential uses shall be located within sixty (60) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building. The location of required off-street parking facilities for other than residential uses shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building.
 - (7) Within non-residential districts, off-street parking for continuous periods of more than twenty-four (24) hours shall be prohibited unless for automobiles and commercial vehicles owned and operated in conjunction with the principal use of the property.
 - (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
 - (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers is similar in type.

- (10) Off-street parking areas shall be designed to provide for removal and storage of snow.
- (11) Barrier-Free Parking. Off-street parking facilities are required to provide Barrier-Free Parking spaces in accordance with the Michigan Department of Labor, Construction Code Commission Barrier-Free Design Division.
- (12) Drainage. All parking lots shall be graded or drained to dispose of stormwater runoff. The City may permit openings in the curbing for drainage purposes. No surface water shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way, County Drain or municipal storm sewer shall require written approval from the appropriate local, County, or State agency.

E. Schedule of Required Off-Street Parking Spaces. The number of off-street parking facilities required shall be as follows:

Use	Parking Spaces Required
Single-family, two-family or multiple-family dwellings	2 parking spaces for each dwelling unit
Banks, credit unions, or savings and loans	1 space for each 200 square feet of gross floor area, plus 2 spaces for each non-drive-up ATM
Drive-through facilities for non-restaurant uses	4 stacking space for each window or drive-up ATM
Barbershops and beauty shops	2 parking spaces per barber chair or operator station
Bowling alleys	4 parking spaces for each bowling lane
Day care centers	1 parking space for each employee plus 1 parking space for every 10 children based upon the regulated capacity of the center
Funeral homes	1 parking space for each 100 square feet of floor area
Hospitals and convalescent homes	1 parking space for each 4 beds therein
Furniture and appliance stores, contractor's offices, showroom of a decorator, plumber, electrician or similar trade, dry cleaners, repair shops and other similar uses	1 parking space for each 600 square feet of floor area
Laundromats and self-service dry cleaners	1 parking space for every 3 washing machines and/or dry cleaning machines
Offices for business or professional use; doctors, lawyers, real estate offices, banks, and similar uses	1 parking space for each 200 square feet of floor area
Retail sales, business or service shops, including drug stores, grocery stores, hardware stores, florists, photography	1 parking space for each 250 square feet of floor area

studios, publishing and printing establishments, and other similar uses	
Restaurants, coffee shops or similar establishments for the sale and consumption of food, beverages or refreshments	1 space for each 2 seats, based on maximum seating capacity as determined by the building code in effect in the City
Places of assembly including theaters, auditoriums, clubs, lodge halls, places of worship, and similar buildings	1 parking space for each 6 permanent seats therein, or if there are no permanent seats, 1 parking space for each 100 square feet of assembly area
Light industrial businesses	5 parking spaces plus 1 parking space for each employee in the largest working shift
Golf courses	3 parking spaces for each course hole plus 1 parking space for each 150 square feet of floor area of an accessory clubhouse
Vehicle fueling/multi-use station	1 space for each 125 square feet of net floor area, plus 2 parking spaces per fueling station
Dance and Exercise Studio	1 space per maximum class size plus 1 parking space for each employee in the largest working shift
Health fitness centers, athletic clubs, and other similar uses	1 space for each 200 square feet of floor area
Medical clinics, outpatient centers, 24-hour urgent care centers	2 spaces per exam or outpatient procedure/operating room, plus 1 space per laboratory or recovery room, plus 1 space per 1 employee

F. Collective Off-Street Parking Facilities. Nothing in this article shall be construed to prevent the joint use of storage or parking space by two (2) or more buildings or uses, if the total of such space when used together shall comply with the joint requirements thereof.

G. Flexibility in Application. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

(1) Shared Parking.

(a) In the instance of collective provision for off-street parking facilities for two (2) or more buildings or uses, the Planning Commission may permit a reduction in the number of parking spaces required by this chapter. Shared parking may be permitted between two (2) or more uses when the minimum parking requirements of the use requiring the largest number of parking spaces have been met and the applicant has demonstrated that the peak parking demand for one (1) use will not overlap with the peak parking demand for the other uses. In no case may parking be reduced by more than thirty (30) percent below the minimum required for each individual use. To demonstrate shared parking compatibility, the applicant shall use the methodology for

calculating shared parking established by the most recent edition of the Urban Land Institute Shared Parking book or similarly accepted industry standard. Underlying parking space requirements for each use shall be based on the city parking requirements noted herein or as otherwise modified by the provisions of this Article. An irrevocable, reciprocal use easement agreement shall be required for all nonresidential developments that permit shared parking between uses within the same development. In the instance of phased projects, the applicant shall provide empirical evidence of the success of the shared parking approved in earlier phases prior to the approval of a subsequent phase.

- (2) Deviations. The Planning Commission may grant deviations from off-street parking requirements. These deviations may require less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. If a deviation is granted, the following shall apply:
- (a) An applicant may request a parking deviation as part of a development application or as a separate and distinct action with no other concurrent request.
 - (b) The applicant shall provide a parking study with adequate detail and information to assist the Planning Commission in determining the appropriateness of the request.
 - (c) The Planning Commission may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.
 - (d) The Planning Commission may require the applicant to set aside area for reserve parking (landbanking) that can be constructed as needed, although this is not a prerequisite for the approval or a deviation. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.

H. Parking Maximum. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of stormwater runoff. Exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

I. Off-Street Parking Regulations for one- and two-family residential zone districts.

- (1) Prohibition of parking in front yards. No parking or storing vehicles or any other material or equipment shall be permitted on any portion of the lot between the front of the building and the public street except that vehicles bearing current license plates which are in normal operating condition may be parked on a driveway.
- (2) All parking of commercial vehicle parking shall comply with Section 35-675i.
- (3) Driveway requirements. A building permit is required for the construction of a driveway. There shall be only one driveway and curb opening per lot, except as provided in subsection (b) of this section. The driveway shall be constructed of asphalt, concrete, crushed stone, brick pavers, porous paving or paver blocks or other hard-surfaced material as approved by the City Engineer.
 - (a) The driveway shall be a straight or nearly straight extension from the public street directly to the side yard; or in the case of a front facing attached garage or carport, directly to the garage or carport; or in the case of a corner lot, directly to the side facing attached garage or carport, or the rear yard.
 - 1. A driveway in the front yard shall not be wider than 12 feet, except a driveway from the front street to an attached front facing garage or carport may be up to the width of the garage door or carport opening, but in no case wider than 18 feet between the street and

the lot line parallel to the street, except for driveway flares as provided in subsection (3) of this section.

2. In the case of corner lots, a driveway from the side street to the side or rear yard shall not be wider than the width of the garage door, carport opening or 20 feet, whichever is greater, but in no case wider than 20 feet between the street and the lot line parallel to the street, except for driveway flares as provided in subsection (a)3. of this section.
 3. The opening in a curb or street may exceed the driveway width by up to six feet (three feet per side) for a driveway flare, provided the maximum opening in a curb or street does not exceed 22 feet.
 4. A sidewalk may be located in the front or side yard parallel and adjacent to one side of the driveway provided that it is no wider than three (3) feet, and further provided that it is differentiated from the driveway by the use of a different pattern, material and/or color.
- (b) In addition to a straight driveway, a semi-circular driveway may be permitted in the front yard, but only if one of the following two criteria is met:
1. The lot is in the R-1A zone district and has a lot width of at least 150 feet, a front yard depth of at least 40 feet, and the total driveway area (straight driveway plus semi-circular driveway) does not occupy more than 25 percent of the front yard; or
 2. The lot fronts on Eleven Mile Road and the total driveway area (straight driveway plus semi-circular driveway) does not occupy more than 60 percent of the front yard.
 3. A semi-circular driveway must comply with all of the following conditions:
 - i. Except for corner lots where the straight driveway is off the side street, there shall be no more than two driveway openings per lot and the semi-circular driveway shall join the straight driveway before entering the public right-of-way.
 - ii. The semi-circular driveway shall not exceed ten feet in width with each curb cut opening not to exceed 14 feet in width.
 - iii. An application for the semi-circular driveway shall be accompanied by a plan sealed by a registered engineer showing how the stormwater runoff from the driveway will be drained and certifying that all of said water will be retained and absorbed on-site.
 - iv. A site plan for the semi-circular driveway along with a landscape plan shall be submitted to the Planning Commission for review and approval in accordance with the requirements of section 40-10.08. The landscape plan shall show the plant materials being used to substantially soften the impact of the semi-circular driveway. Such materials shall be installed and planted simultaneously with the installation of the semi-circular driveway.
- (4) Prohibited use for open areas. No machinery, equipment, vehicles or other materials, either discarded or showing evidence of need for repairs or maintenance, shall be stored or parked, or permitted to stand in any open area that is visible from the street, public place or adjoining residential property.

J. Off-Street Parking Design Standards.

- (1) Plans for the layout of off-street parking facilities shall be in accord with the minimum requirements set forth in Table 10.06.

Table 10.06 Parking Dimensions				
Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 Deg. to 15 Deg.	9.0 feet	12 feet	Minimum of 23 feet	30.0 feet
16 Deg. to 37 Deg.	9.0 feet	11 feet	19 feet	46.6 feet
38 Deg. to 57 Deg.	9.0 feet	13 feet	19 feet	53.2 feet
58 Deg. to 74 Deg.	9.0 feet	18 feet	19 feet	60.4 feet
75 Deg. to 90 Deg.	9.5 feet	24 feet	19 feet	

- (a) All spaces shall be provided adequate access by means of maneuvering lanes.
- (2) Illumination. All illumination of parking lots or display areas shall be designed and installed to comply with the requirements of Section 40-10.05.
- (3) Landscaping. The parking area shall provide screening, greenbelts, buffers and parking lot landscaping in accordance with Section 40-10.02. Where parking abuts required landscape islands or greenbelt areas, the parking space may be decreased by two (2) feet in length if curbing is provided.
- (4) Parking Abutting Sidewalks. Where a parking space overhangs a sidewalk the minimum sidewalk width shall be seven (7) feet and the parking space may be decreased by two (2) feet in length if curbing is provided.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.07 Off-Street Loading and Unloading

- A. Where Required. On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. As part of the site plan review, the Planning Commission may permit central loading areas to be shared by multiple uses.
- B. Traffic Flow Location. The location of the loading area shall be sufficient to prevent undue interference with adjacent, required parking spaces, maneuvering aisles, or traffic flow and no unloading on public streets. Loading/unloading areas and docks shall not be located in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- C. Alleys. Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- D. Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The Planning Commission may modify this requirement for uses when it is shown that smaller delivery trucks will be utilized on a regular basis.
- E. Pavement. Loading dock approaches shall be constructed of asphalt or concrete with a base sufficient to accommodate expected vehicle weight as approved by the City Engineer.
- F. Number. The minimum number of loading spaces shall be provided in accordance with the requirements set forth in Table 10.07.

Table 10.07 Off-Street Loading Requirements	
Institutional, Commercial, and Office Uses	
Up to 6,000 sq. ft. Gross Floor Area (GFA)	1 space
6,001 sq. ft. GFA and over	1 space, plus 1 space per each additional 20,000 sq. ft. GFA

G. Flexibility in Application.

- (1) The city recognizes that, due to the specific requirements of any given development, inflexible application of the loading standards may result in development with unnecessary loading area, which may lead to internal traffic congestion and excessive paving and stormwater runoff and a waste of space which could be left as open space.
- (2) The Planning Commission may grant deviations from loading requirements. These deviations may require more or less loading based upon a finding that such deviations are more likely to provide a sufficient number of loading space to accommodate the specific characteristics of the use in question.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.08 Access Management

A. Where Required. The standards set forth in this Section shall apply to all uses that access a public street.

B. General Requirements.

- (1) Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein.
- (2) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- (3) Cross access is required and shall be located to provide a direct connection with the existing or future access of the abutting non-residential properties. A site plan without cross access may be approved when it can be demonstrated that there are either physical limitations or functional circumstances that would prevent such access from being installed. As part of a site plan review, the Planning Commission may require cross access or a cross access easement for future a cross access connection.
- (4) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing exiting vehicle sight distance, or otherwise interfering with street traffic.
- (5) Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.
- (6) Ingress and egress to an off-street parking facility for all uses other than single-family residential shall not cross land zoned for single-family.

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- a. Location and Spacing.
 - 1. Ingress and egress from an off-street parking facility located in an area zoned for all uses other than single-family residential shall be at least twenty-five (25) feet from adjacent property zoned single-family residential.
 - 2. The number of access points shall be limited to the minimum needed to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections and other access points as approved by the City Engineer or appropriate governing agency.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.09 Pedestrian Access

- A. General Standard. The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest and security as defined by the standards in this Section.
- B. Safety Considerations. To the maximum extent feasible, pedestrians shall be separated from vehicles.
 - (1) Minimizing Pedestrian/Vehicular Conflicts. Physical separation of pedestrian and vehicular access is the most effective means of avoiding conflicts and unsafe conditions. Where complete separation of pedestrians and vehicles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, pedestrian safety island, landscaping, lighting or other traffic calming measures to clearly delineate pedestrian areas, for both day and night use.
 - (2) Multi-Use Paths. Where bicycle paths are required or are specifically part of a site plan and pedestrians and bicyclist share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. The minimum width shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines and applicable City Engineering design standards as determined by the City's consulting engineer.
 - (3) Curb Cuts and Ramps. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. Curb cuts and ramps shall be located at convenient and safe locations. The location and design of curb cuts and ramps shall comply with the Michigan Barrier-Free Code and the Americans with Disabilities Act Standards for Accessible Design.
- C. Site Amenities. Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches. However, all sites with parking of ten (10) spaces or greater shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.
- D. Walkways.
 - (1) Walkways within the site shall directly connect points of pedestrian origin and destination. Walkways shall not be located based only on the outline of a parking lot if it does not provide direct pedestrian access. Walkways shall either be grade separated from parking lots or clearly delineated to avoid pedestrian/vehicular conflicts.

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- (2) Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked, using such measures as pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping and other traffic calming techniques.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.10 Fences, Hedges and Walls

- A. Application and permit required. No person shall erect or rebuild any fence or wall unless such person shall first have applied for and received a permit therefor from the Zoning Administrator or his/her designee. Application for such permit shall contain a plot plan showing the proposed location, height, material, and opacity of the fence. The city may request additional information to confirm that the erection of such fence is consistent with the provisions of this chapter or the laws of the State of Michigan.
- B. Height and Location for fences.
 - (1) No fence shall be erected, constructed, maintained or rebuilt in a front yard.
 - (2) No fence shall exceed four (4) feet in height at any point behind the front yard except:
 - (a) Fences up to six (6) feet in height are permissible along shared rear property and along shared side property line in rear yard provided that the fence meets all other requirements of this article, and provided that the property owner adjacent to the proposed fence shall approve, in writing, of the additional height.
 - (b) On a corner lot, a fence may be constructed up to six (6) feet in height, provided it is constructed in the rear yard and adjacent to a public right-of-way.
 - (c) Fences up to six (6) feet in height are permissible along shared side or rear property lines between residential properties and nonresidential property.
 - (d) Fences up to eight (8) feet in height are permissible along shared side or rear property lines between residential properties and nonresidential property used to store dump trucks, cars or heavy equipment, or upon which salt, sand or other raw materials are stockpiled.
 - (e) Fences up to twenty (20) feet in height are permissible upon public property used for parks, playgrounds, ballfields and golf courses.
 - (f) Maximum height for driveway clearance. No fence or hedge which obstructs the visibility of sidewalks or streets from any driveway on the property, or any pre-existing driveway on an adjacent property, may exceed thirty (30) inches in height if located within ten (10) feet of the intersection of the driveway edges and the sidewalk.
 - (g) A fence up to four (4) feet in height may connect a fence in the side yard to the side of the house, provided that the connecting fence shall be no further forward than the midpoint of the house depth or a house having a side door entrance may have a connecting fence up to four (4) feet in height extending toward the front of the house for distance not to exceed three (3) feet in front of the side door. A fence in a side yard shall not be located next to a driveway on an adjacent parcel to prevent full use of such driveway.
 - (h) Where the side yard is adjacent to Coolidge Highway, a fence is permitted up to six (6) feet in height.
- C. Privacy screens. Privacy screen means a type of fence that is a substantially opaque barrier intended to screen a selected use or particular area in a private residential yard. Privacy screens may be placed on the interior of a lot, subject to the following:

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- (1) Height. Privacy screens shall not exceed six (6) feet in height.
 - (2) Location. Privacy screens shall not be located in a required rear yard accessory structure setback area.
 - (3) Limits on enclosure. A privacy screen shall be designed to screen a selected use or area (such as a swimming pool or patio) but cannot extend for the entire length of a side or rear yard. In no case shall a privacy screen be located in a front yard.
 - (4) Materials. Privacy screens shall be constructed primarily of wood, masonry, or wrought iron.
- D. Height and Location for Hedges and Landscaping. No hedge or solid landscaping screen shall be erected, constructed, planted, maintained or rebuilt in the front yard except a hedge or landscaping screen which is less than thirty (30) inches in height may be located in the front yard, provided that the hedge or landscaping screen shall not project over the lot line. A hedge located in a front or side yard may not be closer than three (3) feet from any driveway on an adjacent property.
- E. Opacity and Structural requirements.
- (1) Structural Requirements. Fences shall be constructed of an open pattern metal, woven wire, wood or vinyl, in such a manner so that there shall be either horizontal or vertical openings or both, of at least three (3) inches in width provided for the full length or height of the fence, and provided further that said fence shall not obstruct vision to an extent greater than 50 percent of the total area. The columns or support posts of a fence or wall may exceed the height limit of the fence by no more than eight inches.
 - (2) The opacity of a fence may be reduced or eliminated if:
 - (a) The fence will be located in the rear yard adjacent to a public right-of-way; or
 - (b) The fence will enclose a pool or hot tub if part of the enclosure is in a required side or rear yard.
- F. Walls.
- (1) Retaining walls. For the purpose of location and height, retaining wall shall be considered a fence and shall be subject to the provisions of this section if the wall extends more than one (1) foot above the adjacent ground level. Retaining walls shall meet the requirements of the local building code and be approved by the code official.
 - (2) Screening walls up to eight (8) feet in height are permissible along shared side or rear property lines between residential properties and nonresidential property used to store dump trucks, cars or heavy equipment, or upon which salt, sand or other raw materials are stockpiled.
 - (3) Walls on nonresidential property shall be constructed in accordance with the regulations of Section 40-10.02.
 - (4) Walls on residential property shall be constructed in accordance with the following:
 - (a) A wall shall not be constructed in a dedicated easement or within four feet of the location of an underground utility.
 - (b) A wall shall not exceed thirty (30) inches above grade, unless as permitted under Section 40-10.10.F(2).
- G. Nonconforming existing fences, walls and hedges. Fences and walls already erected as of the date the ordinance may be maintained at their current height so long as such is in compliance with the law existing at the time of erection. However, the height and location of any such fence or wall must be made to comply with this section if any structural alteration is made, or if any structural alteration is necessary to safely or properly maintain the fence or wall. A nonconforming fence or wall that is destroyed by any means to an

extent of more than sixty (60%) percent of its replacement cost shall not be reconstructed except in conformity with the provisions of this Article.

H. Clearance From City Property.

- (1) City sidewalk. A fence, wall or outer growth of a hedge shall be a minimum of one (1) foot from any city sidewalk.
- (2) City right-of-way. No fence, wall or hedge may be located in the city's right-of-way, including but not limited to, that area between the street and the sidewalk. For any fence or wall equipped with a gate, such gate shall not swing over the city's right-of-way.

I. Other Restrictions.

- (1) Vacant lots. On a vacant lot, no fence may be erected, other than a temporary fence for construction purposes as deemed necessary by the Building Official.
- (2) One fence per lot line. Only one fence or wall may be erected along a common lot line in the combined required side and rear yards.
- (3) Dog runs are prohibited.

J. Finished Face of Partition Fences and Walls. The finished face of any fence or wall shall face outside the permit holder's property, with the visible posts or supports being located on the inside of the fence or wall, unless the fence is so constructed that both sides of the fence are the same (such as a board-on-board or shadow box fence).

K. Dilapidated or Dangerous Fences and Walls; Blight.

- (1) It shall be the duty of the owner upon whose property the fences or wall are located to ensure that all fences or walls are installed and maintained plumb, with adequate support and footings, and in a safe and sightly manner. If the fences or walls are deemed to be on the lot line and the ownership is not known, it shall be the duty of both adjoining property owners to maintain the fences or walls in a safe and sightly manner.
- (2) The building official of the city is hereby authorized to order the removal or repair of fences and walls that are dangerous, damaged, paint peeled, dilapidated, or otherwise in violation of this Code or state or federal law.

L. Prohibited Materials.

- (1) No fence or wall shall be constructed, in whole or in part, of barbed wire or in such a manner as to attach any spike, nail, or other sharp point, instrument or material.
- (2) No fence or wall shall be electrically charged or connected to an electrical current, except for a fence installed below ground as an element of an animal control system.
- (3) No fence or wall shall be constructed of corrugated plastic or contain woven plastic materials.

M. Zoo Fencing and Screening Adjacent to Huntington Road.

- (1) Applicability. This section shall apply to any zoo fencing or screening along the frontage of Huntington Road that is located within 120 feet of the Huntington Road centerline.
- (2) Fence and Screening Requirements:
 - (a) Perimeter Fence.
 1. Definition: Fence directly abutting and parallel to Huntington Road.

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2. Perimeter Fence shall be a black chain link fence. Barbwire is permitted only at the top of the fence. Razor wire is prohibited. Through a site plan review, the Planning Commission may approve the use of another material.
 3. No tarp shall be affixed or located within fifteen (15) feet of the Perimeter Fence.
 4. The maximum permitted Perimeter Fence height is ten (10) feet, including barbwire portion.
- (b) Operation, Service Area, or Indoor Animal Habitat.
1. Definition: An exterior area to the rear of a building that is used for zoo operations, services, or indoor animal habitat, including but not limited to, trash enclosure areas, outdoor storage, concession stands, utility areas, and building for animal habitat.
 2. Operations, Service Area, or Indoor Animal Habitat areas shall be screened either with a landscape screen located along the existing Huntington Road perimeter fence that provides a minimum of 80% opacity; or a fence of a natural material such as wood or bamboo.
 3. The maximum permitted fence height for Operation, Service Area, or Indoor Animal Habitat areas is six (6) feet.
- (c) Outside Animal Habitat.
1. Definition: An exterior area in which animals are confined within enclosures, to be displayed, bred, cared for, or rehabilitated.
 2. Outside Animal Habitat areas may be screened either by a fence of natural material such as wood or bamboo; or a tarp screening if said tarp is supplemented with landscape screening along the existing Huntington Road perimeter fence that provides a minimum 80% opacity. No tarp shall be located within fifteen (15) feet of the perimeter fence.
 3. The maximum permitted fence height for an Outside Animal Habitat area is ten (10) feet.
- (d) Construction Area.
1. Definition: An exterior area where construction work is being undertaken.
 2. Screening for a construction area shall only be valid for six (6) months in length. Any period longer than six (6) months in length shall require an extension from the Zoning Administrator.
 3. The maximum permitted fence height for a Construction Area is eight (8) feet.
- (e) Other Areas.
1. Definition: Portion of zoo adjacent to Huntington Road that does not meet the definition of Operations or Service Area, Animal Habitat, or Construction Area.
 2. Only landscaping shall be permitted in these areas.
- (f) For any portion of the zoo adjacent to Huntington Road that meets two or more of the fence type area definitions as set forth in Sections 40-10.12.M(2)(a)—(e), the more restrictive fencing or screening requirement shall apply.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-10.11 Signs

- A. Intent. The intent of this article is to regulate signs and outdoor advertising within the city to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction and loss of visibility; promote pedestrian and vehicular traffic safety and minimize negative impacts on surrounding property; promote a quality manner of display which maintains and enhances the character of the city; promotes public convenience; preserves property values; encourages the effective use of signs as a means of communication and support of businesses; and overall enhances the aesthetic appearance and quality of life within the City.

The regulations and standards of this article are considered the minimum amount of regulation necessary to achieve a substantial governmental interest for public safety, traffic safety, aesthetics, protection of property values, and intended to be content neutral. These regulations are content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspect of signs in the city so as to:

- (1) Protect the public rights to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical, and other types of information protected by the First Amendment of the United States Constitution. Nothing in this chapter is intended to limit the expression of free speech protected by the First Amendment.
 - (2) Recognize that the principle intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises.
 - (3) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
 - (4) Recognize that different areas of the City require different sign regulation due to factors such as their intended audience (pedestrians, drivers, etc.) and their ability to help promote the character of an area.
 - (5) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
 - (6) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
 - (7) Prevent placement of signs that will conceal or obscure signs of adjacent uses.
 - (8) Prevent off-premises signs from conflicting with land uses.
 - (9) Preserve and improve the appearance of the City and road corridors through the City, including Woodward Avenue, by encouraging signs of consistent type and size which are compatible with and complementary to related buildings and uses, and are harmonious with their surroundings.
 - (10) Prohibit portable commercial signs near the road rights-of-way in recognition of their significant negative impact on traffic safety and aesthetics.
- B. Construction Standards.
- (1) General Requirements. All permanent signs shall be designed and constructed in a safe and stable manner in accordance with the City's adopted Building and Electrical Code. All electrical wiring associated with a freestanding sign shall be installed underground.
 - (2) Building Code Compliance. All permanent signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.

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- (3) Framework. All signs attached to a structure shall be designed so that the supporting framework, other than the supporting elements on a freestanding sign, is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.

C. Illuminated Signs.

- (1) Indirectly or internally illuminated signs are permitted in non-residential districts provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent property.
- (2) Lighting of off-premises signs must be turned off after 11:00 p.m. Lighting of on-premises signs shall be turned off upon closing, but no later than 11:00 p.m.
- (3) The backlighting of awnings is prohibited.

D. Measurement of Sign Area.

- (1) The area of a sign shall be computed as including the entire area within the regular geometric form of a square, rectangle, triangle, or circle. If the sign utilizes more than one (1) separate geometric form, a square or rectangle may be combined with a contiguous circle or triangle. The form(s) shall encompass all the display area of the sign including all elements of the matter displayed.
- (2) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back, parallel to one another and less than twenty-four (24) inches apart, the area of the sign shall equal the area of one (1) face.
- (3) Frames and structural members not bearing copy or display material shall not be included in the computation of sign area.

E. Prohibited Signs.

- (1) Swinging Signs. Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment.
- (2) Blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Nothing contained in this ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities.
- (3) Moving Signs. Except as otherwise provided in this section, any sign or portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition, including pennants, search lights, twirling signs, balloons, feather, or other gas-filled figures.
- (4) Parking of Advertising Vehicles. No vehicle, or trailer, which has attached thereto, or painted thereon, any sign or advertising device displaying the name of any business, product or service located on the subject premises, shall be parked between the hours of 11:00 p.m. and 6:00 a.m.:
 - (a) On private property, in any non-residential district, between the front line of the structures located thereon and the front property line; and
 - (b) On a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading activities and otherwise lawful parking shall be exempt from this provision.
- (5) Abandoned Signs. Signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.
- (6) Painted Wall Signs. Signs which are painted directly on to the wall, or any other structural part of a building.

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- (7) Roof Signs. Signs which are erected or constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.
 - (8) Fence Signs. Signs which are pasted or attached to utility poles or placed upon trees, fences, rocks, or in an unauthorized manner to walls or other signs.
 - (9) Projecting Signs. Signs located in, or which project into or overhang any public right-of-way, except as allowed by local, state, or federal law or regulation.
 - (10) Electronic Message Signs, including LED signs or moving video signs, except as otherwise permitted by this Ordinance.
 - (11) Miscellaneous Signs.
 - (a) Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", "beware of animal", warning of danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences.
 - (b) Signs which imitate an official traffic sign or signal which contains the words "stop", "go", "slow", "caution" "danger", "warning", or similar words except as otherwise provided in this Section.
 - (c) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
 - (d) Signs which contain statements, words, or pictures of an obscene, pornographic, or immoral character.
 - (e) Signs which emit audible sound, odor, visible matter.
- F. Signs Permitted in All Districts without a Permit. Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within Huntington Woods without a permit:
- (1) Public Traffic and Directional Signs.
 - (a) Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed six (6) square feet in area for each sign.
 - (b) A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line.
 - (c) A directional sign may bear the logo of a business for which it directs entering and exiting traffic if it is the determination of the Zoning Administrator that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.
 - (2) Garage and Estate Sales. Garage sale and estate sale signs in residential zoning districts, provided that such signs:
 - (a) Are not attached to public utility poles.
 - (b) Do not exceed six (6) square feet in area.
 - (c) No more than three signs.
 - (d) Are erected no more than three (3) days before, and are removed within one (1) business day.
 - (e) Signs must be placed behind the sidewalk on private property. If signs are placed on private property other than on the property of the homeowner or occupant sponsoring the garage sale, permission must be obtained.

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- (3) Business Signs. Business signs containing information on credit cards, business affiliations, hours of operation, open/closed, etc. The combined area of all such signs shall not exceed four (4) square feet and shall not be included in the maximum window coverage calculation.
 - (4) Construction maintenance or service work being performed.
 - (a) Number. May display one (1) sign on parcel(s) of which work is being completed.
 - (b) Duration. May remain on-site during duration of work. Must be removed when work is complete.
 - (c) Size. Six (6) square feet and maximum of four (4) feet in height.
 - (5) For rent or for lease signs.
 - (a) The sign shall not exceed sixteen (16) square feet in area. (In computing the area of applied lettering, the length and height shall be taken as six inches greater than the overall length and height of lettering.)
 - (b) The sign shall not project above the roofline and shall be attached flat to the building.
 - (c) Any lighting shall be shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent property.
 - (d) There shall be only one sign per building.
 - (6) Exempt.
 - (a) Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connections.
 - (b) Legal notices, identification, information, or directional sign erected, or required by governmental bodies.
 - (c) Integral decorative or architectural features of building, except letters, trademarks, moving parts, moving lights, or backlit areas.
 - (d) Signs containing non-commercial messages such as religious, political, economic, social, philosophical, and other types of information protected by the First Amendment of the United States Constitution.
- G. Signs Permitted in TD and BD District.
- (1) Ground, Wall, Awning and Canopy signs.
 - (a) Number. Up to one (1) ground sign and (1) wall sign per lot.
 - (b) Total Signage Area per Lot. The total permitted wall, ground, canopy, or awning signage per lot shall be not exceed 1.50 square foot of sign area for each 1.0 linear foot of building frontage occupied by a business to a maximum area of one hundred fifty (150) square feet.
 - 1. All tenants without ground floor frontage, in a given building, shall be permitted one (1) combined exterior wall sign not more than twenty (20) square feet in area. Total additional tenant signage shall not exceed more than one hundred (100) square feet.
 - (c) Ground Sign.
 - 1. Total height including base shall not exceed eight (8) feet.
 - 2. Setback shall be no closer to street lot line than the height of the sign.
 - 3. No ground sign may exceed thirty-two (32) square feet in sign area.

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- (d) Wall Sign.
 - 1. No sign shall project above the roofline.
 - (e) Canopy and Awning Sign.
 - 1. A canopy and awning sign is permitted in lieu of a wall sign. For canopies and awnings upon which a sign is to be displayed, the entire area of such canopy and awning shall be considered to be a sign area.
 - (2) Window.
 - (a) Number and Size. No limit on number but total window sign area cannot occupy more than twenty percent (20%) of each individual window.
 - (b) Window signs must be located inside the window.
 - (c) Window signs shall be placed to allow clear vision into the building by public safety personnel.
 - (3) Menu/Price Boards. In addition to the signs permitted in paragraphs 1, and 2 above, drive-through businesses with automobile pick up windows may have one (1) menu/price board per drive. The total square footage for menu board per drive-aisle shall not exceed twenty (20) square feet in area.
 - (4) Vehicle Fueling/Multi-Use Stations.
 - (a) Gasoline Price Sign.
 - 1. Location. Said sign shall be mounted or attached to business identification ground sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way.
 - 2. Number. An automobile service station may have one (1) additional sign for the purpose of advertising gasoline prices and other services provided on the premises.
 - 3. Size. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.
 - 4. Illumination. Fuel prices may be LED numerals provided the following are met:
 - i. Numerals shall not exceed 12 inches in height.
 - ii. All numerals shall be either red or green in color. LED background may only be black.
 - iii. The numerals may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.
 - iv. The LED light is programmed to automatically turn off in the event of a malfunction.
 - (b) Canopy.
 - 1. Number. An automobile service station may have one (1) additional sign to be located on the fueling canopy for each public street frontage.
 - 2. Size. Said sign can be one-half (1/2) square foot of sign area for each one (1) linear foot of canopy face length adjacent to facing public street frontage.
 - (c) Pump Signage.
 - 1. Number. One (1) per fuel pump face.
 - 2. Size. Maximum of one (1) square-foot.

(5) Miscellaneous Signage.

(a) Temporary Banner.

1. Permitted a maximum of four (4) times a year, not to exceed thirty (30) days at one time.
2. No larger than twenty (20) square feet.
3. Banners shall be attached to a building wall or permanent canopy extending from a building, and shall not extend above the roofline.

(b) Sandwich Board Signs.

1. Sandwich board signs shall only be located on sidewalks contiguous to the business being advertised. They shall not extend beyond the length of the business frontage. In no event shall the sandwich board sign reduce the open portion of the public sidewalk to less than five feet clear of all obstructions (i.e., street lighting, benches, trees, trash receptacles, etc.).
2. One per lot.
3. The signage area shall be a maximum of six (6) square feet on each face of the sign. The overall sign size shall not exceed 27" wide and/or 42" tall.
4. Sandwich board signs may only be displayed during open business hours.
5. Sandwich board signs are not permitted on a public sidewalk during times of snow and inclement weather.

H. Removal of Signs.

- (1) Legal Non-Conforming. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the City may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of Section 40-10.11.E, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the City may be assessed to the owner of the property on which such sign is located, and such charge shall be a lien on the property.
- (2) Expiration. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City shall remove it in accordance with the provisions stated in Section 40-10.10.I preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

I. Violations.

- (1) Any person or agent who installs or causes any of the following are party to the violations:
 - (a) To install, create, erect, or maintain any sign in a way inconsistent with the terms of this Ordinance or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.

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- (b) To install, create, erect, or maintain any sign requiring a permit without such a permit.
 - (2) Separate Violation. Each sign installed, created, erected, or maintained in violation of this Ordinance shall be considered a separate violation.
 - (3) Right-of-Way. Unless specified elsewhere in this ordinance any signs placed within a road right-of-way (ROW) and on utility poles will be considered a violation of this Ordinance and may be removed by the City at the expense of the owner.

(Ord. No. 600, § 1, 1-8-2018)

Article 11 Nonconforming Lots, Uses and Structures

Section 40-11.01 Intent

- A. It is the purpose of this Article to provide regulations governing lots, buildings, structures and uses which were lawful prior to the enactment of this Ordinance, or amendments thereto, but which are regulated under the provisions of this Ordinance.
- B. It is recognized that there exists within the districts established by this Article and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Article was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.
- C. Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Article provided progress has been diligently pursued and substantial construction has occurred.
- D. The authorization of nonconformities that were legally established prior to enactment or amendment of this Ordinance to continue shall not apply to buildings, structures or uses which were not legally established prior to the enactment or amendment of this Ordinance. Those nonconforming uses or nonconforming structures which have not been legally established shall be declared illegal and shall be discontinued at the effective date of this Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-11.02 Nonconforming Lots of Record

- A. Use of Nonconforming Lots. In any District where single-family dwellings are permitted, any single lot of record existing at the effective date of adoption or amendment of this Article that fails to meet the applicable Zoning District requirements for area or width, or both, shall be considered to be a nonconforming lot of record. A single-family dwelling and customary accessory buildings may be constructed on a nonconforming lot of record provided the lot is at least 40 feet in width, and all other setbacks and all other requirements of this Ordinance are met.
- B. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combinations of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Article, and if all or part of the lots do not meet the requirements for lot width and area as established by this

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Article, the lots or combination of lots involved shall be considered to be an undivided parcel for the purposes of this Article. No portion of said parcel shall be used or occupied in a manner which diminishes compliance with lot width and area requirements established by this Article, nor shall any division of the parcel be made which creates a lot width or area below the requirements stated in this Article.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-11.03 Nonconforming Uses

A lawful use of land or structure or land in combination existing at the effective date of adoption or amendment of this Article that is no longer permissible under the terms of this Article as enacted or amended, shall be considered a nonconforming use. A nonconforming use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming use shall not 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 Article.
- B. A nonconforming use shall not 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 Article.
- C. 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.
- D. A nonconforming use that is replaced by a permitted use, shall thereafter conform to the regulations for the District in which the use is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status.
- F. An existing structure devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, or to bring the structure into greater conformity with the Ordinance.
- G. A nonconforming use that is determined to be abandoned shall not be reestablished, and any subsequent use shall conform to this Ordinance. A nonconforming use shall be determined to be abandoned if there is a clear intent to abandon when considering the following conditions:
 - (1) Utilities, such as water, gas and electricity to the property have been disconnected; or
 - (2) The property, building, or grounds have fallen into disrepair in a manner which result in violation of applicable zoning and property maintenance codes, or would otherwise give the appearance of neglect or abandonment; or
 - (3) Signs or other indications of the existence of the nonconforming use have been removed; or
 - (4) Equipment or fixtures necessary for the operation of the nonconforming use have been removed; or
 - (5) Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-11.04 Nonconforming Buildings and Structures

A lawful structure that existed prior to the effective date of adoption or amendment of this Article that is no longer permissible under the terms of this Article as enacted or amended shall be considered a nonconforming structure. A nonconforming structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming building or structure may not be extended or enlarged or altered, except as follows:
 - (1) Nonconforming side yards of a residential dwelling may be extended provided said extension is no closer to the side lot lines than the existing dwelling; and
 - (2) A nonconforming residential building or structure may be extended or enlarged provided that said extension or enlargement does not itself violate, increase the violation, or cause the building to violate any provision of this chapter, other than permitted in Section A.(1) above.
- B. All normal repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but such building or structure shall not be structurally altered in a way inconsistent with the description and purpose of this article.
- C. A nonconforming building or structure that is destroyed by any means to an extent of more than sixty (60%) percent of its replacement cost, exclusive of the foundation at the time of destruction, shall not be reconstructed except in conformity with the provisions of this Article, except that a nonconforming residential building or a residential building on a nonconforming lot may be reconstructed to its former size, shape and location on the lot.
- D. A nonconforming building or structure that is moved for any reason for any distance whatever, shall thereafter conform to the regulations for the District in which it is located after it is moved.
- E. A nonconforming building or structure that is altered so as to eliminate, remove or lessen any or all of its nonconforming characteristics, shall not be altered or modified and any time thereafter to re-establish the nonconforming characteristics.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-11.05 Repairs and Maintenance

- A. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.
- B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-11.06 Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

(Ord. No. 600, § 1, 1-8-2018)

Article 12 Zoning Board of Appeals

Section 40-12.01 Board Established

A Zoning Board of Appeals is hereby established, in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended (MCL 125.3601 et seq.), and in such a way that the objectives of this Zoning Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, and that reasonable relief be provided in the application of this Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-12.02 Membership and Terms

- A. The Zoning Board of Appeals shall consist of seven (7) members who shall be appointed by the City Commission. Prior to January 1 in each year, one, two or three members, as the case may be, shall be appointed for a term of three years.
- B. The City Commission may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called on a rotating basis to serve as a regular member in the absence of the regular member or in the place of the regular member on an appeal in which the regular member abstains for conflict of interest. Once serving, an alternate member shall continue to serve until a final decision on the appeal has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Each member and alternate member of the Zoning Board of Appeals shall serve until that member's successor is appointed and qualifies. Members and alternate members of the board shall serve without compensation. The board shall elect a chairman and vice-chairman.
- D. Removal. Members of the Zoning Board of Appeals may be removed by the City Commission for misfeasance, malfeasance or non-feasance in office upon written charges and after a due process hearing. A member shall disclose when there is or may be a conflict of interest prior to the matter being considered by the Zoning Board or Appeals. Failure of a member to disclose that there is or may be a conflict of interest to allow the Board to disqualify that member from a vote may constitute malfeasance in office.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-12.03 Rules Governing the Zoning Board of Appeals

- A. Rules. The Zoning Board of Appeals shall adopt rules of procedures to govern its procedures. The Zoning Board of Appeals shall elect a Chairperson, and Vice-Chairperson from its membership in accordance with adopted rules of procedure.
- B. Votes. A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision related to administrative review, interpretation and variances. A current member of the Zoning Board of Appeals who is also a current member of the Planning Commission shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission.

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- C. Representation. Any applicant may appear on their own behalf at a hearing or may be represented by an agent or attorney.
 - D. Time Limit. The Zoning Board of Appeals shall hear and decide upon all matters properly before it within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.
 - E. Record of Proceedings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board in its rules and regulations might specify. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present. The Board shall maintain a record of its proceedings, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting, which shall be filed in the office of the City Clerk.
 - F. Meetings.
 - (1) Meetings of the board shall be held monthly when there are pending appeals and at such other times as the board shall determine. There shall be a fixed time and place of meeting and all meetings shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board and the vote of each member upon each appeal considered. The presence of at least four (4) members shall be necessary to constitute a quorum.
 - (2) A fee shall be charged for all petitions and appeals to the Zoning Board of Appeals, the amount of which shall be prescribed by the City Commission by resolution.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-12.04 Duties and Powers of the Zoning Board of Appeals

- A. General. The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended (MCL 125.3601 et seq.). The specific powers of the Board are enumerated in the following Sections of this Article.
- B. Delegated Duties. The Zoning Board of Appeals shall hear and decide upon the following:
 - (1) Appeals of administrative decisions.
 - (2) Requests for interpretation of the Zoning Ordinance or Zoning Map.
 - (3) Requests for dimensional and other non-use variances.
 - (4) All matters upon which it is required to pass under this Ordinance.
 - (5) Use Variances as set forth in Section 12.04.G.
- C. Appeals—Appeals of Administrative Decisions. The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Ordinance.
 - (1) Appeals shall be filed in writing within thirty (30) days of the written decision in question with the Zoning Administrator. The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The applicant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.

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- (2) Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of the City or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.
 - (3) An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
 - (4) An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals shall have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:
 - (a) The administrative decision was arbitrary or capricious;
 - (b) The administrative decision was based on an erroneous finding of material fact;
 - (c) The administrative decision constituted an abuse of discretion; or
 - (d) The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.

D. Interpretation.

- (1) The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation and Interpretation of District Boundaries. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.
- (2) A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that shall correct or clarify the Ordinance.

E. Dimensional and Other Non-Use Variances.

- (1) Where a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article and existing law, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured, and substantial justice done.
- (2) Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:
 - (a) Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered including, but not limited to, exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.
 - (b) The characteristics which make compliance with dimensional requirements difficult must be related to the property for which the variance is sought, not some other location.

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- (c) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
 - (d) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
 - (e) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.
- (3) The Zoning Board of Appeals shall not find that any of the above criteria have been met without substantial evidence provided by the applicant to that effect.
 - (4) The proposed variance will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.
- F. Special Variations. In addition to the general powers given in Section 40-12.04.B, the Zoning Board of Appeals shall have the authority in specific cases, after public notice and hearing, to authorize, by permit, a variation from the use, height and area district regulations herein established in harmony with their general purpose and intent as follows:
- (1) The erection and use of a building, or an addition to an existing building of a public service corporation and for public utility purposes, in any location to a greater height or larger area than the district requirements herein established, which the board shall find reasonably necessary for the public convenience.
 - (2) The reconstruction, within a period not to exceed 12 months, of a building location in a district restricted against its use which has been destroyed by fire or other calamity, to the extent of not more than 75 percent of its assessed valuation.
- G. Use Variance. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:
- (1) The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.
 - (2) That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the 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. Such unique conditions or situations include:
 - (a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
 - (b) Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
 - (c) The use or development of the property immediately adjoining the property in question.
 - (d) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.

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- (3) The use variance will not alter the essential character of the neighborhood, be contrary to the intent of the Master Plan, or be a detriment to adjacent properties.
 - (4) The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
 - (5) The immediate practical difficulty causing the need for variance request was not self-created by the applicant.
- H. Assistance. The board may call upon the Mayor of the City to secure the assistance of any other City department in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- I. Expiration.
- (1) No order of the Zoning Board of Appeals permitting the erection or alteration of buildings or structures shall be valid for a period longer than one (1) year, unless a building permit for the erection or alteration is obtained within such period and the erection or alteration is commenced and proceeds to completion in accordance with the terms of the permit. The Zoning Administrator may grant extensions, not to exceed six (6) months for each extension, upon a showing of good cause and good faith effort being made to achieve completion.
 - (2) No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless the use is established within such period; provided, however, that if the use is dependent upon the erection or alteration of a building, the order shall continue in full force and effect if a building permit is obtained within such period and the erection or alteration is commenced and proceeds to completion in accordance with the terms of the permit.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-12.05 Rules and Procedures for Variances

A. General.

- (1) An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the Zoning Administrator. The applicant shall provide such information as is required by the Zoning Board of Appeals by way of completed application form, fee and additional information.
- (2) After a public hearing and upon findings of fact based upon the applicable standards set forth in this Article, the Zoning Board of Appeals may approve the variance(s) as requested, approve variance(s) that better complies with the Ordinance than that requested, or deny the request.
- (3) The Zoning Board of Appeals may impose conditions with an affirmative decision. The conditions may include those necessary to promote the public health, safety and welfare, ensure compatibility with surrounding land uses, and protect and preserve natural features. Any conditions imposed by the Zoning Board of Appeals must be related to a valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- (4) A variance which is legally utilized and maintained runs with the property and any subsequent owners may legally continue the variance under its original or amended terms.
- (5) An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence not previously discovered at the time the variance was denied or changed conditions found by the Zoning Board of Appeals to be valid.

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- B. Public Hearings and Notification. The Zoning Board of Appeals shall hold a public hearing on all appeals, interpretations, and requests for variances. Public hearing and notification requirements are set forth in Section 40-3.03 Public Notice Requirements.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-12.06 Site Plan Requirements

If an application to the Board of Zoning Appeals requires site plan approval by the Planning Commission pursuant to the provisions of Article 7, the applicant shall first receive site plan approval as set forth in Article 7.

(Ord. No. 600, § 1, 1-8-2018)

Article 13 Amendments

Section 40-13.01 Authority

The City Commission may amend, supplement, or change the zoning regulations of this chapter and the zoning district boundaries, pursuant to the requirements of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, after recommendation thereon from the Planning Commission. Amendments to the Ordinance requirements are referred to as text amendments. Amendments to the official zoning map that constitute a change in zoning classification are referred to as rezonings. After receiving the report of the Planning Commission, the City Commission may adopt the proposed amendment, supplement or change with or without amendment, or refer the matter again to the Planning Commission for a further report.

Amendments may be initiated by: resolution of the City Commission or the Planning Commission; petition of one (1) or more property owners; or by one (1) or more persons acting on behalf of a property owner(s).

(Ord. No. 600, § 1, 1-8-2018)

Section 40-13.02 Amendment Procedure

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, as amended. The Planning Commission shall hold a public hearing on the amendment. Notice of the public hearing shall be given as set forth in Section 40-3.03 of this Ordinance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-13.03 Rezoning Process

- A. Procedure for Rezoning of Property.

- (1) An applicant seeking the rezoning of property within the City of Huntington Woods shall file an application with the Zoning Administrator, together with the appropriate fee, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission.
- (2) A sign shall be placed on the subject property, at the cost to the applicant, to inform the public that an application for rezoning has been filed, and to indicate the location where the information regarding the request can be obtained.

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- (3) The Planning Commission shall review the application for rezoning, any supplementary materials and reports, and hold a public hearing. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission.
 - (4) The application for rezoning, the entire record at the Planning Commission, the review report, and the recommendation of the Planning Commission shall be forwarded to the City Manager and subsequently to the City Commission. The City Manager shall establish a date on which the City Commission shall hold a public hearing on the matter.
 - (5) The City Commission shall review the application for rezoning, the Planning Commission recommendation, supplementary materials and reports, and hold a public hearing. The City Commission, after a review of the matter, shall adopt a resolution which shall either:
 - (a) Approve the rezoning application for all or part of the property;
 - (b) Deny the rezoning application; or
 - (c) Postpone the rezoning application.
- B. Application Requirements. A rezoning shall be submitted on forms provided by the Zoning Administrator. Failure to provide the information and materials required as a part of the application for rezoning shall render the application deficient and the application shall be held in abeyance until all required items are submitted. The following information shall be submitted:
- (1) The present zoning classification of the property.
 - (2) The proposed zoning classification.
 - (3) The name, address and telephone of the person applying for the rezoning.
 - (4) The name, address and telephone of the person who owns the subject property.
 - (5) The relationship between the applicant and the property owner.
 - (6) A Certified Survey that meets PA 132.
 - (7) The proposed use of the property shall be indicated on the application.
- C. Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:
- (1) The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 - (a) A change in City policy since the Master Plan was adopted.
 - (b) A change in conditions since the Master Plan was adopted.
 - (c) An error in the Master Plan.
 - (2) The proposed rezoning will not cause nor increase any non-conformity.
 - (3) Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
 - (4) The rezoning will not impact public health, safety or welfare.
 - (5) The rezoning will ensure compatibility with adjacent uses of land.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-13.04 Public Notice of Proposed Rezoning and Text Amendments

Public hearing and notification requirements for proposed rezoning and text amendments are set forth in Section 40-3.03, Public Notice Requirements.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-13.05 Conditional Rezoning of Land

A. Authorization and Limitations. City Commission shall have the authority to place conditions on a rezoning provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the City Commission.

In exercising its authority to consider a conditional rezoning, the City is also authorized to impose the following limitations:

- (1) An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
- (2) The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
- (3) Any use or development proposed as part of an offer of conditions that requires a special use approval under the terms of this Ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- (4) Any use or development proposed as part of an offer of conditions that requires site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.
- (5) Any use or development proposed as part of an offer of conditions that requires a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

B. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the City Commission provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Procedure. The procedure for consideration of Conditional Rezoning request shall be the same as provided in Section 40-13.02 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

- (1) Application Requirements. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - (a) A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.

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- (b) A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - (c) A list of conditions proposed by the applicant.
 - (d) A time frame for completing the proposed improvements.
 - (e) A legal description of the land.
 - (f) A Sketch Plan prepared in accordance with the requirements set forth in Section 40-8.03.A.
- (2) Public Hearing. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing. The Public Hearing shall be noticed as set forth in Section 40-3.03.
- (3) Standards for Approval. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
- (a) The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - (b) The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - 1. A change in City policy since the Master Plan was adopted.
 - 2. A change in conditions since the Master Plan was adopted.
 - 3. An error in the Master Plan.
 - (c) The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
 - (d) Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
 - (e) The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- (4) Amendment to Zoning Map. Upon approval by City Commission of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
- (5) Expiration. A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City.
- (a) In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
 - (b) If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
 - 1. The property owner seeks a new rezoning classification for the property, and/or

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2. The City initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- (6) A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.
 - (7) If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-13.06 Protest Petition

- A. If a protest petition in conformance with State law is presented to the City Commission prior to the final adoption of an amendment to this ordinance, an amendment to this chapter which is the object of the petition shall be passed only by a two-thirds vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:
 - (1) The owners of at least twenty (20%) percent of the area of land included in the proposed change.
 - (2) The owners of at least twenty (20%) percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.For purposes of this section, publicly owned land shall be excluded in calculating the 20 percent land area requirement.
- B. The protest petition shall be submitted to the City Clerk by 12:00 p.m. on the day of the City Commission Public Hearing on the proposed amendment, on a form provided by the City.

(Ord. No. 600, § 1, 1-8-2018)

Section 40-13.07 Annual Report

The Planning Commission shall prepare an annual report for the Huntington Woods City Commission on the administration and enforcement of the zoning ordinance and recommendations for amendment or supplements to the ordinance.

(Ord. No. 600, § 1, 1-8-2018)