

APPENDIX A - ZONING

Footnotes:

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Editor's note— Ord. No. Q-21-705, adopted June 7, 2021, repealed the former App. A and adopted a new App. A as set out herein and later amended. Former App. A pertained to similar subject matter, and derived from Ord. No. 378, adopted July 6, 1998; Ord. No. O-00-409, adopted February 7, 2000; Ord. No. O-00-416, adopted February 21, 2000; Ord. No. O-00-417, adopted February 21, 2000; Ord. No. O-00-418, adopted February 21, 2000; Ord. No. O-00-419, adopted February 21, 2000; Ord. No. O-00-425, adopted August 7, 2000; Ord. No. O-01-444, adopted June 18, 2001; Ord. No. O-01-447, adopted July 2, 2001; Ord. No. O-02-461, adopted March 18, 2002; Ord. No. O-02-464, adopted June 3, 2002; Ord. No. O-04-495, adopted April 7, 2004; Ord. No. O-04-502, adopted October 18, 2004; Ord. No. O-05-515, adopted August 1, 2005; Ord. No. O-05-517, adopted November 7, 2005; Ord. No. O-06-524, adopted June 5, 2006; Ord. No. O-08-547, adopted April 7, 2008; Ord. No. O-09-564, adopted October 5, 2009; Ord. No. O-09-565, adopted October 5, 2009; Ord. No. O-10-570, adopted April 19, 2010; Ord. No. O-10-574, adopted July 19, 2010; Ord. No. Q-13-591A, adopted April 1, 2013; Ord. No. O-13-597, adopted July 15, 2013; Ord. No. O-14-603, adopted June 2, 2014; Ord. No. Q-15-608, adopted January 5, 2015; Ord. No. Q-15-612, adopted June 1, 2015; Ord. No. Q-15-616, adopted July 6, 2015; Ord. No. Q-16-622, adopted January 19, 2016; Ord. No. Q-16-624, adopted February 1, 2016; Ord. No. Q-16-625, adopted April 4, 2016; Ord. No. Q-16-628, adopted November 7, 2016; Ord. No. Q-16-631, adopted November 21, 2016; Ord. No. Q-17-638, adopted June 19, 2017; Ord. No. Q-17-651, adopted October 2, 2017; Ord. No. Q-17-655, adopted December 4, 2017; Ord. No. O-17-656, adopted December 4, 2017; Ord. No. Q-18-657, adopted January 3, 2018; Ord. No. Q-18-662, adopted March 5, 2018; Ord. No. Q-18-671, adopted April 2, 2018; Ord. No. Q-18-672, adopted May 7, 2018; Ord. No. Q-19-682, adopted February 4, 2019; Ord. No. Q-19-692, adopted December 2, 2019; Ord. No. Q-20-695, adopted August 3, 2020; Ord. No. Q-20-696, adopted August 3, 2020; and Ord. No. Q-20-697, adopted August 3, 2020.

Editor's note— Printed herein is the zoning ordinance, Ord. No. Q-21-705, adopted June 7, 2021, as adopted by the city. Amendments to the zoning ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Charter reference— Zoning authority of city, § 2.3(l).

Cross reference— Amusements and entertainments, ch. 10; buildings and building regulations, ch. 18; parks and recreation, ch. 54; planning, ch. 58; utilities, ch. 82.

ARTICLE I. - INTRODUCTION

DIVISION 1. - TITLE, PURPOSE, AND AUTHORITY

Sec. 100. - Title.

This ordinance shall be known and may be cited as the "City of Oak Park Zoning Ordinance."

Sec. 101. - Purpose.

- a. The purpose of this ordinance is to promote the public health, safety, and general welfare of the community as a wholesome, serviceable, and attractive municipality, by having regulations and restrictions that:
 1. Promote compatibility of existing and future land uses.
 2. Increase the safety and security of home life.
 3. Preserve and create a favorable quality of life for residents.
 4. Develop good citizenship.
 5. Protect and enhance property and civic values.
 - 6.

Facilitate efficient traffic operations, minimize congestion, and accident potential.

7. Enhance the environment for pedestrians and other non-motorized types of transportation.
 8. Restrict building in floodplain areas as a means of protecting property owners.
 9. Protect wetlands in recognition of their irreplaceable environmental value.
 10. Promote aesthetics and minimize blight.
 11. Provide for convenient vehicular parking.
 12. Provide parks, recreation, schools, religious institutions, and community facilities.
 13. Encourage a variety of quality housing.
 14. Encourage preservation of environmental features through flexible design standards.
 15. Promote clean air and water, access to sunlight, sufficient infrastructure, and public services.
 16. Assist in implementing and accomplishing the objectives of the city's adopted master plan.
 17. Provide reasonable means of protecting and safeguarding the city's economic structure.
 18. Provide each property owner with a reasonable and economic use of their land.
 19. Lessen congestion, disorder and infringement on property values, safety, and quality of life which are often aggravated due to unregulated development.
 20. Prevent overcrowding of land and undue concentration of population.
- b. In order to effectively meet this purpose, the city is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability, or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, and the city as a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this ordinance accomplish these purposes by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy, and uses of buildings, and other structures; defining maximum residential density, specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

Sec. 102. - Conflicting regulations.

- a. This ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that 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.
- b. Except as may otherwise be provided in this ordinance, every building and structure erected; every use of any lot, building, or structure; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building, or structure is located.

No setback area or lot existing at the time of adoption of this ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.

The regulations herein established shall be considered the minimum regulations for promoting and protecting the public health, safety, and welfare.

Sec. 103. - Vested rights.

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 104. - Authority.

This ordinance is enacted in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

Sec. 105. - Validity and severability.

If any 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 such ruling. Further if any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building, or structure not specifically included in such ruling.

Sec. 106. - Effective date.

This ordinance shall become effective ten days from the date of its passage and shall be published as required by the city Charter.

Sec. 107. - Repeal of prior ordinance.

The zoning ordinance previously adopted by the city prior to the adoption of the ordinance from which this appendix is derived and all amendments thereto are hereby repealed. The repeal of such ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such ordinance, or any part thereof, and such ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

DIVISION 2. - DEFINITIONS

Sec. 108. - Construction of language.

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

- a. The particular shall control the general.
- b. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the planning commission, city commission, or zoning board of appeals, as indicated.

- d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "building" includes the word "structure" and any part thereof; the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel."
- f. The word "person" includes an individual, a corporation, a partnership, an incorporated or unincorporated association, or any other entity recognizable as a "person" under the laws of the state.
- 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", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e. "or" also means "and/or").
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- h. The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public street right-of-way.
- i. The term "this zoning ordinance" or "this ordinance" includes the City of Oak Park Zoning Ordinance and any amendments thereto.
- j. Terms not herein defined shall have the meaning customarily assigned to them.

Sec. 109. - Definitions A—B.

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

Access management (access control). A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to property, reasonable. A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain vehicle turning movements prohibited for improved safety and traffic operations.

Accessory building, structure. A supplemental building or structure on the same parcel of land as the principal building or buildings, structure, or use of land, the use of which is clearly incidental or secondary to that of the principal building or use.

Accessory use. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located. See also "primary use."

Adequate lateral support. The control of soil movement on a site as determined by accepted engineering standards.

Adult day-care facility. A facility other than a private residence, which provides care for more than six adults for less than 24 hours a day.

Adult care facility, state-licensed. Any structure constructed for residential purposes that is licensed by the state pursuant to Public Act 218 of 1979. These acts provide for the following types of residential structures:

- a. *Adult foster care small group home.* A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- b. *Adult foster care large group home.* A facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- c. *Adult foster care family home.* A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult entertainment regulated uses. See subsection 557a., special land use specific requirements.

Alley. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alteration. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amusement center. Any indoor or outdoor place that is maintained or operated for the amusement, patronage, or recreation of the public to include any coin-controlled amusement device of any description, commonly known as baseball, football, pinball amusements, pool tables, miniature golf course, or driving range.

Animal, domesticated. An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, including by way of example: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated.

Animal, exotic. Any animal of a species not indigenous to the state and not a domesticated animal, including any hybrid animal that is part exotic animal.

Animal, farm animals or livestock. Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Wild, vicious or exotic animals shall not be considered livestock.

Animal, non-domesticated (wild). Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. This definition shall not include the temporary keeping of live poultry by any lawfully established live poultry market incidental to the normal course of business, or as permitted by [section 14-7](#) of this Code.

Animal, dangerous A dangerous animal means an animal which meets any of the following criteria:

- a. Has killed a person or domestic animal or caused a person or domestic animal serious bodily injury without provocation, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery;
- b. Is owned, possessed, harbored or trained for the purpose of animal fighting; and
- c. Any animal deemed dangerous by a court of law.

Antennae, reception. See "reception antennae."

Aquifer. A geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

Arcade, game or video. The use of a building or a portion of a building for the location, operation, and placement of five or more mechanical amusement devices. Mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Arcade, pedestrian. An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, pools, or fountains shall be considered part of the arcade for the purpose of computing a floor-area premium credit. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways. The floor of any arcade shall be level with the adjoining street or plaza.

Architectural feature, significant. Any building, structure, or portion thereof, that is sufficiently distinctive or unusual in design or construction as to warrant the preservation and minimal alteration of its original form.

Arterial street. A street defined in the master plan or city's Act 51 Plan as "major traffic routes" and/or as an arterial or major street by the state department of transportation where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function.

As-built plans. Construction plans in accordance with all approved field changes.

Auto (automobile). Any motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans, and motorcycles.

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

Automobile or vehicle dealership. A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, and recreational vehicles. Such a dealership may include outdoor display and accessory indoor maintenance and repair.

Automobile repair establishment (major repair). An automotive repair establishment which may conduct, in addition to activities defined below as "minor repairs", one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

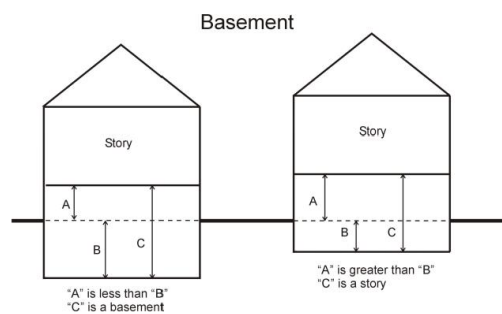
Automobile service establishments (routine maintenance and minor repair). A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors;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

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

Awning. A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

Base flood. A flood event having a one percent chance of being equaled or exceeded in any one given year.

Basement. The 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 ceiling. A basement shall not be counted as a story.



Bed and breakfast inn. Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one set of kitchen facilities and be architecturally consistent with surrounding homes.

Berm. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Brewery. An establishment that produces barrels of ale or beer for on-site consumption and wholesale distribution, as allowed by the state liquor control commission.

Brewpub. An establishment that not less than 25 percent of the gross sales of the restaurant during the one-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises and the brewpub license is issued in conjunction with a class C, tavern, B-hotel, or A-hotel license that authorizes the licensee to brew up to 18,000 barrels of beer per calendar year for sale on the premises.

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

Building. Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building coverage. The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

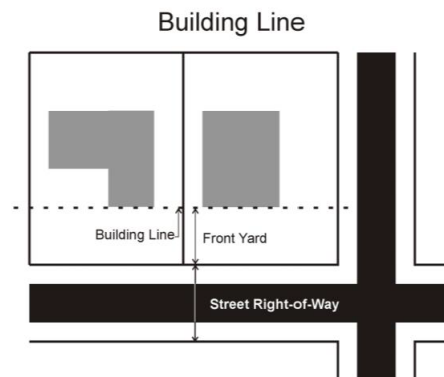
Building official. An individual or company hired by the city delegated to administer the city building code and city zoning ordinance.

Building division. The division charged with enforcing this ordinance. The term "building division" shall also include "planner," "planning consultant," "engineer," "engineering consultant," "building administrator," "building official," "building inspector," "director of community and economic development" or "community development director."

Building envelope. The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

Building height. The vertical distance measured from the finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average grade.

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



Building permit. An authorization issued by the building official to move, erect or alter a structure within the city.

Building, principal. A building in which is conducted the principal uses of the lot on which such building is located.

(Ord. No. O-22-719, § 1, 3-7-22)

Sec. 110. - Definitions C—D.

Caliper. The diameter of a trunk measured as follows:

- a. Existing trees are measured at four and one-half feet above the average surrounding grade; and
- b. Trees which are to be planted shall be measured 12 inches above the average surrounding grade if the tree caliper is more than four inches, or if the tree caliper is less than four inches, it shall be measured at six inches above the average surrounding grade.

Canopy. With reference to structures, a rooflike cover, including an awning, that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover above an outdoor service area, such as at a gasoline service station.

Caretaker (living quarters). An independent residential dwelling unit or living area designed for and occupied by no more than two persons, where at least one is employed to provide services or to look after goods, buildings, or property on the parcel on which the living quarters are located.

Carport. A shelter for vehicles consisting of a roof extended from a wall of a building or a partially open structure consisting of a roof and possibly walls.

Cemetery. Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.

Certificate of zoning compliance. A document signed by the designated city official as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this ordinance.

Child care organization. A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the state department of social services. Such care organizations are classified below:

- a. *Child care center or day-care center.* A facility other than a private home, receiving more than six preschool or school age children for group day-care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two 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, preschool, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day-care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. *Foster family home.* A private home in which at least one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. *Foster family group home.* A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. *Family day-care home.* A private home in which one but less than seven minor children are received for care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e.

Group day-care home. A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

City attorney. The duly licensed person or firm employed by the city council and representing the city in legal matters.

City council. The City of Oak Park City Council.

City engineer. The duly licensed person or firm employed by the city and representing the city in engineering matters such as drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

City planner. The person or firm employed by the city and representing the city in planning, zoning and development related matters.

Clerk. The clerk of the City of Oak Park.

Clinic, medical or dental. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.

Club or fraternal organization. An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit. The facilities owned or used by such organization may be referred to as a "club" in this ordinance.

Colonnade. A row of columns at regular intervals supporting a roof, entablature, or arcade.

Co-location. Location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the city.

Commercial recreational facilities. Recreation facilities operated as a business and open to the general public for a fee.

Indoor facilities. A recreational structure or place which is built, installed, or established to serve a particular indoor purpose including, but not limited to bowling alley, arcade, ice rink, court sports, trampoline/bounce centers, and similar uses.

Outdoor facilities. A structure or place which is built, installed, or established to serve a particular outdoor purpose. Mini-golf, amusement parks, driving range, tennis courts, and similar uses.

Commercial use. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven days during a calendar year.

Commercial vehicle. Any vehicle bearing or required to bear commercial license plates, and which falls into one or more of the categories listed below:

- a. Truck tractor.
- b. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

- c. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors.
- d. Tow trucks.
- e. Commercial hauling trucks.
- f. Vehicle repair service trucks.
- g. Snow plowing trucks.
- h. Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

Common elements. The portions of the condominium project other than the condominium units are defined as follows:

- a. General common elements means and includes:
 - 1. The land in the condominium project.
 - 2. The foundations, main walls, roofs, halls, lobbies, stairways entrances, exits, or communication ways.
 - 3. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
 - 4. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated.
 - 5. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air conditioning, reservoirs, water tanks, and pumps and the like.
 - 6. The elevators, incinerators and, in general, all devices or installations existing for common use.
 - 7. All other elements of the condominium project owned in common and intended for common use or necessary to the existence, upkeep and safety of the project.
- b. Limited common elements means and includes those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.

Common land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

Common open space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowner's association.

Community center. A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which alcoholic beverages are not normally dispensed or consumed.

Condominium. A system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium act. Michigan Act 59 of 1978, as amended.

Condominium, consolidating master deed. The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed. See also "condominium, master deed."

Condominium, contractible. A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with this Code and the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium, conversion. A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, convertible area. A unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with this Code and the Condominium Act.

Condominium, expandable. A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Code and the Condominium Act.

Condominium, general common element. The common elements other than the limited common elements. See also "common elements."

Condominium, limited common element. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners. See also "common elements."

Condominium, master deed. The condominium document recording the condominium project as approved by the community development director to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project. See also "condominium, consolidating master deed."

Condominium, project. The equivalent to "subdivision," as used in this ordinance and the subdivision regulations.

Condominium project, mobile home. A condominium project in which mobile or manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium setbacks. Setbacks shall be measured as follows:

- a. *Front yard setback.* The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from 15 feet from the nearest pavement edge to the foundation of the unit.
- b. *Side yard setback.* The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.
- c. *Rear yard setback.* The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development, rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.

Condominium, site condominium project. A condominium project designed to function in a similar manner, or as an alternative to, a platted subdivision. A residential site condominium project shall be considered equivalent to a platted subdivision for purposes of regulation of this ordinance.

Condominium subdivision plan. The site, survey and utility plans, and sections as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements and any other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

Condominium unit. That portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium unit site. The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Contractor yard. A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor storage, or a combination of both.

Convalescent home or nursing home. A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being MCL §§ 36.1—36.12, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. See also "senior housing."

County drain commission. The Oakland County Drain Commission.

County health department. The Oakland County Health Department.

County road commission. Road Commission of Oakland County.

Court. An open space bounded on two or more sides by a building or buildings.

Crematory/crematorium. A location containing properly installed, certified apparatus intended for use in the act of cremation.

Cul-de-sac. A dead-end public or private street, generally short in distance, which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

Curb cut. The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Dangerous or hazardous materials. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental or deleterious to the environment or the health of any person handling or otherwise coming into contact with such material or substance.

Day-care center. See "child care organization."

Deceleration lane. An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Deck. A platform, commonly constructed of wood, which may or may not be attached to a house and which used for outdoor leisure activities.

Dedication. The intentional appropriation of land by the owner to public use.

Density. The number of dwelling units situated on or to be developed per net or gross acre of land.

Detention basin or facility. A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. A development may include a site plan, a plot (building) plan, a condominium plan, a plat or a manufactured housing community.

Diameter at breast height (dbh). The diameter measured at a height of four and one-half feet above the natural grade.

Distillery. License issued by the commission to manufacture spirits. The distiller must be located in Michigan. The Commission acts as the wholesaler of spirits and resells to state retailer licensees. A distiller may sell products it manufactures directly to consumers in an approved tasting room located on the manufacturing premises that has been issued an on-premises tasting room permit for consumption on or off the premises and may sell or give away samples of products it manufactures for consumption on the premises in an approved tasting room.

Distribution center (distribution warehouse). A warehouse where goods are received or stored for delivery to the ultimate customer at remote locations.

District, zoning. An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

Drainageways and streams. Existing permanent or intermittent watercourses.

Drive-in. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through window facilities. A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service

Dumpster or waste receptacle. Any accessory exterior container used for the temporary storage of rubbish, pending collection recycling stations and exterior compactors shall be considered to be dumpsters or waste receptacles.

Dwelling unit. A building, or enclosed structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof. Dwelling units may be constructed and classified as part of different developments as defined below:

Dwelling unit, attached. A dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, condominium. A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Dwelling unit, detached. A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling unit, efficiency apartment. A dwelling unit of not more than one room in addition to a kitchen and a bathroom.

Dwelling unit, manufactured. A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling unit, multiple-family. A building designed exclusively for, and containing three or more dwelling units.

Dwelling unit, single-family. A detached building designed exclusively for, and containing one dwelling unit only.

Dwelling unit, site built. A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Dwelling unit, two-family or duplex. A detached building designed exclusively for and containing two dwelling units only.

(Ord. No. O-22-719, § 1, 3-7-22)

Sec. 111. - Definitions E—F.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which no permanent structures may be erected.

Endangered species habitat. An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives or identified habitat sites designated on the Michigan Natural Features Inventory.

Environmental contamination. The presence or release of a hazardous substance or other substance in a quantity that is or may become injurious to the environment or to the public health, safety, or welfare.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

Excavation. Any breaking of ground, except common household gardening and ground care.

Existing use. The use of a lot, parcel, or structure existing prior to the effective date of this ordinance.

Event facility. A commercial facility used for the hosting of events such as, but not limited to, weddings, parties, or meetings.

Façade. The exterior wall of a building facing the front yard or in the case of lots with multiple frontages, the primary frontage.

Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Family day-care home. See "child care organization" or "adult foster care facility."

Family foster care home. See "adult foster care facility or "child care organization."

Fence. An accessory structure constructed of wood, masonry, stone, wire, metal or any other material or combination of materials approved by the building division, intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use.

Fenestration. Openings in the building wall, including windows, doors, and open areas.

Filling. The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial services. Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, check cashing business, and similar establishments.

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

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area. Land which on the basis of available floodplain information is subject to a one percent or greater chance of flooding in any given year.

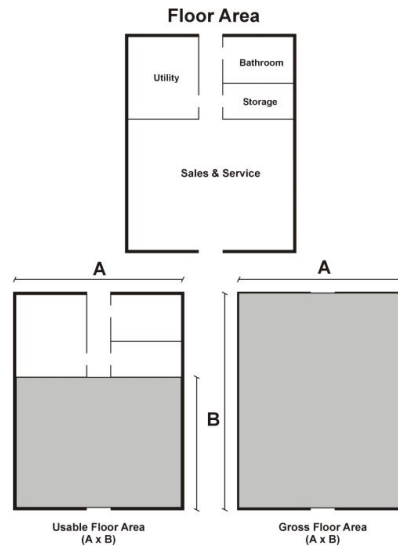
Flood insurance rate map (FIRM). An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study. The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a flood hazard boundary-floodway map.

Floodplain. Land at a specified elevation subject to periodic flooding that has been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e. lands within the 100-year flood boundary) in the flood insurance study for the city.

Floodway. The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor area, gross or total. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.



Floor area, residential. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement excludes areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, useable. For the purposes of computing parking requirements, the useable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors.

Foot candle. A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Foster family home and foster family group home. See "child care organization" or "adult foster care facility."

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

Frontage, primary. The primary frontage applies to parcels that front on more than one street. The primary frontage shall be considered the property line that abuts the street onto which the majority of principal structures face within 500 feet of the subject site, subject to zoning administrator's approval.

Frontage, secondary. Applies to parcels that front on more than one street. The secondary property lines are those which are not the primary frontage.

Frontage road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bidirectional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

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

Sec. 112. - Definitions G—H.

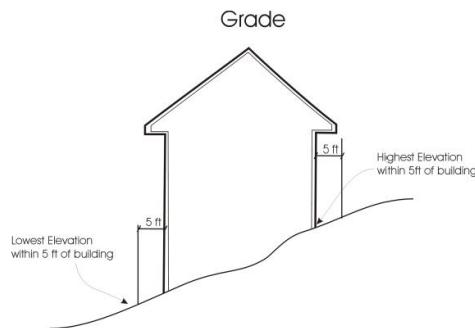
Garage, (also carport) private or public. An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

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

Glare. The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf course. A public or private open area of fairways, greens and rough and may include a clubhouse and related accessory uses provided that all structures and activities shall be an integral part of the intended main recreational land use. Further, all clubhouses, restaurants, pro-shop facilities, etc., shall be secondary in nature to the golf course and may not be continued if the principal golf course activity shall cease or become the minor activity of the facility.

Grade, average. The arithmetic average of the lowest and highest-grade elevations in an area within six feet of the foundation line of a building or structure.



Grade, finished. The lowest point of elevation between the exterior wall of the structure and a line six feet from the exterior wall of the structure.

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

Greenbelt. A landscaped area between the property line and the front yard building or parking setback line, this area also includes a front yard parking lot setback area.

Ground cover. The herbaceous plants that grows over an area of ground.

Group day-care home. See "child care organization" or "adult care facility."

Group living. See "adult care facility."

Group foster care home. See "child care organizations" or "adult care facility."

Hard surface. For a single-family home, hard surface consists of MDOT 22A or 23A gravel, brick, asphalt or concrete meeting the construction specifications of the city.

Hazardous substance. A chemical or other material that is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, any of the following:

- a.

Hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State. 2767.

- b. Hazardous waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- c. Regulated substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- d. Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- e. Used oil.
- f. Animal waste or byproducts, or carcasses.

Historical feature, significant. Any site or structure which is located in a designated local historic district or listed in the state or national register of historic places.

Home occupation. An occupation, activity or hobby that is traditionally or customarily carried on within the walls of a dwelling unit, such as sewing, millinery and similar domestic crafts, instruction in a craft or fine art, offices of self-employed professionals, sales representatives and the like, and educational tutoring (e.g. music lessons and tutoring of students), provided that such traditional or customary home occupations meet all of the following criteria to be a permitted use:

- a. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- b. The use shall be conducted entirely within a dwelling and shall be carried on by no more than two employees who are family members and/or occupants of the dwelling, and no others.
- c. Not more than 25 percent of the total floor area shall be devoted to the incidental home occupation.
- d. There shall be no sales of products or goods on the premises, except as otherwise provided for in this section.
- e. No space within the principal building shall be designed or arranged so it requires any internal or external alterations or construction features, equipment, machinery or materials (either by color, materials or construction, lighting, sound or noise vibration or electrical interference, etc.) not customary in residential areas or residential dwellings.
- f. The use shall not generate pedestrian or vehicular traffic beyond that customary to districts in which located.
- g. The home occupation shall not involve the use of commercial vehicles for delivery of material to or from the premises.
- h. No accessory building or area outside the principal building shall be used for such purposes.
- i. There shall be no use of utilities or community facilities beyond that typical to the use of the property for residential purposes.
- j. Home occupations shall not include being a primary caregiver under the Michigan Medical Marihuana Act of 2008.

Hospital. An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

Hotel. A series of attached, semidetached, or detached rental units which provide lodging on a temporary basis and are offered to the public for compensation. The term "hotel" shall include tourists' cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

(Ord. No. O-22-719, § 1, 3-7-22)

Sec. 113. - Definitions I—J.

Incinerator facilities. A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil or municipal solid waste, not including animal or human remains.

Impact assessment. An assessment of the ecological, social, economic, and physical impacts of a project on and surrounding the development site.

Impervious surface. A man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent or less. Impervious surface shall include, but not limited to pavement, buildings, structures, decks, patios, gazebos, and pools.

Industrial, heavy. The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, light. The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial park. A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

In-home office. Meeting the same conditions as a home occupation, an office utilized by members of a family residing on the premises, and conducted entirely within the dwelling, for an occupation where no customers or clients are seen at the office.

Joint off-premises tasting room license. License issued by the commission to a person that holds a wine maker, small wine maker, brandy manufacturer, distiller, and/or small distiller license to operate an approved tasting room located off the manufacturing premises where the licensee manufactures its products jointly with one or more other licensees holding wine maker, small wine maker, brandy manufacturer, distiller, and/or small distiller license and also licensed with a joint off-premises tasting room license at the same location. A licensee may have up to five joint off-premises tasting room licenses (including any off-premises tasting room licenses) where it may sell and serve full drinks of its wine, brandy, or spirits products for consumption on the premises and may sell or give away samples of any size for consumption on the premises. A licensee may have an unlimited number of joint off-premises tasting room licenses where it may sell or give away samples of wine, brandy, or spirits in limited quantities per sample: three ounces of wine per sample and one-half ounce of brandy or spirits per sample. The licensee may sell wine, brandy, or spirit products to consumers for off-premises consumption at any of its joint off-premises tasting room licensed locations. Each licensee with joint off-premises tasting room license at the same licensed location must hold the same permits and approvals.

Junk. Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junkyard. See "salvage yard."

Sec. 114. - Definitions K—L.

Kennel, commercial. Any lot or premises on which more than three pets (but not including wild, vicious or exotic animals), four months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, protection, hobby or transfer.

Laboratory. An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

Landfill. A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Loading space. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. For purposes of meeting the dimensional standards of this ordinance, a lot does not include public rights-of-way or private road easements but does include access easements for a service drive. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot. Note: A separate definition is provided for site condominiums.

Lot area, gross. The area contained within the lot lines or property boundary including street right-of-way if so included.

Lot area, net. The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street rights-of-way or private road easements, or the area of any lake. The lot area shall be used in determining compliance with minimum lot area standards. See definition for "density."

Lot area, net buildable. The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five acres in size (either before or after project implementation) which are periodically or permanently covered with water.

Lot, corner. Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than 150 feet.

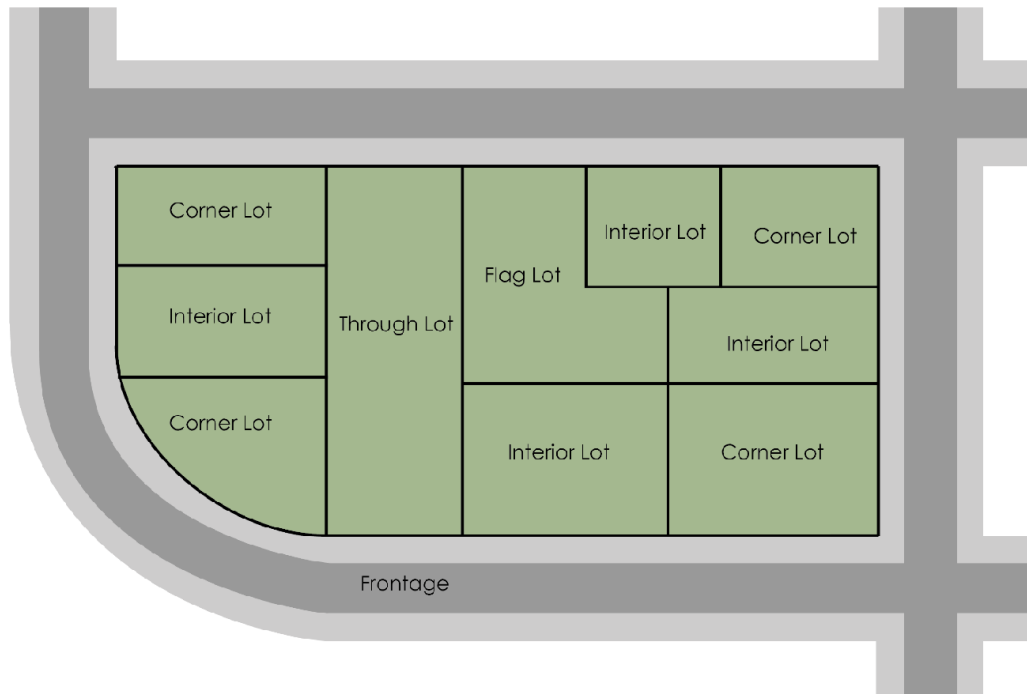
Lot, coverage. The part or percent of a lot occupied by buildings and accessory buildings.

Lot, depth. The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.

Lot, flag. A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot frontage. The length of the front lot line.

Lot, interior. A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.



Lot line. A line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot line, front. The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot. In the case of a corner lot or through lot, the line separating such lot from that street which is designated as the primary frontage in the plat and the request for zoning compliance permit.

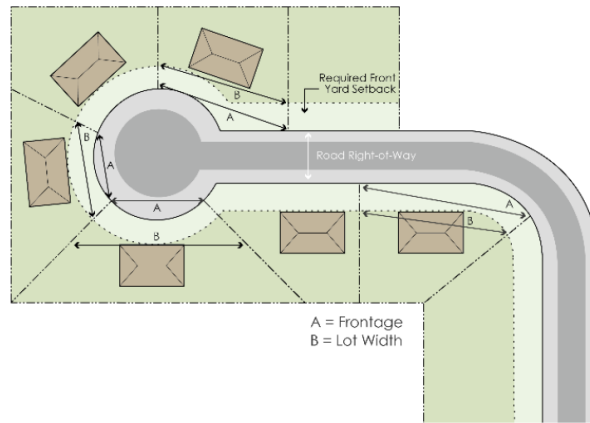
Lot line, rear. The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line.

Lot, nonconforming. A lot of record which does not meet the dimensional requirements of this ordinance.

Lot of record. A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the county office of the register of deeds; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the office of the register of deeds. When two lots in a recorded plat have been combined into a single building site, said lots shall be deemed a single lot of record for the purposes of this ordinance.

Lot, through (also called a double frontage lot). An interior lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the primary frontage in the plat and the request for zoning compliance permit.



Lot width. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

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

(Ord. No. O-22-719, § 1, 3-7-22)

Sec. 115. - Definitions M—N.

Manufactured housing. A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Manufactured housing or mobile home park. A parcel or tract of land under the control of a person, group or firm upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Massage. Treatment of external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

Massagist. Any person who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, or manipulation of the body or other similar procedure

Massage facility. Any place where a massage, and/or an alcohol rub, fomentation, bath, physiotherapy, manipulation of the body of similar treatment is given on occasion or incidental to its principal operation.

Master deed, and consolidating master deed. See "condominium, master deed."

Master plan. The City of Oak Park Master Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, as adopted by the city planning commission and accepted by city council.

Mezzanine. An intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

Microbrewery or microbrewer. A licensed premise that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers.

Mini- or self-storage warehouse or facility. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Mobile home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.

Modular home. A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

Motel. A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Motor freight. A building for handling and temporary storage of freight pending transfers between locations. A terminal does not store goods, rather is devoted to the transportation of goods.

Natural features. Features including soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geological formations.

Non-conforming building or structure. A building or portion thereof, existing at the effective date of this ordinance, as amended, and that does not currently conform to the provisions of this ordinance in the district in which it is located.

Non-conforming lot. A lot lawfully existing at the effective date of this ordinance, or amendments thereto, that does not currently conform to the dimensional standards for the district in which it is located.

Non-conforming use. A use which lawfully occupied a building or land at the effective date of this ordinance, as amended, and that does not currently conform to the use regulations of the district in which it is located.

Nuisance factors. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people and traffic.

Nursery. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing, assisted living. A facility established for profit or nonprofit, which provides nursing/assisted care and related medical services on a 24-hour per day basis to two or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care.

Sec. 116. - Definitions O—P.

Obscuring screen. A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Occupancy, change of. A discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or the expansion of a use.

Occupied. Used in any manner at the time in question.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Offset. The distance between the centerlines of driveways or streets across the street from one another.

Off-premises tasting room license. License issued by the commission to a person that holds a wine maker, small wine maker, brandy manufacturer, distiller, and/or small distiller license to operate an approved tasting room located off the manufacturing premises where the licensee manufactures its products. The premises of off-premises tasting room license must be under the control of the licensee and may not be operated in conjunction with a retailer-tier licensee. A licensee may have up to five off-premises tasting room licenses (including any joint off-premises tasting room licenses) where it may sell and serve full drinks of its wine, brandy, or spirits products for consumption on the premises and may sell or give away samples of any size for consumption on the premises. A licensee may have an unlimited number of off-premises tasting room licenses where it may sell or give away samples of wine, brandy, or spirits in limited quantities per sample: three ounces of wine per sample and one-half ounce of brandy or spirits per sample. The licensee may sell wine, brandy, or spirit products to consumers for off-premises consumption at any of its off-premises tasting room licensed locations.

Off-street parking lot. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

Open window food establishment. A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure, such as ice cream and yogurt restaurants serving to patrons through a walk-up window. The term "open front" shall not include automobile repair establishments or automobile service stations. See also "restaurant."

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel but may include a recreational clubhouse or recreation center.

Outdoor display, sales, or storage. Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building

and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and year-round flea markets farmer's markets, roadside stands, and auctions.

Parapet wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel or tract. A continuous area of acreage of land which can be described as provided for in the Michigan Land Division Act.

Parking lot, off-street. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of more than three vehicles.

Parking space. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and which is accessible for the parking of permitted vehicles.

Pawnshop. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loads or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Performance guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations and the approved plans and specifications of a development.

Person. Any individual, partnership, corporation, trust, firm, joint stock corporation, association or other organization; any governmental body including federal, state, county or local agencies.

Personal services establishment. A business providing personal services to patrons including but not limited to small electronics and appliance repair shops; shoe repair; dressmakers and tailors; hair styling, piercing, and tanning salons; licensed massage and tattoo parlors; travel agencies; and decorating and upholstery shops.

Pet. A household pet, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarded as household pets.

Pet boarding facility. A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training, adoption and rescue, but not breeding. The facility may be operated for profit and may offer overnight stays but does not include the long-term raising of animals more commonly associated with a kennel.

Petitioner, applicant or developer. A person, as defined herein, who may hold any recorded or unrecorded ownership or leasehold interest in land. This definition shall be construed to include any agent of the person.

Place of worship. A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

Planned unit development. A form of land development comprehensively planned as a single development which permits flexibility in building, siting, useable open spaces, and the preservation of significant natural features. A PUD may contain a mix of housing types and non-residential uses.

Planning commission. The City of Oak Park Planning Commission, as duly created under the Michigan Planning Enabling Act, Act 33 of 2008.

Plat. A map or chart of a subdivision of land which has been approved with the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended.

Playscape. A set of playground equipment that is designed in an integrated pattern.

Poolroom or billiard hall. An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables. See "recreation facility (indoor)".

Ponds and lakes. Natural or artificial impoundments that retain water year-round.

Portable structures. Trailers, moving pods, or similar type of structures designated and used for hauling and/or storing inventory, merchandise or equipment and not designated to be a permanent structure. Other portable structures are used for temporary or seasonal all-weather shelters, such as canopies or tents (under 400 square feet), auto carports or garages, Sukkot (Succah, Sukkah) used during religious holidays, or any similar type of structures able to be easily carried or moved and not designated to be permanent structures.

Primary containment facility. A tank, pit, container, pipe, or vessel for first containment of a hazardous substance.

Primary use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur. See also "accessory use."

Principal building or structure. A building or structure in which is conducted the primary use of the lot upon which it is situated.

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

Public and quasi-public institutional buildings, structures, and uses. Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, police stations, fire stations, municipal parking lots, post offices, libraries, museums, and community centers.

Public open space. Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public park. Any developed land intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public utility. Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, public water, telephone lines, cable television services, communication, telegraph, and construction and maintenance of streets.

(Ord. No. Q-22-719, § 1, 3-7-22)

Sec. 117. - Definitions Q—R.

Reception antenna. An exterior apparatus capable of receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from city regulation by applicable state, Federal Communication Commission (FCC), or federal laws or regulations.

Recognizable and substantial benefit. A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include long-term protection or preservation of

natural resources and natural features, historical features, or architectural features; and elimination of or reduction in the degree of nonconformity of a non-conforming use or structure.

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

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

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

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

fields, batting cages, soccer fields, and campgrounds.

Recycling center. A building in which used material is separated and processed prior to shipment to for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard.

Regulated uses. Any establishment, other than adult entertainment regulated uses, that are declared to be potentially detrimental and to have the possible effect of downgrading and blighting the surrounding neighborhood, particularly when concentrated in one area. For the purpose of this Ordinance, the types of regulated uses are the following:

- a. Pawnbrokers or pawnshops.
- b. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission.

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

- a. *Restaurant, carry-out.* A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- b. *Restaurant, drive-in.* A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- c. *Restaurant, drive-through.* A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- d. *Restaurant, fast-food.* A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- e. *Restaurant, open window.* See "open window food establishment."
- f. *Restaurant, standard.* A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- g. *Restaurants serving alcoholic liquor.* Establishments serving alcoholic liquor for consumption on the premises may be permitted in certain districts subject to conditional land use approval.

Retail businesses with adult novelty items. An establishment having less than ten percent of all usable interior, retail, wholesale, or warehouse space dedicated to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items, including adult novelty items as defined in subsection 557a, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined and regulated under subsection 557a, adult entertainment regulated uses. If an establishment has ten percent or more of all usable interior, retail, wholesale, or warehouse space dedicated as provided above, such use is subject to the regulations in subsection 557a.

Retail store. Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Retention basin. A pond, pool, or basin used for the permanent storage of storm water runoff.

Right-of-way. A street, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Riparian. Relating to or living or located on the bank of a natural watercourse, such as a river or lake.

(Ord. No. O-22-719, § 1, 3-7-22)

Sec. 118. - Definitions S—T.

Salvage. Material to be used for further use, recycling, or sale.

Salvage yard or junk yard. Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclables.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite antennas), and satellite microwave antennas.

Screening. The method by which a view of one site from an adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

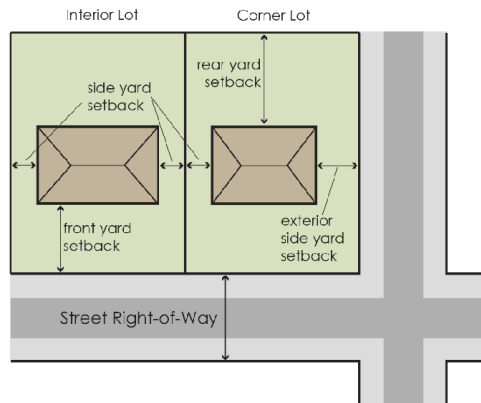
Secondary containment facility. A second tank, catch basin, pit, or vessel that limits and contains a liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

Senior housing. Housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55. Senior housing may include the types of facilities listed below.

- a. *Senior apartments (independent care).* Multiple-family dwelling units where occupancy is restricted to persons 55 years of age or older.
- b. *Congregate care facilities or assisted living housing.* A semi-independent, assisted living, housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- c. *Dependent housing facilities.* Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Service drive. A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides and vary in width and design.

Setback, required. The required minimum horizontal distance between a front, rear, or side lot line and a building line, for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained. Separate definitions for condominium projects are listed under "condominium, setbacks."



Setback, parking lot. The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas. This setback shall remain as open space as defined herein, unless otherwise provided for in this ordinance.

Sewer. A public sanitary sewage disposal system approved by the state department of public health.

Shopping center. A grouping of two or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on out lots shall not be considered part of the shopping center unless access and parking easements are provided. See also "supercenter" and "supermarket".

Significant natural, historical, and architectural features. Significant architectural features, drainageways and streams, endangered species habitat, floodplains, hedgerows, significant historical features, landmark trees, ponds and lakes, steep slopes, wetlands, and woodlots.

Sight distance. The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway. Required sight distance shall be based on the standards of the county road commission.

Sign. See definitions in article IV, division 4, signs.

Sill. Horizontal piece of a frame, generally made out of wood, for a window or door.

Site condominium. See "condominium, site condominium project."

Site plan. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

Small manufacturing and processing establishment. An establishment where shared or individual tools, equipment, machinery are used to make or grow products on a small scale, including design, production, processing, printing, assembly, treatment, testing, repair, packaging as well as incidental storage, retail or wholesale sales and distribution of

products. Included, but not limited to, making of electronics, food products, prints, leather products, jewelry, clothing/apparel, metal work, furniture, glass, ceramic, and craft beverages. Small scale establishments must have an accessory use, such as retail sales, wholesale trade, and training or education.

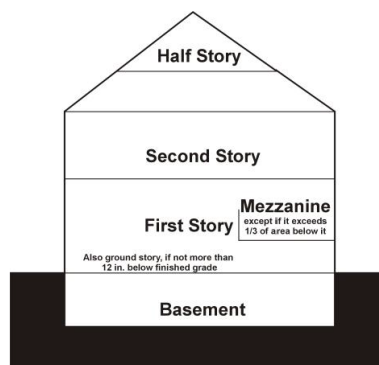
Solar panels. An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structures energy requirements.

Special land use. A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district. A special land use requires that a special land use approval be obtained.

State-licensed adult and child residential care facility. See "adult care facility" or "child care organization."

Steep slopes. Slopes with a grade of 12 percent or more.

Story. The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.



Stoop. An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation at least six inches higher than the adjacent ground level, and utilized primarily as an access platform to a building.

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

- a. *Arterial street or roadway.* A street or roadway which carries high volumes of traffic at relatively high speeds and serves as an avenue for circulation of traffic onto, out of, or around the Oak Park area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the city master plan.
- b. *Collector street.* A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the city master plan.
- c. *Cul-de-sac.* A street or road that terminates in a vehicular turnaround.

- d. *Expressways.* Limited access interregional arterial routes, including US-23, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.
- e. *Highways.* Streets and roadways which are under the jurisdiction of the state department of transportation. Highways may also be classified as expressways or arterial roadways.
- f. *Local or minor street.* A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of 25 mph or less, with numerous curb cuts and on-street parking permitted.
- g. *Private road.* Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the city, county, the state or the federal government, but which meets the requirements of this ordinance or has been approved as a private road by the city under any prior ordinance.
- h. *Public street.* Any road or portion of a road which has been dedicated to and accepted for maintenance by the city, county, state, or the federal government.

Structure. Anything constructed or erected material, the use of which requires locations on the ground or attachment to something having location on the ground, including, but not limited to, buildings, towers, sheds, and signs, but excepting walks, drives, pavements, fences, and similar access or circulation facilities.

Structural addition. Any alteration that changes the location of the exterior walls or area of a building.

Studio or music recording studio. Any use of a studio for a motion picture, television, video, sound, computer, and other communications or media production. The operation of a motion picture, television or recording studio must account for a majority of gross revenues. These facilities include the following types:

- a. *Indoor support facilities.* Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.
- b. *Soundstages.* Warehouse-type facilities providing space for the construction and use of indoor sets.

Subdivision. A subdivision as defined in the City of Oak Park Subdivision Control Ordinance.

Subdivision plat. The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred and/or 50 percent of the square footage of the structure. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Supercenter. A retail establishment selling supermarket items as well as those items typically found in a department or discount store.

Swimming pool. Any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than 24 inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.

Temporary building, structure, or use for construction. A building, structure or use permitted to exist for a specified period during periods of construction or renovations on the principal building, structure or use.

Topographical map. A map showing existing physical characteristics, with contour lines at enough intervals to permit determination of proposed grades and drainage.

Townhouse. A residential structure or group of structures, each of which contains four or more attached single-family dwelling units with individual rear yards and or front yards designed as an integral part of each single-family dwelling unit.

Traffic impact study. The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project.

- a. *Rezoning traffic impact study.* A traffic impact study which contrasts typical uses permitted under the current and requested zoning or land use classification. This study usually includes a trip generation analysis and a summary of potential impacts on the street system.
- b. *Traffic impact assessment.* A traffic impact study for land uses which are not expected to have a significant impact on the overall transportation system but will have traffic impacts near the site. This type of study focuses on the expected impacts of a development at site access points and adjacent driveways.
- c. *Traffic impact statement.* A traffic impact study which evaluates the expected impacts at site access points and intersections in the vicinity.
- d. *Regional traffic impact study.* A comprehensive traffic impact study for land uses expected to have a significant long-term impact on the street system. Such a study evaluates the impacts over a long period and may involve analyses of alternate routes. This type of study is typically prepared using a computer model which simulates traffic patterns.

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

(Ord. No. O-22-719, § 1, 3-7-22)

Sec. 119. - Definitions U—V.

Underground storage tank system. A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Use. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Used oil. Any oil that had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

Variance. A relaxation or modification of the requirements of this ordinance as authorized by the ZBA under the provisions of this ordinance and Public Act 110 of 2006, as amended.

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

Sec. 120. - Definitions W—Z.

Wall. A structure constructed of masonry or brick of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

Warehouse. A building used primarily for storage of goods and materials. A warehouse has six identified functions: stockpiling, product mixing, production logistics, consolidation, distribution, and customer service (see also "distribution warehouse").

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. Locations of wetlands are generally shown on the natural features map of the master plan.

Wetland, regulated. Certain wetlands regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a. Contiguous to an inland lake or pond, or a river or stream.
- b. Not contiguous to an inland lake, pond, river or stream, and more than five acres in size.
- c. Not contiguous to an inland lake or pond, or a river or stream; and five acres or less in size if the MDEQ determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Wholesale sales. The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind energy system, large. A tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind energy system, medium. A tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed 250 kilowatts. The total height does not exceed 150 feet.

Wind energy system, small. A tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed 30 kilowatts. The total height does not exceed 120 feet.

Wine maker/small wine maker. License issued by the MLCC to manufacture wine in the state. A wine maker may obtain additional winery or other manufacturing licenses for facilities located in the state. Wine makers may sell wine they manufacture to licensed wholesalers, licensed retailers, or directly to consumers in an approved tasting room located on

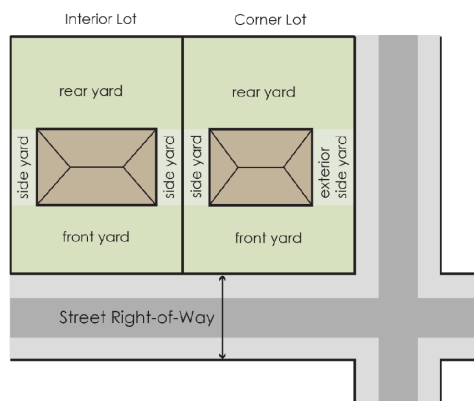
the manufacturing premises that has been issued an on-premises tasting room permit for consumption on or off the premises and may sell or give away samples of products it manufactures for consumption on the premises in an approved tasting room.

Wireless communication 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, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this ordinance.

Workshop. Showroom and workshop of a carpenter, plumber, electrician, painter, decorator or similar trade.

Yard, required. A required open space on the same lot with a principal building, unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except as otherwise provided in this ordinance.

Yard, front. A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches. For lots that front more than one street, the front yard shall be along the primary frontage.



Yard, rear. A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

Yard, side. A required side yard is an open unoccupied area between a principal building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.

Zero lot line. The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on the lot line.

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

Zoning board of appeals (ZBA). The city zoning board of appeals created under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Zoning district. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Secs. 121—199. - Reserved.

ARTICLE II. - ZONING DISTRICTS

DIVISION 1. - ZONING DISTRICTS AND MAP

Sec. 200. - Establishment of zoning districts.

For the purposes of this ordinance, the city is hereby divided into the following districts:

R-1	One family residential dwelling district
R-2	Two-family residential dwelling district
RM-1	Multi-family residential district
RM-2	Multi-family residential district
B-1	Neighborhood business district
B-2	General business district
O	Office building district
PTRED	Planned technical, research, education development district
PCD	Planned corridor development district
MX-1	Mixed-use district
MX-2	City Center Mixed-use
LI	Light industrial district
IF	Industrial Flex

Sec. 201. - Official zoning map.

The city is hereby divided into the districts established in section 200 and as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official zoning map shall be identified by the following: "this is the official zoning map referred to in section 201 of the Oak Park Zoning Ordinance, as amended, adopted on June 7, 2021," along with the certification and signature of the city clerk.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly with the effective dates of the changes.

No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change shall be considered a violation of this ordinance.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city clerk shall be the final authority regarding the current zoning status of land and water areas, buildings and other structures in the city.

Sec. 202. - Replacement of official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret due to changes, the city council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may also correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof.

The new official zoning map shall be certified and signed by the city clerk as follows: "This is to certify that this official zoning map, effective June 7, 2021, supersedes and replaces the previously-adopted official zoning map of the City of Oak Park." Unless the prior official zoning map has been lost or totally destroyed, the entire map or any significant portions thereof shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 203. - Application of district regulations.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to all structures, buildings, uses and land, except as hereinafter provided:

- a. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.
- b. No building or other structure shall hereafter be erected or altered:
 1. To exceed the height or bulk,
 2. To accommodate or house a greater number of families,
 3. To occupy a greater percentage of lot area,
 4. To have a yard, open space, or lot area which is less than herein required; or in any other manner contrary to the provisions of this ordinance.
- c. No part of a yard, other open space, off-street parking or loading area required to comply with the provisions of this ordinance shall be included as part of the same requirements for another building unless expressly permitted.
- d.

No yard or lot existing at the effective date of this ordinance shall be altered in any way except in conformance with the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements of this ordinance.

- e. Essential services shall be permitted as authorized and are exempted from the provisions of this ordinance.

Sec. 204. - Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following municipal boundaries shall be construed as following such boundaries;
- d. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks;
- e. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event a shoreline changes, the boundaries shall be construed as also changing with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, drains, canals and other bodies of water shall be construed as following such center lines;
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections a.—e. above shall be so construed. Distances not specified on the official zoning map shall be determined by the scale of the map.
- g. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other instances not addressed by subsections a.—f. above, the zoning board of appeals shall interpret the district boundaries;

Sec. 205. - Zoning of vacated areas.

Whenever any street, alley, or other public right of way is vacated, the land which is vacated, or any portion thereof, shall be automatically classified in the same zoning district as the property to which it is attached. Should any portion of the land which is vacated border different districts, the center of such vacated land area shall be the dividing line between the districts.

Secs. 206—209. - Reserved.

DIVISION 2. - RESIDENTIAL DISTRICTS

Sec. 210. - Intent.

- a. *R-1 one-family dwelling district.* The R-1 one-family dwelling district is intended to provide an environment of one-family detached dwellings and accessory uses in structures within stable residential neighborhoods.

- b. *R-2 two-family dwelling district.* The R-2 two-family dwelling district is intended to permit both one-family and two-family dwellings and compatible accessory uses and structures within stable residential neighborhoods.
- c. *RM-1 and RM-2 multi-family residential districts.* The RM-1 low-rise multi-family residential districts and the RM-2 mid-rise multi-family districts are intended to provide areas for multiple family dwellings and related uses, which will generally serve as zones of transition from lower-density residential districts to more intense use districts, while providing appropriate housing alternatives in a properly planned setting. RM-1 is intended to be for lower height multiple-family buildings and RM-2 is intended for taller buildings with greater density.

Sec. 211. - Residential uses.

In the residential districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, "CLU" are permitted with conditions subject to standards in article V, division 3, conditional land uses, and uses denoted by a "SLU" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article V, division 4, special land uses. Additional applicable use standards are listed in the column at right.

Table 211.1 Residential Districts Uses					
Use	R-1	R-2	RM-1	RM-2	Add'l Req'ts
Residential					
One-family dwelling, detached	P	P	P	P	
Two-family dwelling, detached		P			
Attached residential/townhomes		P	P	P	
Multi-family dwelling			P	P	
Home occupations	P	P	P	P	<u>Sec. 313</u>
Human care facilities					
See <u>section 301</u>					
Educational					
Educational institutions, including private and parochial preschool, elementary, middle, and high schools	SLU	SLU			Sec. 557h
Student dormitories—Private	SLU	SLU			Sec. 557q

Public, semi-public, assembly uses					
Cemeteries			SLU		Sec. 557d
Community centers	CLU	CLU			Sec. 544g
Places of worship	CLU	CLU			Sec. 544g
Public recreation and parks	P	P	P	P	

(Ord. No. Q-23-728, § 1, 3-8-23; Ord. No. Q-23-729, § 1, 7-17-23)

Sec. 212. - Provisions applicable to residential districts.

All residential uses permitted by right or by special land use approval shall be required to meet all of the following requirements:

a. The minimum floor area, per unit, for one-family and two-family dwellings shall be as follows:

Zoning district	1 story		1½ story		2 stories	
	First floor	Total	First floor	Total	First floor	Total
R-1	900	900	720	1,080	<u>625</u>	1,250
R-2	900	900	720	1,080	<u>575</u>	1,150

b. The minimum floor area, per unit (1), for multiple family dwellings shall be as follows:

	Standard units	Senior citizen units ¹
Efficiency unit	500	390
One-bedroom unit	<u>650</u>	<u>550</u>
Two-bedroom unit	800	700

1.

Each building designed solely for the exclusive use as senior citizen dwelling units shall have at least 50 square feet of additional floor area per dwelling unit for each unit less than 650 square feet, contained elsewhere in such senior citizen apartment building for the use by occupants exclusively for group physical therapy, recreation, hobbies, library, meeting rooms, lounge area, common dining and kitchen facilities, or similar approved accessory uses as may be approved by the city council as additional floor area for a senior citizen dwelling unit.

- c. Accessory uses, buildings or structures customarily incidental to the aforesaid use as hereinafter stated and/or under the conditions hereinafter specified:
 - 1. Private garages and other detached accessory structures or buildings subject to the limitations set forth in section 300.
- d. Garage sales. The home owner or occupant may conduct a garage sale in accord with requirements set forth in this Code.

Sec. 213. - Building design standards.

Building design standards are regulated by building types below that meet the intent of the district, its uses, intensity of use, and character. General architectural standards and standards by building types are regulated in article III, division 2, architectural building standards. The following building types (X) are intended to meet the intent of the residential districts and their associated permitted uses.

Residential building types	R-1	R-2	RM-1	RM-2	See section
Single-family	X	X			<u>354</u> , 355.A
Two-family		X			<u>354</u> , 355.A
Attached dwelling/townhome			X		<u>354</u> , 355.B
Multi-family dwelling			X	X	<u>354</u> , 355.C

Sec. 214. - Schedule of regulations.

	Height				Setbacks (feet)				Lot		
	Min.		Max.		Front	Sides (min.)		Rear	Area	Width	Coverage
	Stories	Ft.	Stories	Ft.	Min.	Least 1	Total 2	Min.	Sq. Ft. (min.)	Ft (min.)	Max. %
R-1	-	-	2	27	25	4(b)	14	30	6,000	50(a)	35

R-2	-	-	2	27	25	4 (b)	14	30	4,000	60	35
RM-1	-	-	4	45	10	10	20	40	3,000 per d.u.	-	35
RM-2	4	40	15	150	Equal to height of building				1,500 per d.u. (c)	-	20

- a. Does not apply to lots platted and of record prior to the passage of Ordinance No. 54, adopted March 3, 1952.
- b. If the building is located on a corner lot, the side yard setback on the street side shall be 15 feet.
- c. In RM-2 districts, any building five stories or higher, the minimum lot area per dwelling unit may be reduced by 50 square feet per unit for every story above the fourth level; however, in no case shall the minimum lot area per dwelling unit be less than 1000 square feet per dwelling unit.

(Ord. No. O-22-719, § 2, 3-7-22)

Sec. 215. - Required conditions.

ALL RESIDENTIAL DISTRICTS

- a. No front yard space in any R-1 district shall be used for the storage or parking of vehicles or any other materials or equipment; provided vehicles which are currently licensed and in normal driving condition may be parked in a service driveway or garage.
- b. Prohibited use for open areas: No machinery, equipment, commercial vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.
- c. The construction and maintenance of yard waste composting bins shall be permitted subject to the following specifications:
 - 1. The bin shall not exceed five [feet] cubed (125 cu. ft.) in volume area.
 - 2. The bin shall be in a container constructed of wood, wire, metal or plastic.
 - 3. The bin may be stationary or rotating unit.
 - 4. The bin shall be so located in the backyard, and shall be screened or fenced so that it is not readily visible from adjacent property, sidewalk streets.
 - 5. The bin shall comply with all requirements of this Code as now or hereafter amended.
 - 6. The bin shall not be allowed to become a nuisance or to attract rodents, or to become a health or safety hazard.
 - 7. Compost materials are limited to: grass clippings, vegetable and fruit peelings, coffee grounds and tea leaves, lettuce leaves, soil (or compost), and water.

- d. The total area of all impervious surfaces shall not exceed 70 percent of the lot area.

RM-1 and RM-2 DISTRICTS

- a. In all RM-1 and RM-2 multi-family dwelling districts on the property line between such districts and R-1 and R-2 residential districts, and on the property line between any other districts, there shall be erected a brick or other decorative screening wall not less than six feet high, nor more than eight feet high, such wall to be approved as to the design and material by the planning commission and city council. This screening provision is not required for two-family dwellings constructed within the RM-1 and RM-2 multi-family dwelling districts.

(Ord. No. O-23-728, § 1, 3-8-23)

Sec. 216. - Site development requirements.

All principal uses, conditional uses, and special land uses, are subject to the following site development requirements:

Article III, Division 1: General Provisions

Article III, Division 2:

Architectural Building Standards

Article IV, Division 1:

Off-Street Parking and Loading Standards

Article IV, Division 2:

Access Management and Driveway Standards

Article IV, Division 3:

Landscape Standards and Tree Replacement

Article IV, Division 4: Signs

Article IV, Division 5: Lighting standards

Article V, Division 1: Site Plan Review

Secs. 217—219. - Reserved.

DIVISION 3. - COMMERCIAL/MIXED-USE/OFFICE DISTRICTS

Sec. 220. - Intent.

- a. *B-1 neighborhood business.* The B-1 neighborhood business districts are intended to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.
- b. *B-2 general business.* The B-2 general business districts are intended to accommodate more intensive businesses that cater to a larger consumer market than those typically found in neighborhood business districts. B-2 uses are generally characterized by an integrated or planned cluster of establishments served by a common parking lot.

c.

O office. The O districts are intended to accommodate uses such as offices, banks, personal services, and a limited amount of retail. The O districts can serve as a transition between residential uses and more intensive uses and transportation corridors.

- d. *PTRED planned, technical, research, education development.* The planned technical, research, education development districts are intended to accommodate research, technical, medical and educational activities which serve the needs of nearby regional establishments. The primary characteristic of uses allowed in this district is the pursuit of technical knowledge to serve the needs generated by those endeavors. Uses in this district shall be developed on larger parcels of land in a "campus-like" setting that creates a physical atmosphere of low-rise buildings accented with substantial landscaping.
- e. *PCD planned corridor development.* The planned corridor development districts are designed to provide for a variety of retail and service establishments in business areas abutting major thoroughfares and so located and planned as to provide convenient customer parking, store servicing and pedestrian traffic movement within the business district and with a minimum of conflict with traffic on abutting streets. To assure optimum site planning relationships and minimum internal and external traffic conflict, each use will be reviewed as it relates to its site and abutting sites and as it relates to the entire district and abutting districts. This type of district is further created so as to provide a zone of transition between residential districts and major thoroughfares or expressways.
- f. *MX-1 mixed-use.* The MX-1 mixed-use district is intended to blend two or more residential, commercial, or industrial uses in a compact area. This type of zoning is designed to accommodate mixed-use buildings that have business uses on the first floor and residential uses on the above floor(s). This arrangement will encourage pedestrian-friendly developments and specialty food and retail shops, which will in turn promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
- g. *MX-2 city center mixed-use.* The city center mixed-use district is intended to accommodate a walkable, vibrant mixed-use center. Commercial, residential, cultural, and service uses are intended to be integrated within two- to three-story buildings, typically characterized by active ground-floor retail, service, or restaurant uses and upper story residential.

Sec. 221. - Commercial mixed-use use table.

In the commercial/mixed-use districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, "CLU" are permitted with conditions subject to standards in article V, division 3, conditional land uses, and uses denoted by a "SLU" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article V, division 4, special land uses. Additional applicable use standards are listed in the column at right.

Table 221.1 Commercial and Mixed-Use Districts Uses								
Use	B-1	B-2	O	PTRED	PCD	MX-1	MX-2	Add'l Req'ts
Residential								

Attached residential/ townhomes						P		
Multi-family dwelling						P	P	
Upper floor residential dwelling	P					P	P	
Lodging								
Hotel/Motel		P						
Human Care Facilities								
See <u>section 301</u>								
Office and Medical								
Financial institution such as banks or credit unions		P			P	P	P	
Hospital		SLU	SLU					Sec. 557k
Medical and dental offices, including clinics, but excluding 24-hour emergency or 24-hour urgent care	P	P	P	P	P		P	
Pharmacy	P	P	P				P	
Professional offices	P	P	P	P	P	P	P	
Urgent care (24-hour)		P			P			
Restaurants, entertainment, and recreation								
Brewery, micro-brewery, brewpub; winery; distillery	CLU	CLU	CLU		CLU	CLU	CLU	Sec. 544q
Commercial indoor recreation		P				P	P	Sec. 544e
Commercial outdoor recreation		CLU						Sec. 544f

Event facility		P			CLU			Sec. 544j
Health, fitness, and exercise centers	P	P	P		P	P	P	Sec. 544l
Hookah/vapor bar or lounge (smoking lounge)		CLU						Sec. 544m
Private clubs and lodge halls but excluding such uses that operate as a rental or catering hall		P						
Rehabilitation of historic buildings into restaurants, museums, and performing arts centers				CLU				Sec. 544v
Restaurant serving alcohol	CLU	CLU	CLU	CLU	CLU	CLU	CLU	Sec. 544q
Restaurants, including carry-out	P	P	CLU	P	P	P	P	Sec. 544x
Restaurants, drive-thru		CLU					SLU	Sec. 557f
Restaurants, walk-up windows	CLU	CLU				CLU	CLU	Sec. 544w
Retail sales and services								
Art facilities, art gallery	P	P	P		P	P	P	
Commercial television and radio broadcasting offices and studios				SLU				Sec. 557e
Convenience store and party store	P	P					P	
Funeral home or mortuary establishment		P						

Garden centers/greenhouse/nursery		CLU				CLU		Sec. 544k
General retail sales and services	P	P	CLU		P	CLU	P	Sec. 544aa and bb
Home improvement stores		P						
Laundry self service, dry cleaning	P	P			P			
Pawnbrokers		SLU						Sec. 557n
Personal and business service establishments	P	P	CLU		P			Sec. 544bb
Retail businesses and centers exceeding 50,000 square feet		P			P			
Retail establishment holding a SDD (specially designated distributor) or SDM (specially designated merchant) license from the state liquor control commission	CLU	CLU			CLU	CLU	CLU	Sec. 544z
Studios or music recording studios		P	P			P	P	<u>Ch. 38,</u> art. II
Tattoo parlor	CLU	CLU						Sec. 544ee
Wholesale businesses		P						
Transportation and auto uses								
Automobile gasoline stations	SLU	SLU						Sec. 557b
Automobile or vehicle dealerships		CLU						Sec. 544d

Automobile repair establishments (major repair)		CLU						Sec. 544a
Automobile service centers (minor repair)		CLU						Sec. 544b
Automobile washes, automatic or self-service		CLU				SLU		Sec. 544c
Indoor specialty car facility		CLU						Sec. 544n
Industrial, construction, and storage								
Contractor showroom and workshop						P		
Electronic data processing and computer centers		P	P					
Manufacturing, packaging, assembly, or fabrication of products						CLU		Sec. 544p
Research or testing laboratories			SLU					Sec. 557o
Small manufacturing and production establishment	CLU	CLU				CLU		Sec. 544dd
Animals and agricultural								
Garden center/nursery		SLU				SLU		Sec. 557i
Veterinary hospital/clinic		CLU						Sec. 544ff
Educational								

Colleges, universities, and other institutions of higher learning including trade, technical, and vocational schools		P	P	P	P			
Educational institutions, including private and parochial preschool, elementary, middle, and high schools	SLU	SLU	SLU	SLU				Sec. 557h
Performing and fine arts schools or studios	P	P	P		P	P	P	Sec. 544s
Private educational tutoring businesses such as computer training establishments, after school tutoring, and similar businesses	P	P	P		P	P	P	
Private technical schools and training institution		P	P	P	P			
Student dormitories—Private				SLU				Sec. 557p
Public and semi-public								
Library and museum	P	P						
Places of worship	P	P						
Theaters, cinemas, and similar uses		P						
Accessory								
Drive-through window facilities		SLU					SLU	Sec. 557f
On-premises alcoholic beverages	CLU	CLU	CLU	CLU	CLU	CLU	CLU	Sec. 544q

Outdoor dining, accessory to restaurant, brewery, winery or distillery	P	P		P	P	P	P	<u>Sec. 319</u>
Outdoor retail display and sales (commercial)		CLU						Sec. 544r
Outdoor storage		SLU						Sec. 557m
Retail businesses with adult novelties		CLU						Sec. 544y

(Ord. No. O-22-721, § 1, 6-20-22; Ord. No. O-23-728, § 2, 3-8-23; Ord. No. O-23-729, § 2, 7-17-23)

Sec. 222. - Provisions applicable to commercial districts.

All commercial uses permitted by right, conditional land use or by special land use approval shall be required to meet all of the following requirements:

- a. All business establishments shall be retail or service establishments dealing directly with customers.
- b. All goods produced on the premises shall be sold at retail on the premises where produced.
- c. All businesses or services shall be conducted within a completely enclosed building except where commercial outdoor seating, display, storage, service or sales is permitted as an accessory use and has been approved as part of the site plan in accordance with the standards of article V, division 1 for the respective use or as otherwise permitted.
- d. Accessory uses customarily incidental to the above permitted uses, only when conducted within a completely enclosed building, subject to the following restrictions:
- e. "Sidewalk sales" shall be permitted only as provided hereunder:
 - 1. No person, firm, corporation or merchants shall vend, sell, dispose of or display any goods, wares, merchandise, produce or vegetables on any public street or sidewalk or anywhere else outside a building without having first obtained a license from city council for that purpose, paid a license fee therefor, as hereinafter provided, and being possessed of a merchant's license issued by the city which is valid for the period of said sidewalk sale.
 - 2. Application for license to vend, sell, dispose of or display merchandise, goods, wares, produce or vegetables outside the building shall be made in writing to the city clerk. The application shall contain the name of the applicant, if an individual, the names of partners, if a copartnership, or the names of the principal officers, if a corporation, and shall include the location of the place or places where such merchandise, goods, wares, produce or vegetables are to be so displayed and sold.
 - 3. The license fee to be paid for such application shall be established by proper resolution of the city council. No license shall be valid for more than three days. No more than two such licenses shall be granted to any person, firm, corporation or merchant in a single calendar year. The license issued under this subsection

shall apply only to the premises specified in the application, and it shall not be transferred or assigned nor shall any parties other than those listed in the application be allowed to conduct a sidewalk sale. No license shall be issued hereunder until approval of the application therefor by the city council and upon certification of the building inspector.

- 4. A license issued under this subsection shall be granted and valid only for the display and sale of the merchandise usually sold on the premises and described in the application for the license, and no new merchandise shall be brought in to vend, sell, dispose of or display at the sidewalk sale.
- 5. All merchandise offered for sale hereunder must be displayed on private property. Merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extend into the public right-of-way. Such sales shall not be operated in any manner which would cause a nuisance, or create a fire hazard or obstruct ingress and egress to premises.
- 6. The director of public safety and the building inspector shall make or cause to be made sufficient inspection to ensure compliance with the provisions of this section and any other applicable provisions of the city ordinances by the personnel conducting such sales.

Sec. 223. - Site development requirements.

All principal uses, conditional uses, and special land uses, are subject to the following site development requirements:

Article III, Division 1: General Provisions

Article III, Division 2:

Architectural Building Standards

Article IV, Division 1:

Off-Street Parking and Loading Standards

Article IV, Division 2:

Access Management and Driveway Standards

Article IV, Division 3:

Landscape Standards and Tree Replacement

Article IV, Division 4: Signs

Article IV, Division 5: Lighting standards

Article V, Division 1: Site Plan Review

Sec. 224. - Building design standards.

Building design standards are regulated by building types that meet the intent of the district, its uses, intensity of use, and character. General architectural standards and standards by building types are regulated in article III, division 2, architectural building standards. The following building types (x) are intended to meet the intent of the commercial/mixed-use districts and their associated permitted uses.

Commercial/mixed-use building types	B-1	B-2	O	PTRED	PCD	MX-1	MX-2	See section
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Multiple-family dwelling						X	X	<u>354</u> , 355.C
Office			X	X				<u>356</u> , 357.A
Storefront	X	X			X	X	X	<u>356</u> , 357.B
Shopping center		X			X		X	<u>356</u> , 357.C
Drive-through		X					X	<u>356</u> 357d
Industrial building				X		X		<u>358</u>

(Ord. No. O-22-719, § 3, 3-7-22; Ord. No. O-23-728, § 2, 3-8-23)

Sec. 225. - Schedule of regulations.

	Height				Setbacks (feet)				
	Min.		Max.		Front		Sides (min.)		Rear
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.
B-1	-	-	2	30	0 ²	10	0	0	20
B-2	-	-	2	30	10	-	15	30	25
O			15	150	Equals to height of building				
PTRED	-	-	-	30	30	-	15	40	25
PCD	-	-	2	30	30	-	25	25	25
MX-1		25		45 ³	0 ³	10	0	0	0
MX-2		25		45 ³	10	70 ²	0	0	0

1. MX-2 is limited to one double-loaded bay of parking in front yard.
- 2.

The front yard area between the minimum and maximum setback in the B-1 and MX-1 districts is defined as a dooryard. The dooryard is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities. It shall accommodate entrances, outdoor seating, and projections such as awnings and balconies.

3. In the MX-1 and MX-2, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment.
 - c. The proposed development is designed to facilitate the objectives and strategies of the master plan.
 - d. The planning commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

(Ord. No. O-23-728, § 2, 3-8-23)

Secs. 226—229. - Reserved.

DIVISION 4. - INDUSTRIAL DISTRICTS

Sec. 230. - Intent.

- A. *LI light industrial.* The light industrial district regulations are established to provide sites for manufacturing plants, warehousing, research laboratories and similar uses. Development is limited to uses that can be carried out in an unobtrusive manner and maintain a compatibility with surrounding residential or commercial areas.
- B. *IF industrial flex.* The intent of the industrial flex district is to foster a mixture of live/work and maker space that complements and transitions to nearby commercial, residential, and industrial districts. Industrial flex areas are generally transitioning from industrial uses to a higher density, adaptive reuse or modern infill to accommodate an eclectic live/work mixture of uses.

Sec. 231. - Industrial use table.

In the industrial districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, "CLU" are permitted with conditions subject to standards in article 5, division 3, conditional land uses, and uses denoted by a "SLU" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article 5, division 4, special land uses. Additional applicable use standards are listed in the column at right.

Use	LI	IF	Add'l Req'ts
Residential			
Attached residential/townhomes		P	
Multi-family dwelling		P	

Upper floor residential dwelling		P	
Mobile homes		SLU	Sec. 557l
Office and medical			
Financial institution such as banks or credit unions		P	
Medical and dental offices, including clinics, but excluding 24-hour emergency or 24-hour urgent care		P	
Restaurants, entertainment, and recreation			
Adult entertainment regulated uses	SLU		Sec. 557a
Brewery, microbrewery, brewpub; winery; distillery	CLU	CLU	Sec. 544q
Commercial indoor recreation	CLU		Sec. 544e
Commercial outdoor recreation	CLU		Sec. 544f
Golf driving ranges and miniature golf courses	SLU		Sec. 557f
Health, fitness, and exercise centers	CLU	CLU	Sec. 544l
Retail sales and services			
Art facilities, art gallery		P	
Commercial television and radio broadcasting offices and studios	P	P	Sec. 557e
Garden centers/greenhouse/nursery		CLU	Sec. 544k
General retail sales and services		P	Sec. 544aa and bb
Laundry self service, dry cleaning		P	
Retail establishment holding a SDD (specially designated distributor) or SDM (specially designated merchant) license from the state liquor control commission		CLU	Sec. 544z

Studios or music recording studios	P	P	<u>Ch. 38, art. II</u>
Wholesale businesses	P	P	
Transportation and auto uses			
Automobile or vehicle dealerships	CLU		Sec. 544d
Automobile repair establishments (major repair)	CLU		Sec. 544a
Automobile service centers (minor repair)	CLU	CLU	Sec. 544b
Indoor specialty car facility	CLU		Sec. 544n
Industrial, construction, and storage			
Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products not involving a normal retail or service activity on the lot	P	P	
Contractor showroom and workshop	P	P	
Contractor storage yard	CLU		Sec. 544h
Crematoria	P		
Dry cleaning plant	SLU	SLU	Sec. 557g
Electronic data processing and computer centers	P	P	
Equipment rental, indoor sales and service	P	P	
Manufacturing, packaging, assembly, or fabrication of products	P	P	Sec. 544p
Research or testing laboratories	P	P	Sec. 557o
Salvage yard	SLU		Sec. 557p
Self-storage facilities	CLU	CLU	Sec. 544cc
Small manufacturing and production establishment	P	P	Sec. 544dd

Stone cutting and monuments	P		
Tool, die, gauge, machine shops	P	P	
Trucking terminals	SLU		Sec. 557r
Warehouse/distribution	P	P	
Animals and agricultural			
Commercial kennel or animal shelter	CLU		Sec. 544o
Pet boarding facility	CLU		Sec. 544t
Veterinary hospital/clinic	CLU		Sec. 544ff
Educational			
Colleges, universities, and other institutions of higher learning including trade, technical, and vocational schools	P	P	
Performing and fine arts schools or studios	CLU	P	Sec. 544t
Private educational tutoring businesses such as computer training establishments, after school tutoring, and similar businesses		P	
Private technical schools and training institution	P	P	
Accessory			
Outdoor dining, accessory to restaurant, brewery, winery or distillery	P	P	<u>Sec. 319</u>
Outdoor retail display and sales (commercial)	CLU		Sec. 544r
Outdoor storage	CLU		Sec. 557l

(Ord. No. [O-22-721](#), § 2, 6-20-22; Ord. No. [O-23-728](#), § 3, 3-8-23; Ord. No. [O-23-729](#), § 3, 7-17-23)

Sec. 232. - Provisions applicable to industrial districts.

All commercial uses permitted by right or by special land use approval shall be required to meet all of the following requirements:

- a. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building, except for off-street parking or loading.
- b. Outdoor storage which is clearly accessory to the permitted use, limited in scale, and incidental to the primary indoor use(s) of the site, subject to the provisions of section 557m.
- c. The storage and/or use of any volatile, flammable or other materials shall be fully identified in the site plan review application and in accordance with all city, state and federal regulations regarding toxic or hazardous materials subject to MCL 324.11121 and MCL 324.11122.
- d. Where the outdoor placement of an aboveground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern or a treated wood obscured fence. The design and material of the screening to be approved by the planning commission and city council.
- e. No truck well, loading dock, overhead door or other type of service bay door shall face an abutting residential district. Pedestrian exits and emergency doors are permitted on such building facades.

(Ord. No. O-22-721, § 3, 6-20-22)

Sec. 233. - Building design standards.

Building design standards are regulated by building types that meet the intent of the district. General architectural standards and standards by building types are regulated in article III, division 2, architectural standards. The following building types (X) are intended to meet the intent of the industrial districts.

Commercial/mixed-use building types	LI	IF	See sec.
Attached dwelling/townhome		X	354.1, 355.B
Multiple-family dwelling		X	354.1, 355.C, 355D
Office		X	356.1, 357.A
Industrial building	X	X	358.1

Sec. 234. - Schedule of regulations.

	Height				Setbacks (feet)				
	Min.		Max.		Front		Sides (min.) ¹		Rear
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.
LI	—	—	—	45	25 ²	—	15	40	25

IF				45 ³	10	35	10	20	25
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1. Side yard setbacks may be reduced along one interior side lot line which abuts another property or properties zoned industrial, where proper access is provided to the rear of the building for parking, loading/unloading, and emergency services, and provided the building wall complies with all requirements of the building code for proper construction and fire rating. This section permits zero lot line construction where the above conditions are demonstrated to be met through site plan review.
2. The front yard setback may be reduced to ten feet provided significant landscaping is provided in a greenbelt per section 445.
3. In the IF district, the planning commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment.
 - c. The proposed development is designed to facilitate the objectives and strategies of the master plan.
 - d. The planning commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

(Ord. No. O-23-728, § 4, 3-8-23

Sec. 235. - Site development requirements.

All principal uses, conditional uses, and special land uses, are subject to the following site development requirements:

Article III, Division 1: General Provisions

Article III, Division 2:

Architectural Building Standards

Article IV, Division 1:

Off-Street Parking and Loading Standards

Article IV, Division 2:

Access Management and Driveway Standards

Article IV, Division 3:

Landscape Standards and Tree Replacement

Article IV, Division 4: Signs

Article IV, Division 5: Lighting standards

Article V, Division 1: Site Plan Review

Secs. 236—299. - Reserved.

ARTICLE III. - GENERAL PROVISIONS

DIVISION 1. - GENERAL PROVISIONS

Sec. 300. - Accessory buildings, structures, and uses (see figure 3.1 accessory buildings and structures location standards).

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations.

a. *Relation to principal building.*

1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
3. Detached accessory buildings shall be set back a minimum of ten feet from the principal building.

b. *Locations for detached accessory buildings.*

1. Detached accessory buildings and structures shall only be located in the yards listed in table 3.1.
2. Accessory buildings shall not be located within a dedicated easement or right-of-way.

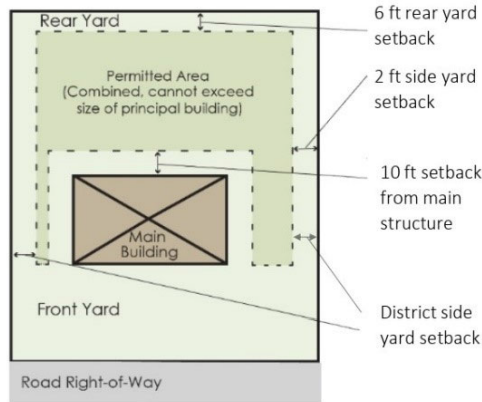


Table 3.1
Accessory Building Locations and Setbacks

Locations permitted	Minimum setback from lot line
Front yard	Not permitted
Side yard	District setback
Rear yard	6 feet from rear lot line 2 feet from side lot line 6 foot from alley

Corner lot side-street (non-address side) yard	20 feet
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- c. *Rear yard lot coverage limit.* A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district, found in article 2 and shall not exceed 35 percent of the required rear yard.
- d. *Number of accessory structures.* In the R-1 and R-2 districts a maximum of one accessory structure or building, not including detached garages, are permitted subject to the size, setback, and additional criteria in this article. Detached garages cannot exceed 600 square feet.
- e. *Height limitations.* The maximum height of detached accessory buildings shall be one story but not to exceed 13 feet in all residential zoning districts, 30 feet in light industrial and industrial flex and 25 feet in all other zoning districts subject to site plan review and approval.
- f. *Use.* Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this ordinance.
- g. *Appearance.* The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g. material, color), as determined by the building official.
- h. *Attached garages.* Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling.
- i. Carports and garages in non-single-family developments shall have a maximum height of 13 feet, measured from the grade to the midpoint of the roof. Carports shall be enclosed or obscured at least 25 percent along sides visible from public streets, residential districts or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the planning commission.

(Ord. No. [O-22-719](#), § 4, 3-7-22; Ord. No. [O-23-728](#), § 4, 3-8-23)

Sec. 301. - Adult and child care facilities.

- a. Adult and child care facilities, as defined in article I, division 2, definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Adult and child care facilities regulations				
Type of facility	Zoning district			
	R-1,R-2	RM-1, RM-2	B-1, B-2	IF

Adult daycare facilities	SLU as accessory	SLU	P	
Adult foster care family home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Adult foster care small group home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Adult foster care large group home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Convalescent and nursing homes and assisted living (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)(13)	NA	SLU	SLU IN B2	NA
Foster family home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster family group home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Family day-care home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)	P	P	NA	NA
Group day-care home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)	SLU	SLU	NA	NA
Child care center or day-care center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)			P	NA
Child caring institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	NA	SLU	NA	NA

P:	Permitted use
SLU:	May be allowed upon review and approval of a special land use, in accordance with the general standards in article XIII, special land uses.
SLU as accessory:	May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.
NA:	Not allowed in zoning district.

Footnotes:

¹ The use shall be registered with the city clerk's office and shall continually have on file with the city documentation of a valid license as required by the state.

² Since the state law preempts in this area; the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835.

³ Documentation of such compliance with state requirements shall be provided.

⁴ The site shall comply with the sign provisions of article IV, division 4, signs.

⁵ Off-street parking shall comply with parking space numerical requirement per article IV, division 1.

⁶ The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the planning commission.

⁷ Documentation of sufficient indoor classroom, crib, or play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.

⁸ There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four-foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.

⁹ There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.

¹⁰ The lot shall be at least 1,500 feet from another group day care home or similar facility. This may be reduced by the planning commission upon a finding by the planning commission that the proposed facility will not contribute to an excessive concentration of state licensed residential care facilities in the area.

¹¹ The dropping off and picking up of children shall not be allowed prior to 6:00 a.m. or after 10:00 p.m.

¹³ Convalescent and nursing home and assisted living:

a.

All vehicular ingress and egress shall be directly onto a major or secondary thoroughfare as designated on the city's adopted master plan.

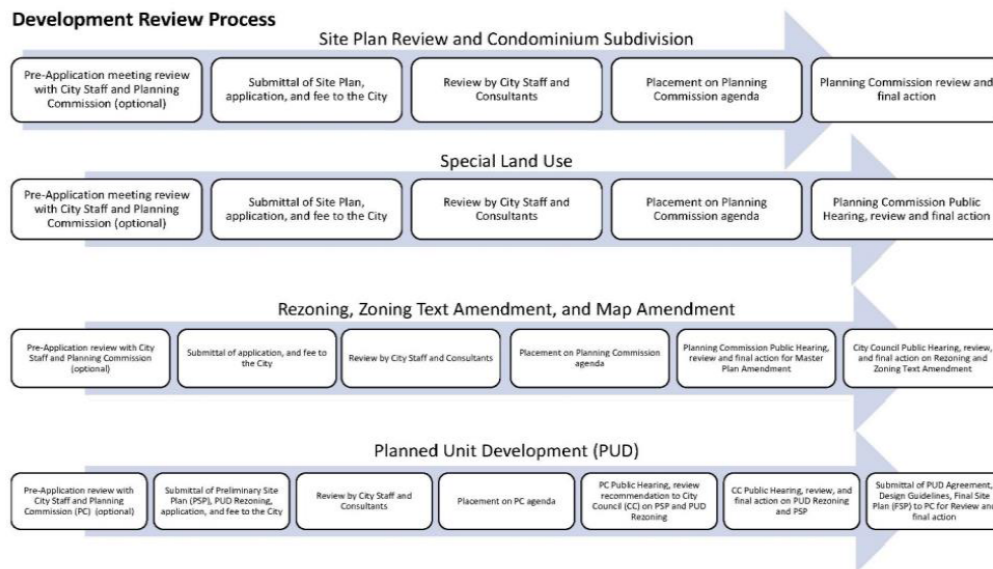
- b. The minimum site size shall be two acres.
- c. All buildings shall be set back at least 50 feet from all property lines.
- d. There shall be minimum of 25 square feet of outdoor recreation space per resident cared for, in such areas as gardens, patios, decks, and the like. Recreation space must be fully accessible and barrier-free.

Sec. 302. - Reserved.

Editor's note— Ord. No. O-23-728, § 4, adopted March 8, 2023, repealed § 302 which pertained to antennas and towers and derived from the 2021 zoning ordinance.

Sec. 303. - Application procedures in general.

- a. The process for application and review by the city for site plan review, special land use approvals, conditional land use approvals, planned unit developments (PUDs), condominium developments, text amendments to this ordinance, and rezonings of land is shown on figure 2.2 development approval process. Submittal dates, application forms, and information on fee requirements are available at the city offices.
- b. The planning commission, zoning board of appeals (ZBA), or city council may withhold granting approval of any use, site plan, PUD plan, or other approval required by this zoning ordinance pending approvals which may be required by county, state, or federal agencies or departments.



Sec. 304. - Building grades.

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the building official and city engineer. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Any buildings shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Yards shall be graded in such manner to prevent the accumulation of surface water on the property and not increase the natural flow or run-off of surface water onto adjacent properties.

Sec. 305. - Determination of similar use.

Since every type of potential use cannot be addressed in this ordinance, each district provides for similar uses, referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review and decision, based on the following standards. The zoning administrator may refer the review and decision to the planning commission.

- a. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
- b. If the use is not addressed in this ordinance, the zoning administrator or planning commission may attempt to select a named use listed in this ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the city.
- c. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other ordinance requirements that apply to the named use.
- d. Where the zoning administrator or planning commission determines a proposed use is not similar to any named use addressed in this ordinance, the applicant may request for an amendment to this ordinance.
- e. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the zoning administrator planning commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Sec. 306. - Donation boxes.

In all nonresidential districts, one donation box shall be allowed with the following conditions:

- a. Approval must be obtained from the zoning administrator or other official designated by the city through an application and permit fees.
- b. Donation boxes can only be located to the rear of a building.
- c. They cannot cause the elimination of required parking spaces.
- d. They cannot impede the orderly flow of traffic in the site.
- e. In those instances where donation boxes cannot be located in the rear of the building, a location in the side yard may be allowed but cannot be visible to any abutting residential district or from a public street.
- f. There must be proof that unique circumstances exist that make compliance with items a through d above impractical.
- g. Contact information for organization and applicant must be provided.
- h. The donation box must be maintained in a clean, safe condition and free of bags, donation items, or trash outside of the donation box.

Sec. 307. - Electric distribution and service lines.

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

(Ord. No. O-22-727, § 1, 12-5-22)

Sec. 308. - Fences, walls, and other protective barriers.

All fences of any kind shall conform with the following provisions:

- a. *General provisions.* In all districts the following standards apply:
 1. The erection, construction or substantial rebuilding of any fence shall be constructed within all municipal codes and shall require a building permit. Substantial rebuilding is reconstruction of more than 50 percent of the fence within a 12-month period.
 2. No fence shall extend toward the front of the lot farther than the front building line. Landscape treatments which are no longer than 50 percent of the width of the lot at the front lot line, and are 30 inches in height or less, may be erected within the front yard.
 3. No portion of the fence shall project beyond the property line.
 4. It shall be the duty of each property owner to ensure that all fences on the property are installed and maintained plumb, with adequate support and footings, and in a safe and sightly manner, and to remove or repair any fence, wall or privacy screen that is dangerous, damaged, dilapidated, or otherwise in violation of this Code.
 5. Bumper stops curbing or guard posts/rails in multiple family residential developments shall be provided where any fence or wall abuts a drive or parking area.
 6. If because of the design or construction, one side of a privacy or decorative fence has a more finished appearance than the other, the side with the more finished appearance shall face away from the fence owner's property.
- b. *Residential provisions.* In addition to the standards in subsection a. above, the following provisions shall apply to residential districts:
 1. No chain link fence shall be erected in excess of four feet, or less than 30 inches, in height above the grade of the surrounding land. Decorative wrought iron fences and privacy fences, which are 50 percent opaque or more, and do not include chain link fences which have been altered to be 50 percent opaque or more, shall not exceed a height of six feet. This provision does not alter any screening requirements between single-family zones and other more intensive districts. Other than as provided herein, no fence shall be in excess of four feet, or less than 30 inches, in height above the grade of the surrounding land.
 2. A fence may be erected in a side or rear yard setback. The fence must be designed or located so as to permit the cutting of vegetation which grows between the lot line and an existing fence or between an existing fence and a new fence. A new fence may be erected on a property lot line if the permit

application is signed by both property owners. For fences which are erected on a property lot line, both property owners will be responsible for the repair, maintenance, and upkeep of the side of the fence which faces their property.

3. Any person, firm, or corporation that owns or leases property upon which a fence is located shall be responsible for the repair, upkeep, maintenance, and reconstruction of any such fence and any area adjacent thereto. Routine maintenance and repair must be able to be completed from the property on which the fence is located. If ownership of a fence located upon a property line cannot be determined, then each party owning or leasing property adjacent to the fence shall be responsible for its upkeep, maintenance and reconstruction.
 4. Any privacy fence which is allowed to be constructed on the property line adjoining a public street shall be subject to the provisions of the residential driveway clear vision area in section 314, intersection visibility. If because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the privacy fence with the more finished appearance shall face the street.
 5. Fences containing barbed wire, razor wire, spikes, nails, sharp points, or electric current or charge are prohibited.
- c. *Commercial, office and institutional provisions.* In addition to the standards in subsection a. above, the following provisions shall apply to commercial and office districts and institutional uses:
1. No fence shall be erected in excess of six feet (unless otherwise required by this ordinance), or less than three feet in height above the grade of the surrounding land.
 2. Fences containing barbed wire, razor wire, spikes, nails, sharp points, or electric current or charge are prohibited; however, barbed wire in cradles may be placed on top of fences enclosing public utility facilities.
- d. *Industrial provisions.* In addition to the above general provisions, no fence shall be erected in excess of eight feet, or less than three feet in height above the grade of the surrounding land in any industrial district.
- e. *Screen walls.* Wherever a nonresidential use adjoins a residential district, and wherever a parking lot of eight or more spaces adjoins a single-family residential district, a screen wall shall be provided by the nonresidential use. (For purposes of this section, a parking lot of eight or more spaces shall be considered a nonresidential use).
1. All required screen walls shall be six feet in height, unless otherwise specified, and shall be placed on an approved footing along the lot line of the nonresidential use.
 2. Where a public alley separates the nonresidential use from the residential use, the planning commission and/or the city planner; in the case of administrative approval review procedure, shall determine the location of the wall so as to best protect the residential district.
 3. Required screen walls shall not be extended into a required front setback area to ensure proper visibility of pedestrians and vehicles by drivers exiting the nonresidential site.
 4. Required screen walls shall be of masonry construction, decorative in nature, of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick.
 5. The planning commission may:
 - (a) Approve a partial or complete substitution of the wall(s) using existing or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening and durability;

(b) Approve reduction or increase in wall height where a greater or lesser height is found appropriate based on consideration of topography, sight lines, and distances;

(c) Approve variations in design standards for reasons of topography or characteristics peculiar to the site, its usage and environs, or in an area abutting residential—at the request of the homeowner(s).

In taking such actions, the planning commission shall take into account the principal purpose of the wall(s) is to screen nonresidential activities, including parking, loading and noise, from nearby residential districts. In such cases where the planning commission finds that there would be no substantial need for a screen wall, the requirements may be reduced or substituted in accordance with the table in subsection 309c above. The basis for such decision shall be recorded in the minutes of the planning commission.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 309. - Flags and flagpoles.

- a. The maximum height of flagpoles shall not exceed 40 feet, except in residential district where the maximum height shall not exceed 20 feet, measured from the average surrounding grade.
- b. A maximum of one flagpole per property is allowed in single-family residential districts and three flagpoles are allowed per site in all other zoning districts.
- c. Flagpoles shall be set back a minimum of ten feet from any public right-of-way, private road access easement, access drive, or property line.
- d. A maximum of two flags per flagpole shall be permitted.

Sec. 310. - Front yard requirements.

- a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- b. Through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
- c. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Sec. 311. - Grading, excavation, filling, soil removal, creation of ponds, and clearing of trees.

- a. Refer to chapter 78, trees, of this Code.
- b. Excavation required for swimming pools is excepted from excavating provisions of this ordinance provided that all necessary permits are obtained, and the pool is completely constructed within six months of the excavation.

Sec. 312. - Height exceptions and limitations.

- a. The height limits of this ordinance shall not apply to the following:
 1. Roof structures for the housing of elevators, stairways, tanks, ventilating fans and air conditioners or other similar equipment which is necessary or customarily incidental to the operation or maintenance of the building;
 2. Fire or parapet walls;
 3. Skylights;

4. Chimneys and smokestacks;
 5. Towers and steeples;
 6. Wireless signal receiving antennae for domestic use only;
 7. Similar structures or appurtenances necessary and customarily incidental to the permitted uses in the district in which they are located.
- b. No structure or part of any structure listed above as an exception shall exceed by more than 15 feet the height limitation of the district in which it is located. In addition, no structure listed above as an exception shall have a total area greater than 25 percent of the roof area to which it is attached.

Sec. 313. - Home occupations.

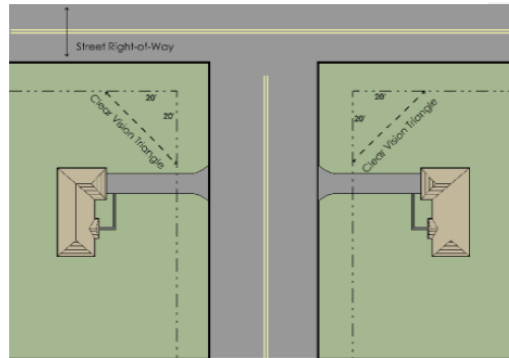
- a. All home occupations must comply, and remain in continuous compliance with, the following standards:
1. No person, other than members of the family or occupants residing in the dwelling, shall be engaged in the conduct of the home occupation.
 2. The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than 25 percent of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
 3. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation.
 4. There shall be no signs on any structure, in the windows or anywhere on the property.
 5. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten vehicular trips per day.
 6. The home occupation shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or accessory structure.
 7. There shall be no sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.
 8. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.
 9. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.
 10. The home occupation shall be conducted entirely within the confines of the dwelling.
 11. The home occupation shall not involve the use of commercial vehicles for delivery of material to or from the premises.
 12. The use shall not involve the sale, storage or use of any firearms or any ignitable, toxic, or explosive material.
 13. There shall be no use of utilities or community facilities beyond that typical to the use of the property for residential purposes.

14. Home occupations shall not include being a primary caregiver under the Michigan Medical Marihuana Act of 2008.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 314. - Intersection visibility.

- a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of 30 inches and eight feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 20 feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.



- b. The 30 inches and eight foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way lines.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 315. - Keeping of animals.

- a. *Pets.* The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarded as household pets is permitted as an accessory use in any residential district. The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle and wild, vicious and exotic animals, is prohibited in all zoning districts except the temporary keeping of live poultry by any lawfully established live poultry market incidental to the normal course of business, or as permitted by section 14-7 of this Code. However, no more than three dogs or cats, or any combination thereof of six months of age or over without first obtaining a kennel license. No person shall in any combination (not including domestic chicken), have a total of more than three animals, to be kept or housed in or at one dwelling unit.
- b. *Kennels.* The keeping of more than three dogs on one premises shall be deemed to be a kennel and must follow the regulations set forth in article 5, division 4, special land uses.
- c. *Domestic chicken.* Any person residing in a single-family detached dwelling on residential zoned one family dwelling district property (R-1), after obtaining an annual permit from the city, may keep, per household, not more than three hen (female) chickens for personal use only and not for any business or commercial use. Chickens may be kept as family pets or to lay eggs for personal consumption only, as permitted by section 14-7 of this Code. Slaughtering of any chickens on the property is prohibited.

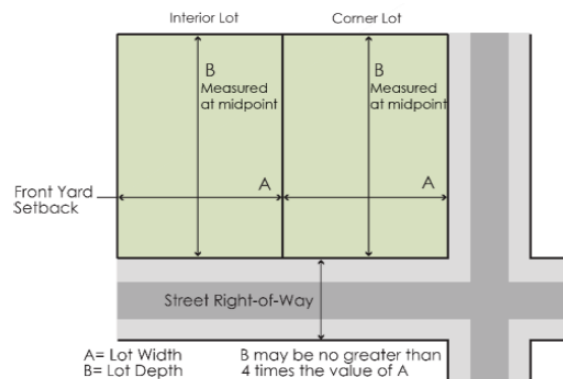
(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 316. - Lot area allocation.

- a. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- b. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this ordinance. If already less than the minimum requirements of this ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this ordinance. Lots or yards created after the effective date of this ordinance shall comply with the requirements of this ordinance.
- c. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this ordinance, one-half the width of such alley abutting the lot shall be considered as part of the lot.

Sec. 317. - Lot width/depth ratio.

Lots created after the effective date of this Ordinance having a lot area of less than ten acres shall have a lot width which is equal to, or greater than, one-fourth the depth of the lot.



Sec. 318. - Mechanical equipment and utilities.

- a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the zoning administrator.
- b. Mechanical equipment shall be placed no closer than three feet to any lot line in the commercial and industrial districts.
- c. Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building. If such equipment is located in the rear yard and not visible from the roadway screening is not required.
 2. Screening shall be no less than the height of the equipment.
 - 3.

For all commercial and industrial buildings, roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface and shall occupy no more than 15 percent of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from a street or adjacent property at ground level, measured 25 feet from the building wall, even if not specifically addressed as part of site plan review.

4. A parapet, extension of the building façade is the preferred method of rooftop screening.

5. All screening must be installed before a final certificate of occupancy is issued.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 319. - Outdoor dining.

Outdoor dining areas are permitted as an accessory use for restaurants subject to the following:

a. *Approval process.*

1. Outdoor dining areas proposed as part of a new restaurant use, an addition to an existing restaurant, a restaurant that serves alcoholic liquor or a dining area on a public sidewalk or right-of-way, shall require administrative plan review and approval by the city planner.
2. Outdoor dining areas proposed to be added to an existing restaurant with no other building or significant site modifications, shall submit a site development plan to the department of economic development and planning for review and administrative approval.
 - a. The following information is required on the site development plan:
 - i. A completed application.
 - ii. A detailed plan showing the design, relevant details and location of all permanent and temporary structures such as decks, awnings, planters, landscaping, railings, tables, chairs, umbrellas, electrical outlets or appliances, hydrants, all ingress and egress, lighting and other equipment. The site development plan shall be submitted on a sheet no smaller than 11 inches x 17 inches at a scale showing detail sufficient for proper review.
 - iii. The applicant's entire property and adjacent properties on a location map with streets for a distance of at least 25 feet.

b. *General standards.*

1. Outdoor dining shall only be permitted between March 1 and November 30 with all furniture and fixtures including, but not limited to, tables, chairs and waste receptacles removed from the exterior premises after November 30.
2. The hours of operation for the outside dining area shall be consistent with the hours of operation inside the restaurant.
3. For plans showing more than 20 occupants within the outdoor dining area, additional off-street parking shall be provided as required in article IV, division 1, off-street parking, section 403, restaurants—sit down.
4. Tables, chairs, umbrellas and any other objects provided with outdoor dining areas shall be of good quality and of a durable material such as wood or metal. The design, materials and workmanship of these items should ensure the safety and convenience of the users and enhance the visual and aesthetic quality of the outdoor area.
- 5.

No table umbrella or other outdoor fixture in the outdoor dining area shall contain any sign or advertising matter.

6. The planning commission may approve decorative or accent lighting as an alternative to shielded light fixtures when it can be demonstrated that there will be no off-site glare and the proposed lighting method is necessary to preserve the intended character of the site.
 7. The restaurant shall clean the entire outdoor dining area and all other adjacent landscaped and sidewalk areas by removing debris, trash, sweeping and washing down the area each day. The cleaning shall be conducted as frequently each day as necessary to prevent debris and trash from being blown or scattered onto other properties. A thorough sweeping and cleaning shall be conducted at the close of business each day.
 8. Outdoor dining areas shall be enclosed in instances where there is alcoholic liquors service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable materials approved by the planning commission, city council or administratively, as applicable.
 9. No food preparation, preparation equipment or bars shall be permitted in the outside dining area, including heating or cooking on open flames.
- c. *Additional requirements for outdoor dining areas located on a public sidewalk.*
1. Outdoor dining areas, on a public sidewalk, shall be located in a manner to maintain a minimum pathway width of five feet (clear of structures such as light poles, trees and hydrants) so as not to interfere with pedestrian traffic moving around the outdoor dining area.
 2. Outside dining areas located on a public sidewalk or within any public right-of-way requires approval by the corresponding jurisdiction (City of Oak Park, MDOT, Road Commission of Oakland County). A license agreement in a form deemed acceptable to the city attorney's office shall also be required.
 3. Any restaurant approved to operate an outdoor dining area on a public sidewalk shall pay to the city treasurer a license fee in the amount established by resolution of the city council.
 4. Outdoor dining areas located on a public sidewalk are required to provide a policy or certificate of insurance, in an amount acceptable to the city, including workers compensation, naming the city as additionally insured. Establishments serving alcoholic liquors shall provide a liquor liability policy or certificate of insurance naming the city as additionally insured. A company authorized to do business in the state shall issue such insurance. Required insurance amounts shall be set by resolution of city council. The policy or certificate shall contain a clause requiring the insuring company to give 15 days' written notice to the city manager prior to cancelling the policy. The required insurance certificate shall be in effect for any period during which the outdoor dining area is in operation. No establishment shall operate an outdoor dining area on a public sidewalk without filing proof of proper insurance. Failure to provide a current insurance certificate shall be cause for immediate discontinuation of use of sidewalk for an outdoor dining area.
 5. The owner of the restaurant with the outdoor dining area on a public sidewalk assumes full responsibility for damage to public property caused by the placement and operation of the outside dining area. The restaurant will also repair any damage to public property at their own expense.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 320. - Performance standards.

No land use otherwise allowed shall be permitted within a zoning district that does not conform to the following standards of use, occupancy, and operation. These performance standards are hereby established as the minimum requirements to be maintained.

a. *Smoke.*

1. *Generally.* United States Bureau of Mines "Ringelmann Smoke Chart," is used to measure smoke density. It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four minutes in any 30 minute period.
2. *Method of measurement.* For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with the Ringelmann's Chart.

b. *Radioactive, toxic and hazardous materials.* Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the federal government.

c. *Noise.* At no point on the lot line shall the sound pressure level of any operation on the lot exceed 70 dB(A). Operations or activities which exceed the maximum sound intensity level shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer. The following sources of noise are exempt:

- a) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- b) Temporary construction activity between 7:00 a.m. and 7:00 p.m. Monday through Saturday.
- c) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
- d) Noises resulting from authorized public activities such as parades, fireworks display, sports events, musical productions, and other activities that have the approval of the city council or its designee.

d. *Dust, dirt, and fly ash.*

1. *Generally.* No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of 500 degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.

2. *Method of measurement.* For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The zoning administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
 3. *Drifted and blown material.* The drifting or airborne transmission beyond the lot line of dust particles, or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
- e. *Fire and explosive hazards.* The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with these performance standards and all other standards of this ordinance, and providing that the following conditions are met:
1. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
 2. All such buildings or structures shall be set back at least 40 feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes.
 3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFPA.
- f. *Light.* Exterior lighting shall be shielded downward and away from adjacent property, and installed so that the surface of the source of light shall not be visible from any bedroom window. Lighting shall be arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five feet above the ground in a residential district.
- g. *Vibration.* All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 of one inch measured at any lot line of its source, or ground vibration which can be readily perceived by a person standing at any such lot line. No stamping machine, punch press, press break, or similar machines shall be located closer than 300 feet to a residential district without written certification by the zoning administrator that a nuisance is not thereby caused to the residential district.
- h. *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
- i. *Gases.* The escape or emission of any gas which is injurious, destructive, or explosive shall be unlawful and may be summarily caused to be abated.
- j. *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- k. *Water supply and sewage disposal.* Every building used or intended to be used for human habitation or human occupancy, including but not limited to dwelling, industrial, commercial, office, and institutional uses, shall be furnished with water supply and sewage disposal as provided for in the building code

ordinance. Accessory buildings, such as garages or storage buildings, intended and used for incidental or no human occupancy are excluded from this requirement, except that if water supply and/or sewage disposal is required and/or furnished to such building, it shall comply with the standards of the building code.

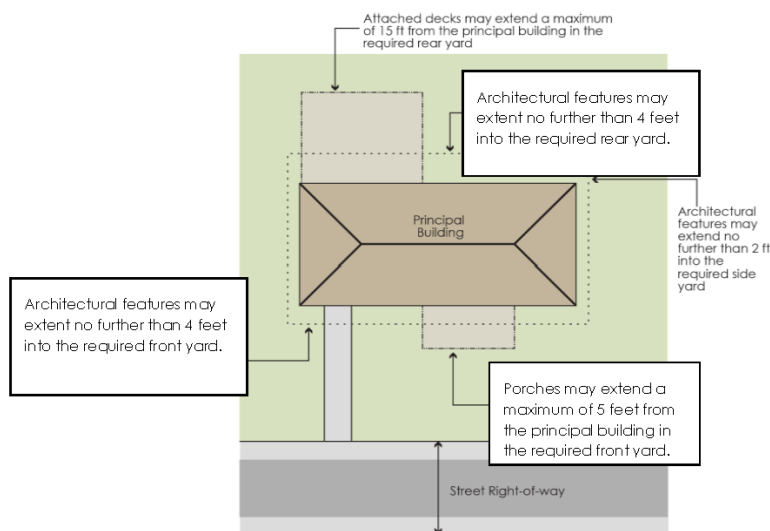
(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 321. - Principal buildings, structures, and uses.

- a. No lot may contain more than one principal building, structure, or use.
- b. Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the zoning administrator.
- c. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the zoning administrator.

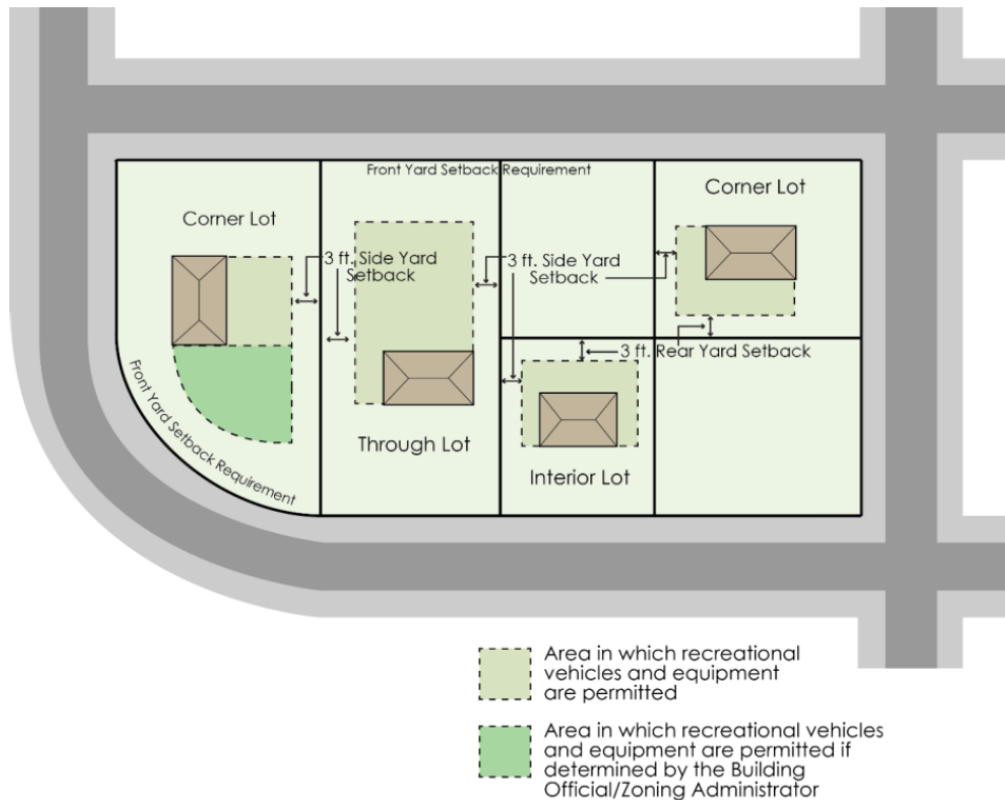
Sec. 322. - Projections into yards (see also figure 2.1 accessory buildings and structures location standards).

- a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 1. Four feet into a required front yard.
 2. Four feet into a required rear yard.
 3. Two feet into a required side yard.
- b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 1. Five feet into a required front yard.
 2. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.
 3. Attached decks may extend a maximum of 15 feet from the principal building in the required rear yard.



Sec. 323. - Recreational equipment and vehicle parking and storing.

- a. The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property in the R-1 and R-2 districts to promote the public health, safety, and welfare and to preserve property values.



- b. Location standards (see also figure 2.1 accessory buildings and structures location standards).
1. *Generally.* Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard paved surface, except as provided in paragraphs 2 through 6 below.
 2. *Time limits.* Where it is physically impossible to locate a recreational vehicle or camping equipment behind the front building line the recreational vehicle or camping equipment may be parked on the driveway in the front yard for a period not exceeding 48 hours in a two week period, but only for the purpose of loading and unloading such recreational vehicles or camping equipment and subject to the visibility limitations in section 314.
 3. *Corner lots.* In the case of corner lots, as defined in this ordinance, the regulations of this section shall apply to both the front yard and the exterior side yard.
 4. *Through lots.* In the case of through lots, as defined in this ordinance, parking and storage shall be permitted in the rear yard, as determined by the zoning administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
 5. *Through corner lots.* In the case of through lots on a corner (i.e. lots with frontage along three streets), parking shall be allowed only in the side yard. The zoning administrator may permit parking in the rear yard, as noted in paragraph 4 above, upon determination that such parking is allowed on the adjacent lot.

c.

Owner or legal tenant. The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.

- d. Condition and licensing requirements. All recreational vehicles and/or recreational equipment stored or parked in any residential district shall be in an operable condition, as determined by the zoning administrator. Recreational vehicles and camping equipment must be currently registered and/or licensed for use.
- e. Detachable camper tops. Detachable camper tops shall not be stored in any residential district except in accordance with above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.
- f. Occupation of stored recreational vehicles. At no time, except in conformance with subsection g below, shall any stored, parked, or placed recreational vehicles and/or recreational equipment be occupied or used for living purposes. At no time shall any such recreational vehicle and/or equipment have fixed connections to water, gas, or a sanitary sewer. At no time shall any such recreational vehicles and/or equipment be stored, parked, or occupied or used for living purposes other than those granted a temporary use permit in conformance with subsection g below.
- g. Permanent special exceptions. A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with state law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 324. - Regulations applicable to manufactured single-family dwellings outside of manufactured housing developments.

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

- a. If the dwelling unit is a manufactured home, it must either be:
 - 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
 - 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection 1 above, and found, on inspection by the zoning administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.
- b. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and tongue removed.
- c. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks or manufactured housing communities.
- d.

The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the city, provided, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are stricter than those imposed by city codes, then and such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the zoning administrator.

- e. The dwelling unit shall comply with all restrictions and requirements of this ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, yard requirements, lot percent coverage and maximum building height requirements of the zoning district in which it is located.
- f. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of 20 feet.
- g. The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least 30 feet in dimension parallel to the street.
- h. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
- i. A storage area within a building not less than 120 square feet in an area shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of this ordinance pertaining to accessory buildings.
- j. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first-floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the city building code.
- k. The main roof of the dwelling unit shall have a minimum pitch of four feet of rise for each 12 feet of horizontal run.
- l. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel and uses similar materials to the surrounding neighborhood.
- m. The dwelling unit shall not contain any additions of rooms or other areas which are not permitted and constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- n. The above standards may be modified by the zoning administrator upon determination that the proposed design is consistent with the predominant standard in the surrounding area.

Sec. 325. - Residential recreational area.

- a. Any residential subdivision, condominium, or multiple-family development comprising twenty or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to 1,500 square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development. The planning commission may modify this requirement when it is determined that alternate recreation facilities are provided nearby.

- b. The recreational area shall be well-drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the planning commission as part of the site plan review.
- c. Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Sec. 326. - Sidewalks, bikepaths, and walkways.

Any development shall provide pedestrian pathways meeting the following requirements:

- a. *Sidewalks.* Sidewalks shall be required on both sides of the street or road in accordance with this Code.
 - 1. All sidewalks shall be a minimum five feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 - 2. Sidewalks abutting parking areas shall be a minimum of seven feet wide to accommodate vehicle overhang.
 - 3. In lieu of concrete sidewalks, the planning commission may permit asphalt, stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the planning commission waives the requirement for concrete sidewalks.
- b. *Bikepaths.* Bikepaths shall be at least eight feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.
- c. *Walkways from the sidewalk to building entrances.*
 - 1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
 - 2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least 50 percent of the length of the walkways.
 - 3. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.
- d. *Walkways from parking areas to building entrances.*
 - 1. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
 - 2. The walkways shall be designed to separate people from moving vehicles as much as possible.
 - 3. The walkways must be designed for disabled access according to the adopted city building code and other applicable laws.
 - 4. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. Other materials may be approved by the planning commission if appropriate to the overall design of the site and building.
- e. *General.* Unless otherwise permitted by this ordinance, sidewalks, bikepaths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the

right-of-way or access easement.

- f. *Marking and signs.* Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Sec. 327. - Solar panel energy systems.

Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:

- a. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
- b. Solar energy systems are subject to the following:
 1. Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
 2. Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
 3. Solar energy systems are prohibited in front yards and shall not be located past the front wall of the principle building.
 4. The number of solar panels and supporting equipment shall be considered as one system.
 5. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in article III, division 1, section 86-130, accessory buildings, structures, and uses.
 6. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed ten feet in height.
 7. No more than 20 percent of a lot may be covered with a solar energy system.
 8. Ground mounted systems shall be located on lots of one-half acre or more.
 9. Electrical and construction permits are required.

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 328. - Storage and repair of commercial vehicles.

- a. The parking of commercial vehicles, as defined in article I, division 2, definitions, shall be prohibited in all zoning districts except commercial and industrial districts, unless otherwise permitted.
- b. Commercial vehicles, as defined in section 123, may be parked on an R-1 or R-2 zoned lot subject to the following:
 1. A maximum of one commercial vehicle, with a maximum height of nine feet and length of 23 feet, may be parked on an R-1 or R-2 lot.
 - 2.

The commercial vehicle must be located inside a garage or on a driveway. A commercial vehicle which is a pickup truck, panel van, or sedan may be parked in the front yard. All other commercial vehicles, within the size limitations of this section and not excluded by subsection 3 below, must be parked behind the front building line.

3. No tow trucks, garbage trucks, septic tank haulers/pumpers or vehicles with platform, commercial hauling trucks, truck tractor, tank, overhead rack, stake or dump bodies are permitted.
 4. The commercial vehicle must be currently registered and licensed for use.
 5. The commercial vehicle must be owned or operated by a member of the family that resides in the home.
- c. The repair, restoration, and maintenance of vehicles in any residential district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
1. Procedures exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within an enclosed building.
 2. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- d. In any multiple-family residential district, the property owner or the controlling association shall provide a designated area, approved by the planning commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this ordinance shall not be used for the parking or storage of commercial vehicles.
- e. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- f. Commercial vehicles which are employed in conjunction within a non-residential district shall be parked or stored in compliance with the following provisions:
1. For sites with a site plan approved subsequent to the effective date of this section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
 2. For situations not covered under subsection 1 above, commercial vehicles shall not be parked or stored in the front yard.
 3. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
- g. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in this Code.

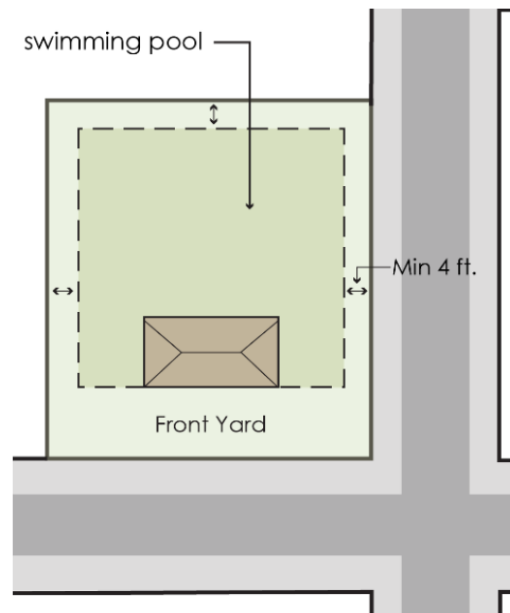
Sec. 329. - Street access and design.

- a. Any lot created after the effective date of this ordinance shall have frontage upon a public street right-of-way, at least 50 feet in width, unless a private road of lesser width has been approved by the city council.
- b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least 50 feet in width, unless a private road of lesser width has been approved by the city council.
- c. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the city standards.
- d. All street access shall meet the standards of article IV, division 2, access management and driveway standards.
- e. All streets shall be constructed in accordance with this Code.

- f. All streets shall be constructed with curb and gutter unless waived by the city council.

Sec. 330. - Swimming pools.

- a. Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with any applicable swimming pool and spa codes.
- b. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.
- c. Swimming pools, spas, hot tubs, and similar devices shall not be located less than four feet from any lot line.
- d. Swimming pools shall be considered in computing impervious surface calculations.
- e. All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e. fence or other enclosure) where required by state law and as approved by the building official.



Sec. 331. - Temporary buildings, structures, and uses.

Temporary or portable buildings, structures, and uses may be permitted, subject to the following conditions:

1. Construction sites:
 - a. Temporary construction, buildings, and structures/office, which are necessary to facilitate construction on any site, shall be permitted and conform with all applicable provisions of this ordinance. Temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
 - b. Temporary construction buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building official or zoning administrator for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.
 - c. The placement of temporary construction buildings and structures shall be in conformance with the requirements of article 5, division 1: site plan review and any necessary permits required for the completion of the project.


2. Commercial and industrial zoning districts:








- a. Portable storage containers or moving pods used for a seasonal or temporary use are allowed in the B-2, general business and industrial zoning districts for up to 30 days, once per year. A zoning permit is required with a sketch plan detailing the loading/unloading area and the dedicated parking space to ensure safe vehicular circulation is provided within the site. Extensions can be granted by the zoning administrator upon submitting a written extension request provided a good cause is shown and demonstrated. Extensions may be permitted up two times, not to exceed 30 days for each time. Portable storage containers or moving pods are permitted with a permit including extensions for a maximum of 90 days per year. The storing or parking of storage containers or moving pods shall be on a paved surface, in the rear or non-required side yards, not visible from a public street; unless otherwise approved by the zoning administrator.
- b. Portable storage containers used for long-term, on-site outdoor storage shall be permitted in the B-2, general business and industrial zoning districts in conformance with the requirements of article 5, division 4: special land use review procedure and any necessary permits required for erection of the project.
- c. Sukkots shall be permitted in the B-2, general business and o, office zoning districts for up to 30 consecutive days in the observance of religious festivals and holidays. A zoning permit is required as described above in subsection 331.2(a).
- d. No temporary or portable building or structure shall be used for dwelling purposes.

3. Residential zoning districts:

- a. Moving pods are allowed without a permit for up to 30 days. Moving pods must be placed upon a hard surface such as a driveway. Moving pods are prohibited in the right-of-way.
- b. Portable or temporary auto carports or garages are prohibited including portable weather-resistance auto structures made of aluminum structure and canvas covering or any similar materials.
- c. Portable tents or canopies (under 400 square feet) are permitted, without a permit, in the rear yards and non-required side yards for a period not to exceed seven consecutive days. Sukkots (also known as a Sukkah or Succah) are permitted for 30 consecutive days in observance of religious festivals or holidays.
- d. Outdoor patio gazebos made of durable weather-resistance materials are permitted, without a permit, in the rear yards and non-required side yard.

Table 331a Types of Temporary or Portable Buildings or Structures

Use	Zoning district	Example of illustrations	Notes
Temporary construction, buildings, and structure/office	All zoning districts		Permitted with a site plan review approval and any necessary permits required for the construction of the project.

<p>Moving pods for temporary use</p>	<p>Residential zoning districts</p>		<p>Permitted for 30 days. No permit is required.</p>
<p>Outdoor storage containers; short-term, seasonal, temporary use</p>	<p>B-2 and industrial zoning districts</p>		<p>Permitted for 30 days. A zoning permit is required. Extensions may be granted up to two times for 30 days each.</p>
<p>Outdoor storage containers; on-site, long-term</p>	<p>B-2 and industrial zoning districts</p>		<p>Permitted with special land use approval and any necessary permits required for the erection of the project.</p>
<p>Seasonal and temporary auto carports or garages</p>	<p>Residential districts</p>		<p>Not permitted</p>
<p>Tents or canopies; under 400 sq. ft.</p>	<p>Residential districts</p>		<p>Permitted in the rear yard and non-required side yard for up to seven consecutive days. No permit is required.</p>
<p>Sukkot; during religious festivals and holidays</p>	<p>Residential, B-2, and O, zoning districts</p>		<p>Permitted for 30 consecutive days. Zoning permit is required in the B-2 and O districts. No permit is required in the residential zoning districts.</p>
<p>Patio gazebos</p>	<p>Residential zoning districts</p>		<p>Permitted in the rear yards or non-required side yards. No permit is required.</p>

(Ord. No. O-22-719, § 4, 3-7-22)

Sec. 332. - Voting place.

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

Sec. 333. - Waste receptacles and enclosures.

- a. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. Waste receptacles and enclosures shall not be permitted as accessory to any single-family residential use.
- b. All outdoor waste receptacles shall be enclosed on three sides and screened. The enclosure shall be constructed of brick or decorative concrete block material, consistent with the building materials of the principal building.
- c. The enclosure shall also include a gate, made of wood or other high-quality material, as determined by the planning commission or zoning administrator, on the fourth side. The gates shall remain closed when not being emptied and must always be maintained as approved. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
- d. The enclosure shall have a minimum height of six feet or one foot above the height of the waste receptacle, whichever is greater.
- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three feet from the rear and side lot lines, or non-required side yard, unless otherwise approved by the planning commission and/or the city planner; in the case of administration approval review procedure, and shall be as far as practical, but in no case be less than 20 feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure; the wall shall be of non-combustible material, meet the fire code, and not located on a neighboring property.
- f. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
- g. The waste receptacle base shall be constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- h. The unloading of waste receptacles shall only occur between the hours of 7:00 a.m. and 11:00 p.m.
- i. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.

(Ord. No. O-22-719, § 4, 3-7-22)

Secs. 334—349. - Reserved.

DIVISION 2. - ARCHITECTURAL BUILDING STANDARDS

Sec. 350. - Introduction.

This division sets forth the architectural standards applicable to the various character districts in the city. These standards supplement those stated for each zoning district. These standards are intended to result in construction and development that reinforces the urban form and character of development as well as use and intensity of use established in the city master plan.

Sec. 351. - Applicability.

- a. *Residential, commercial, industrial, and accessory uses.* The requirements of this division shall apply to all proposed development with residential, service, retail, accessory, and industry, manufacturing and processing uses and shall be considered in combination with the standards for the applicable zoning district and the rest of the zoning ordinance.

Table 351.1 Applicable Design Standards			
	General standards	General standards by use category	Additional building type standards
Residential design standards	<u>Sec. 353</u>	<u>Sec. 354</u> general residential standards	<u>Sec. 355</u> residential building types A. One- and two-family detached dwelling B. Attached dwelling/townhome C. Multi-family dwelling
Commercial/mixed-use design standards	<u>Sec. 353</u>	<u>Sec. 356</u> general commercial/mixed-use standards	<u>Sec. 357</u> commercial/mixed-use building types A. Office B. Storefront/mixed-use C. Shopping center D. Drive-throughs
Industrial design standards	<u>Sec. 353</u>	<u>Sec. 358</u> general industrial standards	N/A

The building types regulated in sections 355, 357, and 358 are permitted in districts according to the table below.

Table 351.2 Applicable Building Types by District

	R-1	R-2	RM-1	RM-2	B-1	B-2	O	PTRED	MX-1	MX-2	LI	IF	See section
Residential building types (sec. <u>355</u>)													
Single-family	X	X											<u>354</u> , 355.A
Two-family		X											<u>354</u> , 355.A
Attached dwelling/townhome			X									X	<u>354</u> , 355.B
Multi-family dwelling			X	X					X	X		X	<u>354</u> , 355.C
Upper floor residential					X				X	X		X	<u>354</u> , 355.D
Commercial/mixed-use building types (sec. <u>357</u>)													
Office							X	X				X	<u>356</u> , 357.A
Storefront					X	X			X	X			<u>356</u> , 357.B
Shopping center						X				X			<u>356</u> , 357.C
Drive-through						X							<u>356</u> , 357.D
Industrial architectural standards (sec. <u>358</u>)													
Industrial building								X	X		X	X	<u>358</u>

b. *Recreation, education, public assembly, transportation, communications, and infrastructure uses.* Development with public recreation, public education, public assembly, transportation, public communications and/or infrastructure uses shall comply with the standards for the applicable zoning district but shall not be required to

meet the standards in this division.

- c. *Additions or modifications to existing buildings.* Building additions to buildings built prior to the adoption of this ordinance shall apply the architectural standards that most closely match the existing building, as determined by the zoning administrator.
- d. *The requirements of this division shall not apply to:*
 1. Continuation of a permitted use within an existing structure.
 2. Normal repair and maintenance of existing structures that do not increase its footprint.
 3. Continuation of a legal non-conforming use, building, and/or structure, in accordance with article VI, division 1.

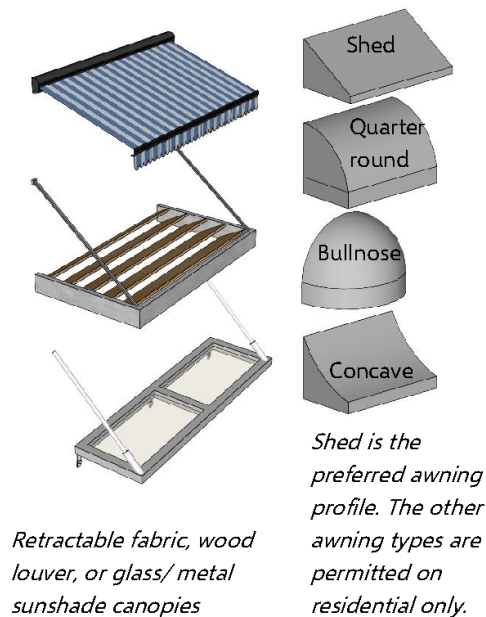
(Ord. No. O-22-719, § 5, 3-7-22)

Sec. 352. - Modifications.

- a. Modifications to the standards established in this article may be approved during site plan review. In an R1 District, single family homes do not require site plan review. Any such modification shall require an application that includes a site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the block. The application shall be reviewed by the city based upon the following criteria:
 1. The design of the building shall be in keeping with the desired architectural character as articulated in the master plan, the intent of the district, and by example of new buildings designed following the standards of this code. This shall not prevent innovation and creativity in design that is in keeping with the master plan, as determined by the planning commission.
 2. The design shall meet district height and setback requirements.
 3. The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, metal, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of the districts.

Sec. 353. - General architectural standards.

- a. *Awnings and overhangs.*
 1. Awning and canopies may project over the sidewalk, provided the awning or canopy is at least eight feet above the sidewalk and does not project closer than two feet from the back of the street curb.
 2. Awnings shall be of traditional, shed design and shall be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.
 3. Architectural horizontal canopies or sunshades are permitted and shall be made from metal, glass, or wood materials.
 4. No internal illumination is permitted through the awning or overhang.
 5. Quarter round, bullnose, concave configurations are permitted only on residential buildings.



b. *Balconies.*

1. Balconies shall not be located within five feet of any common lot line and shall not encroach into the public right-of-way.
2. Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
3. The balcony support structure shall be integrated with the building façade; separate columns or posts supporting any balcony from the ground are prohibited.
4. The balcony design and material shall be compatible with the overall architectural style and color palette of the building.
5. Fire suppression is sometimes required per building residential code.

c. *Fenestration.*

1. Reflective, mirrored, or heavily tinted glass shall not be permitted.
2. In non-residential buildings, ground floor windows may not be obstructed by display cases, furniture, or stock (excepting operable sunscreen devices).
3. For multiple tenant buildings, the minimum ground floor transparency requirement must be met by each suite or tenant.

d. *Materials and color.*

1. Durable building materials which provide an attractive, quality appearance shall be utilized.
2. For existing buildings, material replacement shall closely match or complement the character of the existing or original materials used on the structure.
3. The following materials are not acceptable:
 - a) Unfinished plywood.
 - b) Sheet metal.
 - c) EIFS.
4. Preferred materials to reflect a mid-twentieth century time period include:
 - a) Roman brick; stacked bond or $\frac{1}{3}$ running bond brick.

- b) Ashlar stone.
 - c) Glass block (not to exceed 25 percent of façade).
 - d) Concrete; decorative cast concrete screens.
 - e) Concrete; pebble aggregate.
 - f) Aluminum accent features and trim.
5. In commercial and industrial districts, primary exterior building materials shall be of subtle, neutral, or earth tone colors.
 6. The use of high intensity colors such as neon or fluorescent for the window and door trim, façade and roof of the building are prohibited except as approved by the zoning administrator.
 7. Mechanical and service features such as gutters, ductwork, and service doors that cannot be screened must be of a color that blends in with the color of the building exterior.
 8. For non-residential buildings, non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building shall be approved by city council.

(Ord. No. O-22-719, § 5, 3-7-22)

Sec. 354. - Residential architectural standards.

- a. The general standards in table 354.1 apply to all residential buildings.

Table 354.1 Residential General Building Standards	
Fenestration	The primary façade shall have no less than 25% of the total façade comprised of windows and doorways
Façade articulation	Blank walls over 30' in length are not permitted
Front porch or stoop	Front porches and stoops shall not extend into the public right-of-way. Front porches may be covered by a roof or an open stoop. Finished floor height shall be no more than 7 inches below the first interior finished floor level of the building.

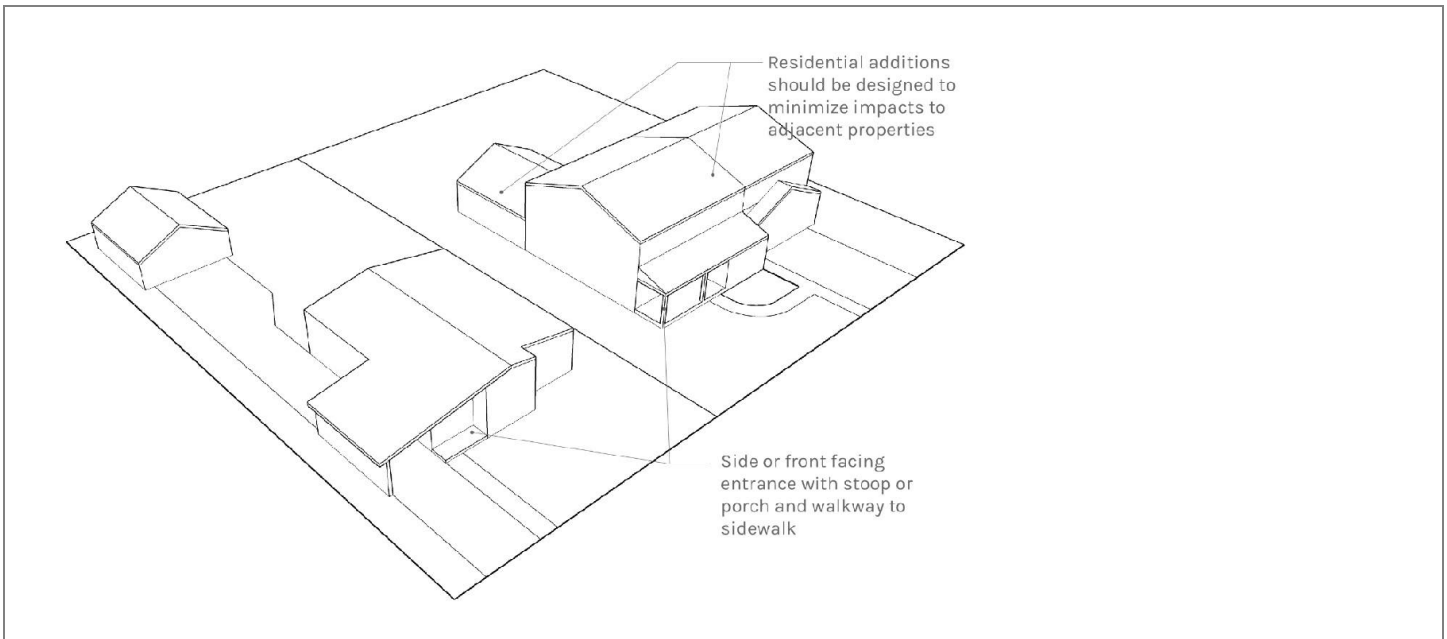
Allowed building materials	Primary façade	Brick (natural, glazed) Stone (natural, synthetic) Fiber cement board siding (e.g. Hardie Panel) Wood siding (natural, composite) Vinyl siding
	Secondary façade and up to 50% of primary facade	Architectural metal panel (insulated, composite) Decorative cast concrete screens Glass block (not to exceed 25% of façade)
Utility services		Services and utility hookups shall not be visible from the primary street frontage.
Garage/carports		Attached garages or carports may only occupy a maximum of 40% of the front façade. Temporary carports are not permitted. See also <u>sec. 300</u> Accessory Structures Garages or carports shall not extend further into the front yard than the rest of the front façade.
Suggested architectural features		Low slung asymmetrical rooflines and deep overhangs Prominent chimney Freestanding corner columns, particularly rectangular piers or minimalist columns Roman brick in running bond, stacked bond, or 1/3 running bond Emphasis of horizontality, punctuated by vertical elements Full height window wall glazing from finish floor to roof line to emphasize entrance or a portion of the façade.

(Ord. No. O-22-719, § 5, 3-7-22)

Sec. 355. - Residential design standards by building type.

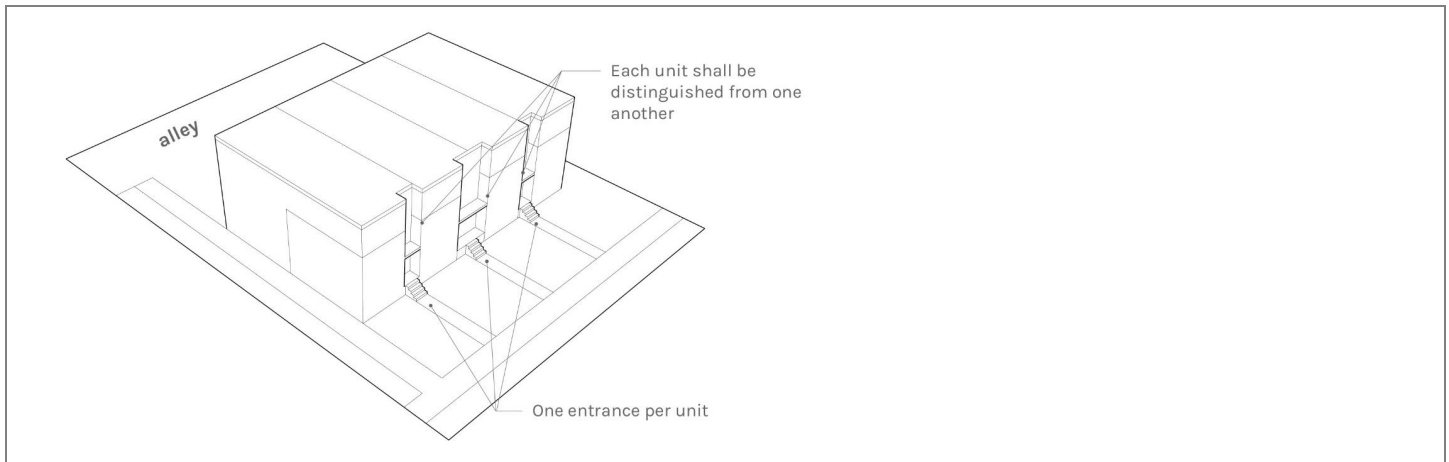
In addition to the general standards in table 354.1, the following building standards apply to specific residential building types.

Table 355.A One-Family and two-family



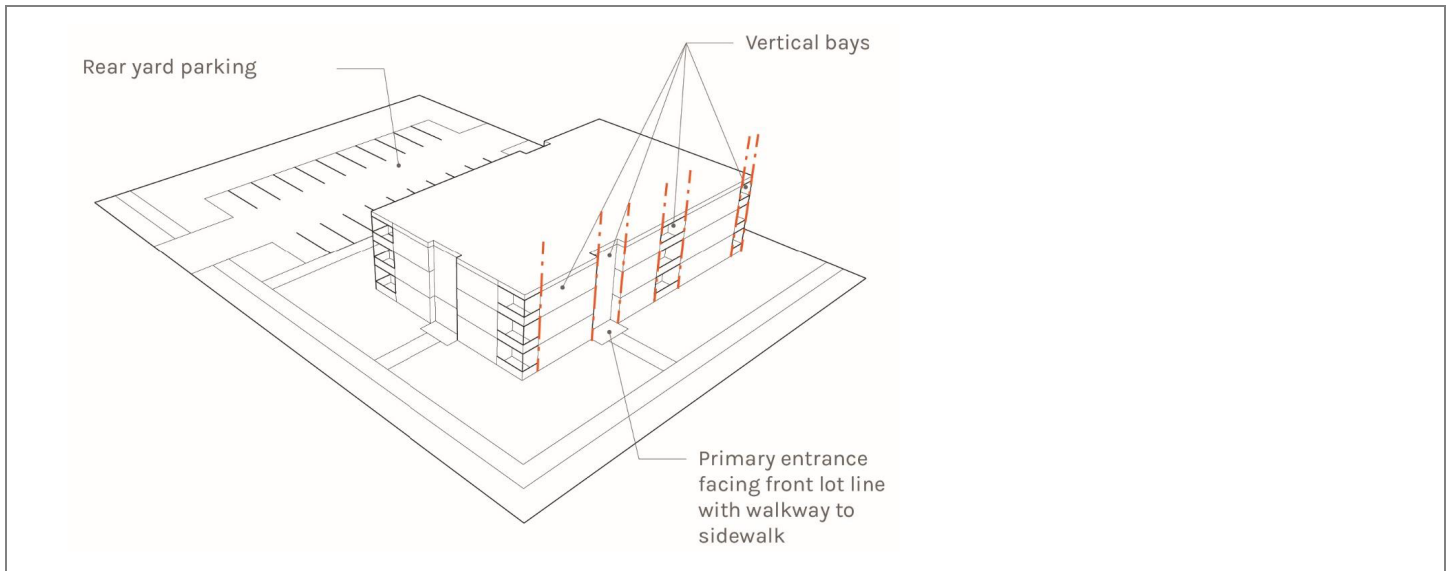
Description	This section covers attached and detached homes for one or two families. This includes detached single-family homes, attached two-family homes, and duplexes.
Building entrance orientation	All buildings shall provide at least one primary entrance facing the front lot line. A door may face a side lot line when the porch or stoop faces the front lot line. Garages, carports, and overhead doors may not count as the primary entrance. A walkway must extend from each dwelling primary entry to the sidewalk or driveway
Roof types	Pitched (gabled or hip), 4:12—12:12 slope Low slung (gabled or hip), 2:12—4:12 slope Flat, sloped min ¼-inch per 1 foot Rooftop equipment is not permitted.
Parking access and location	Driveways may be located adjacent to the building. Attached two-family homes may have one driveway per dwelling unit. Parking may be provided on-street or on a driveway, garage, or carport in the rear or side yard.
Permitted districts	R-1, R-2 (two-family only permitted in R-2)

Table 355.B Attached Residential/Townhomes



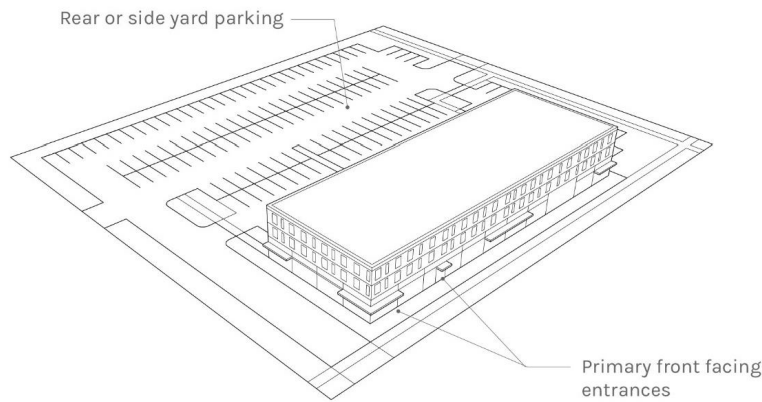
Description	This section covers single family homes continuously adjoined at side walls.
Articulation	Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.
Building entrance orientation	Each dwelling unit shall provide one primary entrance facing the front lot line with direct access to the outdoors at ground level by way of front porch or stoop. A walkway must extend from each dwelling primary entry to the sidewalk.
Roof types	<p>Pitched (gabled), 4:12—12:12 slope</p> <p>Flat, sloped min ¼-inch per 1 foot</p> <p>Buildings with a flat roof shall have a defined cornice.</p> <p>Any rooftop mounted equipment shall not be visible from the street or neighboring buildings.</p>
Parking access and location	<p>Garages or carports must be accessed from the rear yard via an alley.</p> <p>Parking may be provided on a driveway, garage, parking lot, or carport located in the rear yard.</p>
Permitted districts	RM-1; IF

Table 355.C Multiple-Family Dwellings



Description	This section covers exclusively multiple family residential buildings containing three or more dwelling units.
Articulation	Employ vertical bays—through change in material, transparency, or plane—to distinguish building entrance, dwelling units, or unit layouts.
Building entrance orientation	All buildings shall provide at least one primary entrance facing the front lot line. A walkway must extend from each primary entry to the sidewalk. Primary entrances shall be designed to be visually prominent and easily recognizable as the entrance.
Roof type	Pitched (gabled or hip), 4:12—12:12 slope Flat, sloped min ¼-inch per 1 foot Buildings with a flat roof shall have a defined cornice. Any rooftop mounted equipment shall be screened from view.
Parking access and location	Driveways must be located in the side or rear yard. Parking may be provided on a driveway, garage, parking lot or carport located in the rear yard.
Open space	At least 200 square feet of usable open space shall be provided for each apartment dwelling unit. Examples of usable open space include balconies with direct access to the dwelling unit, courts and yards which are open to the sky, or a roof which is developed exclusively for recreational use.
Permitted districts	RM-1; RM-2; IF

Table 355.D Upper Floor Residential Dwellings



Description	This section covers residential uses when included above a storefront or other building type.
Articulation	Employ vertical bays—through change in material, transparency, or plane—to distinguish building entrance, dwelling units, or unit layouts.
Roof type	<p>Pitched (gabled or hip), 4:12—12:12 slope</p> <p>Flat, sloped min ¼-inch per 1 foot</p> <p>Buildings with a flat roof shall have a defined cornice.</p> <p>Any rooftop mounted equipment shall be screened from view.</p>
Parking access and location	<p>Driveways must be located in the side or rear yard.</p> <p>Parking may be provided on a driveway, garage, parking lot or carport located in the rear yard.</p>
Open space	At least 200 square feet of usable open space shall be provided for each apartment dwelling unit. Examples of usable open space include balconies with direct access to the dwelling unit, courts and yards which are open to the sky, or a roof which is developed exclusively for recreational use.
Permitted districts	B-1, MX-1, MX-2, IF

Sec. 356. - Commercial and mixed-use architectural standards.

- a. The general standards in table 356.1 apply to all commercial and mixed-use buildings.

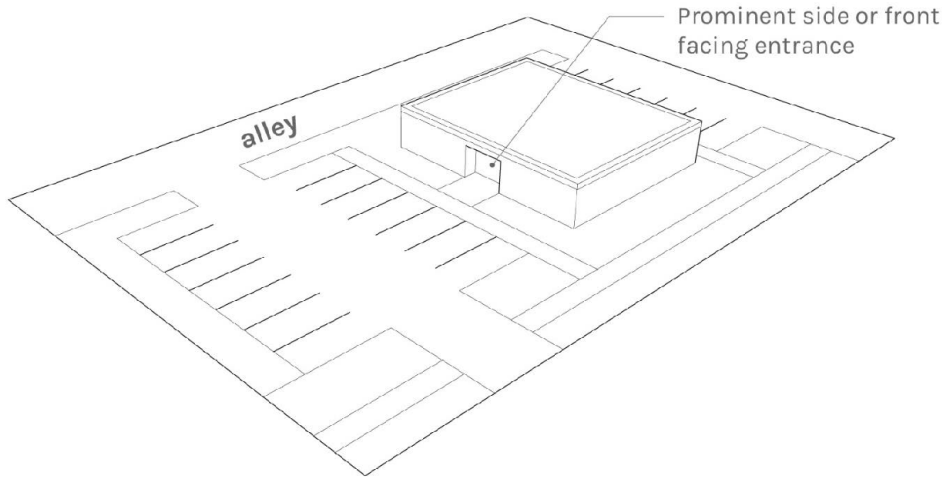
Table 356.1 Commercial and Mixed-Use Buildings General Standards		
Fenestration		The primary façade shall have a minimum of 35% comprised of windows and doorways with no less than 40% of the ground floor windows and doorways.
Façade articulation		Blank walls over 30' in length are not permitted on building elevations visible from the street.
Allowed building materials	Primary façade	Glass and aluminum curtainwall Brick (natural, glazed) Stone (natural, synthetic) Concrete (precast, cast-in-place)
	Secondary façade and up to 50% of primary façade	Architectural metal panel (insulated, composite) Decorative cast concrete screens*
Utility service		Services and utility hookups shall not be visible from primary or secondary street frontage, preferably located in the rear yard.
Suggested architectural features		Strong emphasis of horizontal and vertical composition Arches as colonnade arches or canopies Deep roof overhangs and free-standing columns Acute angles in plan and section Angled storefront to the door Angled storefront framing from ground to canopy Freestanding column with rounded or recessed entry at the corner Ribbed metallic accent trim or canopy edging
Roof		Any rooftop equipment must be screened per <u>sec. 319</u>

(Ord. No. O-22-719, § 5, 3-7-22)

Sec. 357. - Commercial building types.

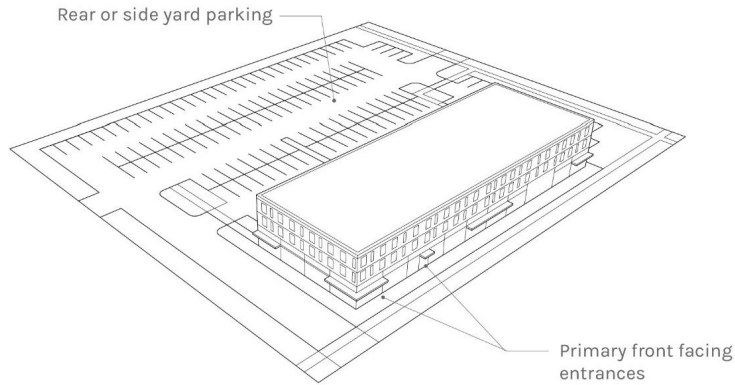
In addition to the general standards in table 236.1, the following building standards apply to specific commercial/mixed-use building types.

Table 357.A Offices



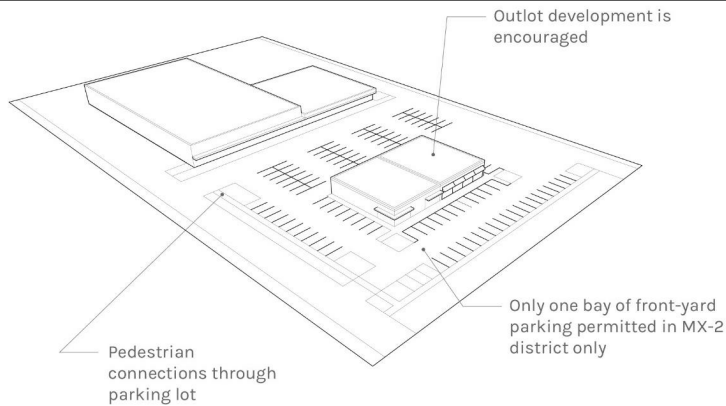
<p>Description</p>	<p>Offices typical to Oak Park vary stylistically from other commercial buildings primarily in their orientation to the street and window composition. While the uses may extend beyond their original office use, the form is a typical mid-century contemporary design.</p>
<p>Articulation</p>	<p>Windows shall be primary architectural features.</p>
<p>Building entrance orientation</p>	<p>All buildings shall provide at least one primary entrance facing the front or side lot line.</p> <p>A walkway must extend from each primary entry to the sidewalk. If the primary entrance faces the side lot line a visually prominent pedestrian walkway shall connect to the public sidewalk.</p> <p>Primary entrances shall be designed to be visually prominent and easily recognizable as the entrance.</p>
<p>Roof type</p>	<p>Flat, sloped min ¼-inch per 1 foot</p> <p>Any rooftop mounted equipment shall be screened from view.</p> <p>Simple cornice design.</p>
<p>Parking access and location</p>	<p>Parking must be located in the side or rear yard.</p> <p>Parking may be provided in garages or lots.</p>
<p>Permitted districts</p>	<p>B-1, IF, O, PTRED</p>

Table 357.B Storefronts



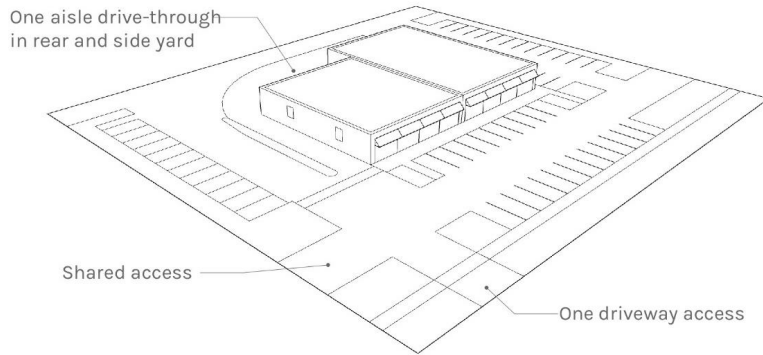
<p>Description</p>	<p>Storefronts are oriented to the street with active first floor uses such as retail to emphasize the pedestrian experience. Where applicable, upper floors may consist of residential or office uses depending on the zoning district.</p>
<p>Articulation</p>	<p>Ground floor primary façade shall be a minimum of 40% windows and doorways. Ground floor fenestration on the primary façade shall have a sill no higher than 24" above the interior finish floor elevation.</p>
<p>Building entrance orientation</p>	<p>Each business tenant of the ground floor shall provide at least one primary entrance facing the front lot line.</p> <p>A primary entrance for upper floor tenants shall be provided facing the front lot line and designed to be visually prominent and easily recognizable as the entrance.</p> <p>Where the building is separated from the public sidewalk, at least one clear and direct connection shall be made between the two.</p>
<p>Roof type</p>	<p>Flat, sloped min ¼-inch per 1 foot.</p> <p>Buildings with a flat roof shall have a defined cornice. Simple cornice design.</p> <p>Any rooftop mounted equipment shall be screened from view.</p>
<p>Parking access and location</p>	<p>On-site parking must be located in the side or rear yard. Existing on-street parking is provided in many areas.</p>
<p>Permitted districts</p>	<p>B-1, B-2, PCD, MX-1, MX-2, IF</p>

Table 357.C Shopping Centers



<p>Description</p>	<p>Shopping centers are typically planned development sites with one or more buildings housing multiple tenants with more of an auto-oriented focus than storefronts.</p>
<p>Articulation</p>	<p>Blank walls are permitted on façades not visible from a street.</p>
<p>Building entrance orientation</p>	<p>Each business tenant of the ground floor shall provide at least one primary entrance facing the front lot line.</p> <p>A primary entrance for upper floor tenants shall be provided facing the front lot line and designed to be visually prominent and easily recognizable as the entrance.</p> <p>Each entry shall connect directly to the pedestrian sidewalk. Where the building is separated from the street sidewalk, at least one clear and direct connection shall be made between the two.</p>
<p>Roof type</p>	<p>Pitched (gabled or hip), 4:12—12:12 slope</p> <p>Flat, sloped min ¼-inch per 1 foot</p> <p>Buildings with a flat roof shall have a defined cornice.</p> <p>Any rooftop mounted equipment shall be screened from view.</p>
<p>Parking access and location</p>	<p>Parking is permitted in the front, side, and rear yards but shall be screened per <u>sec. 447</u>, landscape design standards.</p> <p>Access easements are required where feasible.</p> <p>Provide a pedestrian connection through the parking lot.</p>
<p>Permitted districts</p>	<p>B-2, PCD, MX-2</p>

Table 357.D Drive-Through



<p>Description</p>	<p>This section covers businesses that have drive-through service windows, such as banks, restaurants, or pharmacies.</p>
<p>Building entrance orientation</p>	<p>The building shall meet all requirements of a storefront building. The drive-through shall be attached to the rear or side of the building where it is not visible from the street and should include a bypass lane.</p>
<p>Access</p>	<p>No more than one driveway shall be provided to a public street. The driveway shall be shared with an adjacent use or easements provided to allow future shared use. 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 which promotes pedestrian and vehicular safety. Each drive-through facility shall provide stacking space meeting the following standards: sec. 557f.</p>
<p>Permitted districts</p>	<p>B-2</p>

Sec. 358. - Industrial architectural standards.

- a. The general standards in table [358.1] apply to all industrial buildings.

Table [358.1] Industrial Building Standards

Fenestration		The primary façade shall have no less than 20% comprised of windows and doorways.
Façade articulation		Blank walls over 30' in length are not permitted facing the front lot line.
Allowed building materials	Primary façade	Brick (natural, glazed) Stone (natural, synthetic) Concrete (precast, cast-in-place) Architectural metal panel Concrete masonry
	Secondary façade and up to 50% of primary façade	Decorative cast concrete screens Glass block
Utility service		Services and utility hookups shall not be visible from the primary street frontage, shall be located in the rear yard to the extent possible.
Suggested architectural features		Square openings for fenestration using glass block, frosted glass, or vision glazing. Full height window wall glazing from finish floor to roof line to emphasize entrance or storefront visibility. Refer to <u>sec. 356</u> commercial buildings general standards for suggested architectural features applicable to customer service storefronts auxiliary to workshop spaces.

<p>Building entrance orientation</p>	<p>One primary entrance shall face the front or side lot line and designed to be visually prominent and easily recognizable as the entrance.</p> <p>If the primary entrance faces the side lot line, it shall be located within the first 30' from the front lot line and provide a visually prominent pedestrian connection to the sidewalk.</p> <p>Each entry shall connect directly to the pedestrian sidewalk. Where the building is separated from the street sidewalk, at least one clear and direct connection shall be made between the two.</p> <p>No truck well, loading dock, overhead door or other type of service bay door shall face an abutting residential district. Pedestrian exits and emergency doors are permitted on such building façades.</p>
<p>Roof type</p>	<p>Low slung (gabled), 2:12—4:12 slope</p> <p>Flat, sloped min ¼-inch per 1 foot</p> <p>Buildings with a flat roof shall have a defined cornice.</p> <p>Vaulted (bow truss)</p> <p>All rooftop equipment must screened per sec. 319</p>
<p>Parking access and location</p>	<p>Driveways must be located in the side or rear yard.</p> <p>Parking is preferred in the side or rear yard.</p> <p>Visitor parking may be located in the front yard. Visitor parking may not exceed 50% of the front yard.</p>
<p>Permitted districts</p>	<p>LI, IF, MX-1</p>

Secs. 359—399. - Reserved.

ARTICLE IV. - SITE DEVELOPMENT STANDARDS

DIVISION 1. - OFF-STREET PARKING AND LOADING STANDARDS

Sec. 400. - Purpose.

The purpose of this article is to ensure adequate and well-designed parking and loading areas are provided in all districts at the time of erection, enlargement or change in use, of any principal building or lot. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public

safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. 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.

Sec. 401. - General requirements.

a. *Residential parking.*

1. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, carport, garage, or combination thereof, and shall be located on the premises they are intended to serve.
2. No parking shall be permitted in yards on lawns or other unpaved areas on residential lots.
3. Commercial and recreational vehicle parking in residential districts shall comply with the standards in article III, division 1, general provisions.

b. *Location.*

1. Off-street parking for nonresidential uses shall be either on the same lot or within lots under the same ownership and control within 300 feet of the building it is intended to serve, measured from the nearest point of the building or use entrance to the nearest point of the off-street parking lot, except as otherwise permitted in this chapter. See also subsection f, shared parking, below.
2. Off-street parking shall be either on the same lot, lot(s) under the same ownership and control, open public parking lots, within 500 feet of the building it is intended to serve, measured from the nearest point of the building entrance to the nearest point of the off-street parking lot. The planning commission may, however, require that some or all of the parking required by section 403, parking space numerical requirements, be provided outside of municipal parking lots or on-street if it is determined that sufficient capacity is unavailable within the municipal parking lot(s) or on-street. The planning commission can require a parking supply and demand study if necessary, to make this determination.
3. Existing off-street parking facilities provided at the effective date of this ordinance, actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required under this chapter for a similar new building or new use except as provided elsewhere in this ordinance.
4. Not more than 50 percent of the off-street parking required by this chapter may be supplied by off-street parking provided for other kinds of buildings or uses, not normally open, used or operated during the principal operating hours of such uses. A written agreement must be executed by the parties concerned for the joint use of the off-street parking facilities. A copy of the agreement shall be filed with the application for a building permit.

c. *Change in use or intensity.*

1. Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this article for the new use.
2. If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.
3. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere, or the parking

requirements of the site change as determined by the city planner.

d. *Storage and repair.*

1. The use of required parking, drives and loading areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles, trailers and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.

e. *Control of off-site parking.* It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of such property.

f. *Shared parking.* The provision for shared off-street parking for two or more buildings or uses is permitted subject to the following:

1. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the planning commission may reduce the total number of spaces by up to 25 percent if they determine that the operating hours of the buildings or uses do not overlap.
2. Where shared parking between two or more lots is utilized, provisions for pedestrian connection(s) must be provided.

g. *Parking lot deferment.*

1. Where the property owner can demonstrate that the required amount of parking is excessive, the planning commission may approve a smaller parking area, provided that the parking area required to meet parking space requirements of this article is retained and set aside as landscaped or grass-covered open space, and the owner agrees in writing to construct the additional parking based on observed usage within six months of being informed of such request in writing by the city planner.
2. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
3. Stormwater calculations shall be provided based on the required amount of parking to verify adequate capacity if an expansion is necessary.

h. *Additional parking.* To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, the number of spaces provided shall not exceed 20 percent beyond the number required by this article, except as approved by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence of actual use and demand provided by the applicant.

i. *Construction.* During construction, off-street parking shall be provided on-site for all construction vehicles and employees. Gravel surfacing may be permitted by the building official for such temporary parking.

j. *Carports and garages.* Carports and garages for multiple-family dwellings and other non-single-family residential uses shall be calculated as parking spaces on a one-to-one (1:1) basis.

k. *Stacking space requirements.*

1. Stacking spaces, as required by [section 403](#), parking space numerical requirements, which block access to parking spaces shall not be included in calculating the required number of spaces.
2. Each required stacking space shall be a minimum of 20 feet long and nine feet wide.
3. Stacking space shall be designed so that an efficient circulation pattern is maintained on the site and a sufficient width is available to allow a vehicle to maneuver around another vehicle waiting in line.

- i. *Uses not cited.* For uses not specifically listed in section 403, parking space numerical requirements, the requirements for off-street parking facilities shall be in accordance with a similar use as determined by the city planner based on documentation regarding the specific parking needs for the particular use, as determined by the planning commission.
- m. *Parking reduction.* The planning commission or city planner may reduce the total number of spaces by up to 20 percent than the number required to meet the standards of section 403, parking space numerical requirements. If a greater parking reduction is requested, the planning commission may approve fewer parking spaces based on a professionally prepared parking study. However, in no case shall the total parking spaces be reduced by more than 50 percent.

(Ord. No. O-22-719, § 6, 3-7-22; Ord. No. O-23-728, § 5, 3-8-23)

Sec. 402. - Parking units of measurement.

The following standards shall be used in determining the required number of parking spaces:

- a. *Floor area.*
 - 1. Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.
 - 2. For the purposes of determining the off-street parking requirements, gross floor area (GFA) shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, floor area shall be considered to be 85 percent of the gross floor area (GFA).
- b. *Bench seating.* In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating, shall be counted as one seat.
- c. *Employees.* Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- d. *Fractional spaces.* When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction—equal to or greater than one-half—shall be counted as one additional space.

(Ord. No. O-23-728, § 5, 3-8-23)

Sec. 403. - Parking space numerical requirements.

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

Parking space numerical requirements
<i>Residential</i>

Mobile or manufactured homes in a mobile home or manufactured housing park	2.0 spaces per dwelling unit; plus 5.0 additional spaces for any office or clubhouse facility; plus 1 visitor space for every 3 homes
Multiple-family dwellings	1.5 spaces per dwelling unit
Single and two-family dwellings	2.0 spaces per dwelling unit
Upper floor residential units in non-residential districts	1.0 space per dwelling unit
<i>Housing for the elderly</i>	
Congregate, assisted living or interim care housing	1.0 space per four units
Dependent housing facilities including convalescent homes, nursing homes, rest homes, etc.	1.0 space per each four beds
Senior apartments	1.0 spaces per unit
<i>Institutional/public</i>	
Adult & child care facilities	1.0 space per 400 sq. ft. of GFA; plus 1.0 space per employee
Auditoriums, assembly halls, stadiums and sports arenas with fixed seating	1.0 space per each three seats or six lineal feet of bleachers
Places of worship or public assembly	One for each three persons allowed under state, county or local fire and health regulations or one for each five feet of pews in the main unit of worship, whichever is greater. When a place of worship provides educational, recreational or social facilities that are not used simultaneously with worship services or are used primarily for the children of those attending the worship services, the parking requirement for the greater use shall apply.

Community centers including senior centers, cultural centers & teen centers	1.0 space per each 250 sq. ft. of GFA, or 1.0 space per every four persons of capacity authorized by the Uniform Building Code; plus 1.0 space per employee, whichever is less
Group day-care homes, adult foster care group homes, & adult congregate care facilities	1.0 space per four residents; plus 1.0 space per employee, plus adequate drop-off spaces
Hospitals, outpatient service centers, emergency medical stations & similar uses	1.0 space per each 4 beds and/or exam rooms; plus 1.0 space per employee on largest shift
Lodge & union halls; fraternal orders; private & civic clubs & similar uses	1.0 space per every three persons of capacity authorized by the International Building Code
Post offices, public libraries, museums	1.0 space per 200 sq. ft. of GFA (available for public use) plus spaces for employees and delivery vehicles
Public utility use	1.0 space per employee
Schools, elementary & middle schools	2.0 spaces per classroom; plus spaces required for any assembly hall, auditorium, and/or outdoor arena or athletic fields
Schools, high schools, colleges, business & vocational schools, & technical training facilities	2.0 spaces per classroom; plus 15.0 student spaces per classroom plus parking required for any assembly hall, auditorium, or outdoor arena
<i>Office</i>	
Banks, credit unions, savings & loans	1.0 space per 300 sq. ft. of GFA; plus 1.0 spaces per each ATM; plus 4.0 stacking spaces for the first drive-through window and 2.0 stacking spaces for each additional drive-through lane
Business offices & professional services	1.0 space per 300 sq. ft. of GFA

Medical and dental clinic/offices, including urgent care facilities, (where such use comprises at least 50% of the building or site)	1.0 space per 150 sq. ft. of GFA
Veterinary offices, clinics or hospitals	1.0 space per 500 sq. ft. of GFA plus one per exam room
<i>Commercial</i>	
Animal grooming establishments	1.0 space per 400 sq. ft. of GFA plus 1.0 space per employee
Appliance stores	1.0 space per 800 sq. ft. of GFA
Automobile gasoline stations	1.0 spaces per each pump and service bay (bay can be included as a space); plus 1.0 space per employee; plus 1.0 space for each 500 sq. ft. of GFA devoted to sales of automotive goods, convenience store (mini-mart), restaurant or auto wash
Automobile & vehicle service centers & auto repair establishments	3.0 spaces for each service bay (bay can be included as a space); plus 1.0 space per employee; plus 1.0 space for each tow truck; plus 1.0 stacking space per bay
Automobile & vehicle dealerships including recreational vehicles, boats, motorcycles, & mobile homes	1.0 space per 200 sq. ft. of GFA of interior sales space; plus 3.0 spaces per each service bay (bay can be included as a space)
Automobile washes (automatic)	2.0 spaces; plus 1.0 space per employee; plus stacking spaces 3 times the capacity of vehicles within the car wash
Automobile washes (self-service or coin operated)	2.0 spaces per bay for drying; plus 2.0 stacking spaces per wash bay

Breweries, brewpubs, distilleries, and wineries	1.0 space per 100 sq. ft. Of tasting room GFA
Barber shops, beauty salons, nail salons and tanning facilities	1.0 space per 175 sq. ft. of GFA or 3 spaces per each barber or beautician's chair/station, nail, tanning or other similar facilities, whichever is greater
Business & personal service establishments	1.0 space per 300 sq. ft. of GFA
Conference, meeting or banquet rooms; exhibit halls & similar uses	1.0 space per every 3 persons of capacity authorized by the International Building Code
Equipment repair establishments	1.0 space per 800 sq. ft. of GFA
Funeral homes & mortuary establishments	1.0 space per every 3 persons allowed under the International Building Code.
Furniture, carpet & flooring stores	1.0 space per 800 sq. ft. of GFA
General retail & service uses not otherwise specified	1.0 space per 250 sq. ft. of GFA
Grocery store & retail food establishments	1.0 space per 250 sq. ft. of GFA
Hardware, paint & home improvement stores	1.0 space per 800 sq. ft. of GFA including outdoor sales space
Kennels, commercial	1.0 space per 800 sq. ft. of GFA; plus 1.0 space per employee
Laundromats	1.0 space per each two washing machines
Mini or self-storage warehouses	One for each ten storage units
Motel, hotel, bed & breakfast inn, & similar uses	1.0 space per guest room; plus 1.0 space per employee; plus 50% of required spaces for restaurants, conference rooms, banquet halls and other uses

Open air businesses including nurseries, garden centers & other outdoor display, sales, & storage uses	1.0 space per 500 sq. ft. of GFA of outdoor display, sales and storage area; plus 1.0 space per 200 sq. ft. of GFA of indoor space; plus 1.0 space per employee
Pharmacies	1.0 space per 200 sq. ft. of GFA; plus 3.0 stacking spaces for any drive-through windows
Restaurants, standard, with liquor license	1.0 space per 100 sq. ft. of GFA; or 0.6 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting rooms
Restaurants, (standard, without liquor license	1.0 space per 100 sq. ft. of GFA
Restaurants, fast food with drive-through window, including coffee shops, cafes, delicatessens, etc.	1.0 space per 100 sq. ft. of GFA; plus 8.0 stacking spaces
Restaurants, drive-in	1.0 space per drive-in station; plus 1.0 space per employee
Restaurant carry-out & open front window, with fewer than 6 tables and/or booths	6.0 spaces plus 1.0 space per employee
Showroom of a plumber, decorator or similar trade	1.0 space per 800 sq. ft. of GFA
Shopping centers	1.0 space per 250 sq. ft of GFA
Studios for art, photography, music, dance & similar uses	1.0 space per 300 sq. ft. of GFA
Wholesale establishments & warehouse clubs	1.0 space per 500 sq. ft. of GFA
<i>Recreation/entertainment</i>	
Baseball & softball fields	25.0 spaces per field

Batting cages	3.0 spaces per cage
Bowling centers	3.0 spaces per lane
Golf course driving ranges	1.0 space per tee
Health clubs & fitness centers	1.0 space per 250 sq. ft. of GFA plus required spaces for swimming pools, courts, restaurants and other uses
Ice/roller skating rinks	2.0 spaces for every occupant allowed
Pool & billiard halls	1.0 space per every three persons of capacity authorized by the International Building Code
Recreation centers (indoor) commercial, not already specified	1.0 space per 1,000 sq. ft. of GFA, plus required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Soccer and football fields	30.0 spaces per field
Swimming pools	1.0 space per each three persons of capacity authorized by the BOCA Code
Tennis courts & racquetball centers	1.0 space per 1,000 sq. ft. GFA; or 4.0 spaces per court, whichever is greater, plus 50% of required spaces for restaurants, banquet rooms, offices, sales area, & other uses
Theaters, cinemas	1.0 space per each three seats plus 1.0 space per two employees at largest shift
<i>Industrial</i>	
Light industrial, manufacturing, testing labs, research, design & development centers	1.0 space per 600 sq. ft. GFA or 5 spaces plus one for each employee on largest shift
Warehousing and wholesale establishments (non-retail), truck terminals	1.0 space per each 1,700 sq. ft. GFA

(Ord. No. O-23-728, § 5, 3-8-23)

Sec. 404. - Barrier-free parking requirements.

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with the state building code and the 2010 ADA Standards for Accessible Design. Compliance is mandatory whenever a business, state or local government restripes parking spaces in a parking lot or parking structure. The required number of accessible parking spaces must be calculated separately for each parking facility, not calculated based on the total number of parking spaces provided on a site. One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible (see 2010 Standards 208.2).

(Ord. No. O-22-719, § 6, 3-7-22)

Sec. 405. - Off-street parking space design and setback requirements.

Where required, off-street parking facilities containing more than five parking spaces shall be designed, constructed, and maintained according to the following standards and regulations:

a. *Ingress and egress.*

1. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways in accordance with article IV, division 2, access management and driveway standards.
2. All spaces shall be provided adequate access by means of maneuvering lanes.
3. Spaces backing directly onto a street use of the street for maneuvering between parking rows shall be prohibited.
4. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.

b. *Surfacing, drainage, and grading.*

1. Grading, surfacing, and drainage plans shall comply with city engineering specifications and subject to the review and approval of the city engineer. All driveways, parking lots, access lanes and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, in accordance with specifications of the city.
2. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
3. All driveways, parking lots, and loading-unloading areas shall not be less than one percent and not exceed a grade differentiation of four percent.

c. *Curbs.* A raised or rolled concrete curb a least six inches in height shall be installed with the construction of all driveways, parking lots, access lanes and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings or adjoining property.

d. *Dimensions.* All spaces shall be designed and marked with dimensions described below and shown in off-street parking design standards below:

Parking pattern (degrees)	Maneuvering land width (feet)	Parking space width (feet)	Parking space length (feet)	Total width of two tiers plus maneuvering lane (feet)
0	12	8	23	40
30—53	12	9	20	52
54—74	15	9	20	58
75-90	22	9	20	62

e. *Parking lot marking.* All parking spaces must be properly striped.

f. *Walkways.* In accordance with article III, division 1, section 326, sidewalks, bikepaths, and other pedestrian pathways, walkways shall be located within the parking areas and provide access to the entrances of the building(s).

[g.] *Bike parking.* For all new development the amount of provided bicycle parking shall be determined in accordance with the following table:

Use	Minimum number of bicycle parking spaces or bicycle facilities per indicated area or unit of measure.
Multiple-family residential uses	One space for every 20 units.
Commercial uses	One space for each 2,000 square feet of gross floor area.
Office uses	One space for each 4,000 square feet of gross floor area.
Industrial uses	One space for each 10,000 square feet of gross floor area.

1. All bike parking spaces will have a rack to safely secure the bicycle to. The rack must meet the following standards:

- a) Support the bicycle upright by its frame in two places.
- b) Prevent the wheel of the bicycle from tipping over.
- c) Enable the frame and one or both wheels to be secured.
- d) Support bicycles without a diamond-shaped frame with a horizontal top tube.

Sec. 406. - Parking lot construction and maintenance.

- a. Plans and specifications for parking and loading areas shall be submitted to the city in accordance with section 18.356-358, land improvement, of this Code.
- b. Required parking lots shall be installed and completed within six months of receipt of a building permit and before issuance of an occupancy permit. The city manager may grant a single extension for an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- c. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good condition.
- d. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
- e. All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow or standing water which prevent full use and occupancy of such facilities, except for temporary periods of no more than five days in the event of heavy rainfall or snowfall.
- f. Vegetated stormwater control measures.
 1. The design and installation of vegetated stormwater control measures, which may be incorporated into required parking lot, buffer strip and right-of-way plantings, is encouraged and shall be subject to review and approval by the city engineer and city planner. Required parking lot, buffer strip, and right-of-way plantings may incorporate vegetated stormwater control measures so long as the aesthetic objectives and the minimum dimensional requirements of the planting area are, in the judgment of the city planner, satisfied by the combination of landscaping, fencing, walls and other measures proposed.
 2. Applicants shall utilize the design guidance from the Southeast Michigan Council of Governments (SEMCOG) in the selection, sizing and design of these areas. For any such vegetated stormwater control measures proposed, the landscape or stormwater management plan submitted to the city shall include:
 - a) A plan indicating the contributing drainage area, land use, slope, and seasonal high groundwater elevation in areas where the practices are proposed.
 - b) Design calculations.
 - c) Detailed planting plan.
 - d) Construction detail and sequencing plan.
 - e) Maintenance plan.

Sec. 407. - Off-street loading and unloading requirements.

- a. *General applicability.* On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods by commercially licensed vehicles. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
- b. *Change in use and intensity.* Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this article for the new use, regardless of any variance which may have been in effect prior to change of use.
- c. *Location.*
 - 1.

Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street. Unless otherwise approved by the planning commission and/or the city planner; in the case of administrative approval review procedure.

- 2. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
- 3. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.
- d. *Size.* The size of all required loading/unloading spaces shall be at least ten feet by 50. Unless otherwise approved by the planning commission or the city planner; in the case of administrative approval review procedure.
- e. *Surfacing and drainage.* Surface drainage shall be approved by the city engineer.
- f. *Storage and repair.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.
- g. *Central loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
 - 1. Each business served shall have direct access to the central loading area without crossing streets or alleys.
 - 2. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
 - 3. No building served shall be more than 300 feet from the central loading area.
- h. *Loading space requirements.* The minimum number of loading spaces shall be provided in accordance with the following table. The planning commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Required loading space	Gross floor area (sq. ft.)
0	0—1,999
1	2,000—19,999
1 space plus one space for each 20,000 sq. ft. in excess of 20,000 sq. ft.	20,000—99,999
5 spaces plus one space for each 40,000 sq. ft. in excess of 100,000 sq. ft.	100,000—499,999
15 spaces plus one space for each 80,000 sq. ft. in excess of 500,000 sq. ft.	Over 500,000

i.

Screening. When required off-street loading in a nonresidential district is visible from public view or abuts a residential district, the off-street loading shall be screened by a solid, ornamental masonry wall at least six feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of article IV, division 3, landscape standards and tree replacement.

- j. *Calculations.* Required loading areas shall not be included in calculations for off-street parking space requirements.

(Ord. No. O-22-719, § 6, 3-7-22)

Sec. 408. - Bicycle parking.

- a. For all new development the amount of bicycle parking shall be determined in accordance with the following table. Unless otherwise noted in the following table, bicycle parking shall be provided at a rate of one bicycle for each ten vehicle parking spaces provided.

Use	Minimum number of bicycle parking spaces or bicycle facilities per indicated area or unit of measure
Multiple-family residential uses	One space for every 20 units
Commercial uses	One space for each 2,000 square feet of gross floor area up to 20,000 square feet; 1 space per 5,000 square feet of gross floor area thereafter; a minimum of 4 spaces
Office uses	One space for each 4,000 square feet of gross floor area; a minimum of 4 spaces
Industrial uses	One space for each 20,000 square feet of gross floor area; a maximum of 12 spaces

- b. All bike parking spaces will have a rack to safely secure the bicycle to. The rack must meet the following standards:
 1. Support the bicycle upright by its frame in two places.
 2. Prevent the wheel of the bicycle from tipping over.
 3. Enable the frame and one or both wheels to be secured.
 4. Support bicycles without a diamond-shaped frame with a horizontal top tube.

(Ord. No. O-23-728, § 5, 3-8-23)

Secs. 409—414. - Reserved.

DIVISION 2. - ACCESS MANAGEMENT AND DRIVEWAY STANDARDS

Sec. 415. - Statement of purpose.

The purpose of this article is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

Sec. 416. - Application of standards.

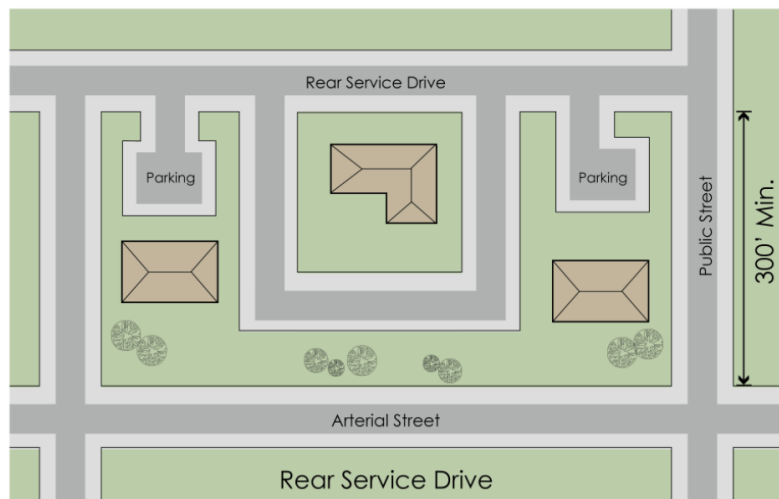
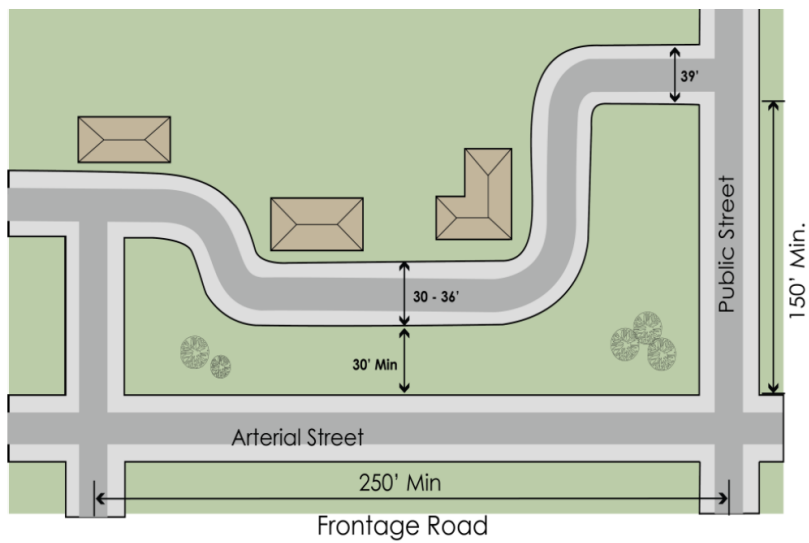
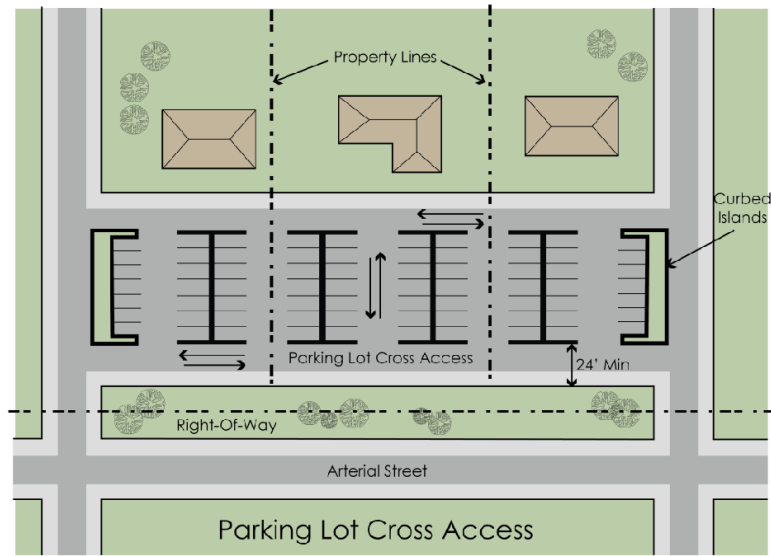
- a. The standards of this article shall be applied to the following major traffic routes (arterials) in the city master plan:
 1. Eight Mile.
 2. Nine Mile.
 3. Ten Mile.
 4. Eleven Mile.
 5. Coolidge.
 6. Greenfield.
- b. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Oakland County Road Commission and the Michigan Department of Transportation (MDOT).
- c. The standards contained in this article shall apply to all uses, except permitted single-family and two-family dwelling units.
- d. For expansion and/or redevelopment of existing sites where the planning commission determines that compliance with all the standards of this article is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this article may be accepted by the planning commission, provided that the applicant demonstrates all of the following apply:
 1. Size of the parcel is insufficient to meet the dimensional standards.
 2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 3. The use will generate less than 500 total vehicle trips per day or less than 75 total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers (ITE).
 4. There are no other reasonable means of access.

Sec. 417. - Number of driveways.

- a. Access to a parcel shall consist of either a single, two-way driveway or a pair of one-way driveways wherein one driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
- b. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
- c. Where parcels of at least two acres in area, have frontage along two streets, access should be provided only along the street with the lower average daily traffic volume, unless the planning commission determines this would negatively affect traffic operations or surrounding land uses.
- d. Where the property has continuous frontage of over 300 feet and the applicant can demonstrate, using the Institute of Transportation Engineers Trip Generation Manual or another accepted reference, that a second access is warranted, the planning commission may allow an additional access point. Where possible, this access should be spaced accordingly to the standards contained herein, located on a side street, shared with an adjacent property, and/or be constructed to restrict one or both left turn movements.
- e. Where the property has continuous frontage of over 600 feet, a maximum of three driveways may be allowed, with at least one such driveway being constructed and signed for right-turns-in, right-turns-out only.

Sec. 418. - Shared access-joint driveways, frontage roads, parking lot connections, and rear service drives.

- a. Shared use of access between two or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction on-site of frontage roads and rear service drives; particularly within one-quarter mile of major intersections, for sites having frontage on two or more streets, where frontage dimensions are less than 300 feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.
- b. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the planning commission.
- c. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.
- d. The applicant shall provide the city with letters of agreement or access easements from all affected property owners.

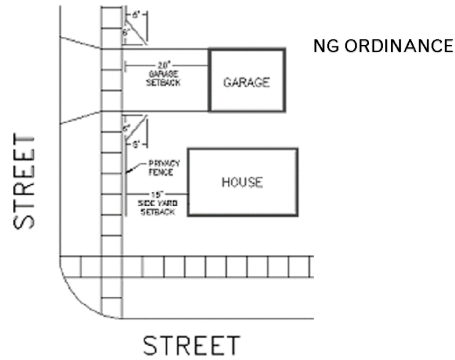


Sec. 419. - Adequate sight distance.

- a. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1994.
- b. The planning commission may adjust driveway location where there is inadequate sight distance.

c. Residential driveway clear vision area.

1. Nothing shall be erected, placed or allowed to grow in such a manner that impedes or obstructs vision between a height of 30 inches and six feet within the clear vision area next to a residential driveway with the exception of a chain link fence that is less than 50 percent opaque.
2. The residential driveway clear vision area next to a residential driveway is the triangular area formed at the corner intersection of a property line adjoining a public street and a residential driveway, one side of the triangular area being six feet in length measured along the property line adjoining a public street and starting at the residential driveway, the second side five feet in length measured along the side of the residential driveway starting at the property line, and the third side being a line connecting the end points of the first two sides.



Residential Driveway Clear Vision Area

Sec. 420. - Driveway spacing from intersections.

- a. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
- b. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
 1. For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service 'C' for one or more movements) and/or a significant number of traffic accidents (five or more annually), the planning commission may require that access be constructed along the property line furthest from the intersection.
 2. For locations within 200 feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of 150 feet from the intersection. Where this spacing cannot be provided, driveways designed for right-turn in, right-turn out only movements may be allowed, with a minimum spacing of 75 feet from the intersecting street right-of-way.
 3. For locations not addressed by paragraph 2. above, not including single-family parcels, driveways shall be spaced 100 feet from the intersection.

Sec. 421. - Driveway spacing from other driveways.

- a. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
- b. Where feasible. Minimum driveway spacing from other driveways along the same side of the street shall be

determined based on posted speed limits along the parcel for each particular frontage, as follows:

Driveway spacing from other driveways	
Posted speed (mph)	Minimum driveway spacing
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

- c. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be a minimum of 150 feet, as determined by the planning commission, excluding when one or both driveways are designed and signed for right-turn-in, right-turn-out only.
- d. The planning commission may waive the driveway spacing standards for infill development.

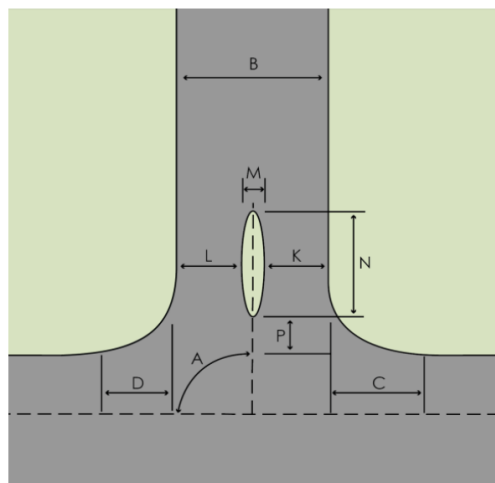
Sec. 422. - Driveway design, channelized driveways, deceleration lanes and tapers, and bypass lanes.

- a. Standards. Driveways shall be designed to the standards of the county road commission, except where stricter standards are included herein.
- b. Driveway width and radii:
 1. The typical driveway design shall include one ingress and one egress lane, with a combined maximum throat width of 30 feet, measured from face to face of curb.
 2. Wherever the planning commission determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two exit lanes may be required.
 3. For one-way paired driveway systems, each driveway shall be 16 feet wide, measured perpendicularly.
 4. In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten feet.
 5. Driveways shall be designed with a 25-foot radii; 30-foot radii where daily semi truck traffic is expected.
- c.

Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the planning commission where they are necessary to reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of 75 feet in length and at least 11 feet wide. Design of direction and divided driveways shall be in accordance with the designs in figures directional driveway standards and divided commercial driveway standards.

Divided commercial driveway			
Design features		Required (feet)	Range * (feet)
Intersecting angle	A	90	—
Driveway width	B	48	46 to 78
Entering radius	C	30	25 to 40
Existing radius	D	25	20 to 35
Entrance drive width	K	16	16 to 27
Exit driveway width	L	22	20 to 27
Island width	M	10	6 to 24
Island length	N	12	6 to 18
Nose offset	P	35	30 to 100

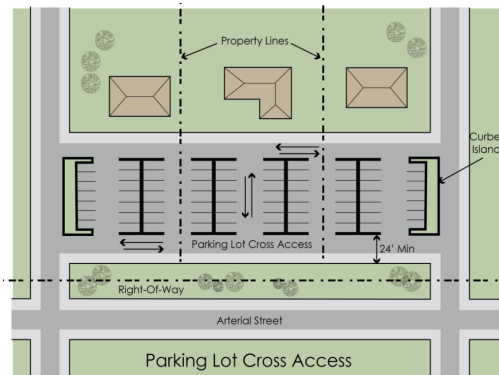
* The "required dimension shall be used unless the city specifies, or the applicant demonstrates technical justification for a different value. The range in dimensions indicate the working values for each design feature.



Sec. 423. - Design of frontage roads, rear service drives and parking lot connections.

Frontage roads, rear service drives and drives connecting two or more parking lots shall be constructed in accordance with the following requirements:

- a. Pavement width shall be a maximum of 30 feet, measured face of curb to face of curb; intersection approaches may be widened to 39 feet for a left turn lane.
- b. Frontage road access to public streets shall be spaced according to the standards of section 86-195, driveway spacing from intersections and section 86-197, driveway spacing from other driveways.
- c. Frontage roads shall have a minimum setback of 30 feet between the outer edge of pavement and the right-of-way line, with a minimum 60 feet of uninterrupted queuing (stacking) space at the intersections.
- d. Parking along or which backs into a frontage road shall be prohibited.
- e. For properties which are currently developed or adjacent to developed uses, and the standards of paragraphs a. through d. above are determined by the planning commission to be too restrictive, frontage roads can be defined through parking lots by a raised curb and/or painted islands, as shown, provided that at least every third island at the end of the parking row is a raised curbed island.



Secs. 424—440. - Reserved.

DIVISION 3. - LANDSCAPE STANDARDS AND TREE REPLACEMENT

Sec. 441. - Purpose.

The intent of this division is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscape improvements. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the city. The standards of this division are intended to help achieve a number of functional and environmental objectives such as:

- a. Promoting the implementation of the city master plan and subarea studies.
- b. Defining and articulating outdoor spaces and architectural elements.
- c. Obscuring, integrating and complementing various site elements.
- d. Assisting in directing safe and efficient movement of vehicular and pedestrian circulation.
- e. Screening headlights to reduce glare and incidental pollution.

- f. Reducing the physical impact between adjacent land uses.
- g. Providing landscape treatments that are consistent with adjacent sites and parcels within the surrounding area.
- h. Providing incentives to preserve quality existing plant material and trees.
- i. Providing reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein.
- j. Encourage drought-resistant species and/ or species native to southeast Michigan.
- k. The standards contained in this division are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property.
- l. The intent of the tree protection removal requirements set forth in this section is to protect to the extent practical, the existing tree cover in the city and when trees must be removed, to sustain tree cover in the city by replacing trees in the community that are removed.

(Ord. No. O-23-728, § 6, 3-8-23)

Sec. 442. - Replacement of removed trees.

A landscape plan shall be submitted with any site plan for new development. New developed includes the construction of a building, expansion of an existing building, expansion of a parking lot, or any other structure requiring a building permit. The site plan shall identify the location, species and size of existing trees greater than eight-inch caliper width on the proposed site that are to be removed, or are within ten feet of the removal area. Existing landmark trees that are planned to be removed shall be replaced on the site in accordance with the following standards:

- a. Removed landmark trees between eight and 18 caliper inches shall be replaced at a rate of 50 percent of the total diameter breast height (dbh).
- b. Removed landmark trees greater than 18 caliper inches shall be replaced at a rate of 75 percent of the total dbh.
- c. Removed landmark trees greater than 30 caliper inches shall be replaced at a rate of 100 percent of the total dbh.
- d. Landmark trees that are dead or diseased, with no visible growth, as determined by the zoning administrator, are exempt from replacement requirements.
- e. A summary table of existing trees shall be provided, indicating those trees that will be removed.
- f. Landmark trees are defined by size and species, as listed in the table below:

Common name	Species	Minimum dbh (inches)
American Beech	Fagus grandifolia	18
American Chestnut	Castanea dentata	8
Birch	Betula spp	18

Black Alder	<i>Acinus glutinosa</i>	12
Black Tupelo	<i>Nyssa sylvatica</i>	12
Black and White Walnut	<i>Juglans nigra, J. cinerea</i>	20
Buckeye	<i>Aesculus glabra</i>	18
Cedar, Red	<i>Juniperus spp</i>	12
Crabapple (cultivar)	<i>Malus spp</i>	12
Choke Cherry	<i>Prunus spp</i>	18
Douglas Fir	<i>Pseudotsuga menziesii</i>	18
Eastern Hemlock	<i>Nuga canadensis</i>	12
Flowering Dogwood	<i>Cornus florida</i>	8
Hickory	<i>Carya spp</i>	18
Horse-chestnut	<i>Aesculus camea</i>	18
Kentucky Coffeetree	<i>Bymnociadus diocius</i>	18
Larch/Tamarack	<i>Larix Laricina (Eastern)</i>	12
London Planetree/Sycamore	<i>Plantanus spp</i>	18
Maple	<i>Acer spp</i>	18
Oak	<i>Quercus spp</i>	16
Pine	<i>Pinus spp</i>	18
Sassafras	<i>Sassafrins albidum</i>	15
Spruce	<i>Picea spp</i>	18
Tuliptree	<i>Liriodendron tulipfera</i>	18

Sec. 443. - Incentives to preserve existing trees.

The standards listed below are intended to encourage the preservation of quality and mature landmark trees by providing credits toward required landscape components:

- a. Trees intended to be preserved shall be indicated on the site plan.
- b. To obtain credit, the preserved trees shall be arranged to meet the intent of this division, be of high-quality, as confirmed by the city, and at least two and one-half inch caliper in size for deciduous trees, six feet in height for evergreen trees.
- c. Each deciduous tree preserved that is between two and one-half inch to seven and nine-tenths inch caliper in size and evergreen tree that is between six feet to 19 feet shall be calculated as one required tree, two credits for deciduous trees with a caliper of eight inches or greater and evergreen trees greater than 19 feet.
- d. The landscape plan shall include a matrix that lists required trees and credits for preserved trees.
- e. During construction, tree protection fencing shall be placed ten feet beyond the drip-line of the tree. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The planning commission may allow pedestrian pathways, driveways or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.
- f. If trees are lost within three years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.
- g. Tree credits may account for up to 50 percent of the required trees and be applied anywhere on the site.

Sec. 444. - Landscape plan specifications.

- a. A separate detailed landscape plan, prepared by a licensed/registered design professional, shall be submitted as part of the site plan review process.
- b. The landscape plan shall demonstrate that all requirements of this division are met and shall:
 1. Illustrate location, spacing, species, and size of proposed plant material.
 2. Separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and interior landscaping; required trees or materials cannot be double counted.
 3. If applicable, identify compliance with the numeric requirements for tree replacement and preservation.
 4. Identify trees and other landscape elements to be preserved.
 5. Provide details to ensure proper installation and establishment of proposed plant material.
 6. Identify grass areas and other methods of ground cover.
 7. Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this division.

Sec. 445. - Design standards.

- a. *Greenbelts*. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:
 1. The width of the greenbelt shall be ten feet.

2. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
 3. Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
 4. The greenbelt shall contain a minimum of one canopy tree and six upright shrubs per 30 linear feet, or fraction thereof, of street frontage including any openings for driveways, pathways, or easements. The planning commission may approve the substitution of evergreen trees for up to 50 percent of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses.
 5. Ornamental trees may be used to diversify greenbelt planting requirements, provided two ornamental trees shall be provided for each one required canopy tree.
 6. Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities, and accessibility to fire hydrants. Where such conditions prohibit full compliance, the planning commission may adjust the location of the required materials so as long as the design intent is met.
 7. Greenbelts are not required in the B1 and MX1 districts.
 8. In the commercial and industrial districts, in cases where existing conditions do not permit the provision of a ten-foot wide greenbelt, the city manager may permit the greenbelt requirements to be met through the provision of street trees and shrubs within the public right-of-way curblines in compliance with chapter 78 of this Code.
- b. *Parking lot landscaping.* Within every parking area containing ten or more spaces there shall be parking lot landscaping in accordance with this section. These landscaping areas shall be located so as to divide and break up the parking area and to better define the parking area. All required parking lot landscaping shall conform with the following:
1. Any off-street parking areas containing ten or more parking spaces shall have parking lot landscaping according to the following schedule:

Use	Square feet of required parking lot landscaping per parking space
Commercial/ office	15
Residential (multiple)	10
Industrial	5

2. All required parking lot landscaping shall be designed to conform with the following requirements, subject to planning commission approval:
 - a) One two-inch caliper deciduous tree shall be required for every 100 square feet of required parking lot landscaping area.

- b) Parking lot landscaping areas shall be curbed with six-inch concrete or asphalt curbing.
- c. *Detention/retention pond landscaping.* Ponds shall be designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards:
 - 1. Side slopes shall be such that the perimeter of the pond shall not need to be fenced. However, if the circumstance makes it not possible the fence must be decorative.
 - 2. The sides of the pond must be undulating to avoid an "engineered" appearance.
 - 3. One canopy or evergreen tree and ten shrubs are required per 50 feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
 - 4. Wild grasses and wetland plantings should be utilized on the side slopes and bottom of the pond to give it a more natural appearance, minimize on-going maintenance, and provide improved filtering of sediments.
 - 5. Where a natural landscape is found not to be particular or desirable the planning commission may require some type of decorative fencing.
 - 6. We encourage detention and retention ponds be located in the rear of property when possible.
- d. *Interior site landscaping.* For any development that requires a building permit from the city, except in R-1 and R-2 residential districts, interior landscaping areas shall be provided, equal to at least at least ten percent of the total lot area (inclusive of the greenbelt and parking lot landscaping). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, service areas or adjacent to fences, walls, or rights-of-way. All interior landscaping shall be designed to the following general design standards, subject to planning commission approval:
 - 1. One two-inch caliper deciduous tree, or one five-foot high evergreen tree, for every 400 square feet of required interior landscaping area.
 - 2. Two 18-inch high or wide shrubs shall be required for every 400 square feet of required interior landscaping area.
 - 3. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.
- e. *Residential and site condominium developments.* Landscaping for single-family and multiple-family residential developments shall be provided in accordance with the following requirements:
 - 1. Street trees shall be provided at a rate of one tree per 40 linear feet of frontage, or thereof, along all interior roads. The planning commission may determine that existing trees preserved within ten feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should generally be planted between the sidewalk and road curb, in consideration of intersection sight distance.
 - 2. The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings and common open space areas.
- f. Reserved.
- g. *Accessory site components.* In addition to required screens or walls, site elements such as dumpsters, air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material.

(Ord. No. O-22-719, § 7, 3-7-22)

Sec. 446. - Specifications for screen walls, berms, and landscape improvements.

This section is intended to define the various types of screening and landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

- a. *Required minimum screening and landscaping.* The following table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties.

Zoning or use of subject parcel	Zoning of adjacent parcel									
	R-1	R-2	RM-1 RM-2	B-1 MX-1, MX-2	B-2	LI, IF	O	PTRED	PCD	Adjacent road right-of-way*
Single family res.	None	None	None	None	None	None	None	None	None	None
Two family res.	None	None	None	None	None	None	None	None	None	None
Multiple family residential	A, B, or C	A, B, or C	D	B or D	B or D	B or D	D	D	B or D	D
Neighborhood business mixed use districts	A, B, or C	A, B, or C	A, B, or C	None	None	None	None	None	None	D
General business	A, B, or C	A, B, or C	A, B, or C	None	None	None	None	None	None	D
Light industrial, Industrial flex	A or C	A or C	A or C	C	C	None	None	None	C	D
Office	A, B, or C	A, B, or C	A, B, or C	D	D	D	D	D	D	D
Technical, Research, Public Buildings, Educational Inst.	A, B, or C	A, B, or C	A, B, or C	D	D	D	D	D	D	D
Planned corridor	A, B, or C	A, B, or C	A, B, or C	None	None	B or D	None	None	None	

Outdoor storage	See section 557m.									
Parking lots	A, B, or C	A, B, or C	A, B, or C	D 5 feet wide	D 5 feet wide	None	None	None	D 5 feet wide	D

- A) Landscaped berm (See section 446.c)
- B) Landscaped buffer (See section 446.d)
- C) Screen wall or fence (See section 446.b)
- D) Greenbelt (See subsection 445.a)

b. *Screen walls.* Wherever a nonresidential use adjoins a residential district, and wherever a parking lot of eight or more spaces adjoins a single-family residential district, a screen wall shall be provided by the nonresidential use. (For purposes of this section, a parking lot of eight or more spaces shall be considered a nonresidential use).

1. All required screen walls shall be six feet in height, unless otherwise specified, and shall be placed along the lot line of the nonresidential use.
2. Where a public alley separates the nonresidential use from the residential use, the planning commission and/or city planner shall determine the location of the wall so as to best protect the residential district.
3. Required screen walls shall not be extended into a required front setback area to ensure proper visibility of pedestrians and vehicles by drivers exiting the nonresidential site.
4. Required screen walls shall be of masonry construction, decorative in nature, of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick.
5. The planning commission may:
 - a. Approve a partial or complete substitution of the wall(s) using existing or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening and durability;
 - b. Approve reduction or increase in wall height where a greater or lesser height is found appropriate based on consideration of topography, sight lines, and distances;
 - c. Approve variations in design standards for reasons of topography or characteristics peculiar to the site, its usage and environs contingent upon reasonable proof from the applicant that compliance with the ordinance is otherwise not feasible.
 - d. In taking such actions, the planning commission shall take into account the principal purpose of the wall(s) is to screen nonresidential activities, including parking, loading and noise, from nearby residential districts.
 - e.

In such cases where the planning commission finds that there would be no substantial need for a screen wall, the requirements may be reduced or substituted in accordance with the table in subsection 446.1 above. The basis for such decision shall be recorded in the minutes of the planning commission.

- 6. Walls shall be continuous except for openings for pedestrian connections as approved by the planning commission.
- c. *Berm standards.* A landscaped berm is any combination of a raised earthen berm and plantings which forms a visual barrier that is a minimum five feet above the surrounding grade. All landform buffers shall also conform with the following:
 - a) The berm shall be comprised of soil and shall be a minimum of two feet in height and a minimum of 12 feet in width.
 - b) The berm shall be a minimum 12 feet wide with a maximum side slope of 3:1.
 - c) The berm shall be covered with grass or other living or natural cover.
 - d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.
- d. *Buffer standards.* A landscaped buffer is a landscaped area of trees, shrubs and groundcover forming a visual barrier of a minimum five feet in height. All buffer strips shall conform with the following:
 - 1. The landscaped buffer shall be a minimum of 15 feet wide.
 - 2. The landscaped buffer shall be covered with grass, living or natural groundcover, wood chips, natural mulch, or any combination of the above.
 - 3. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.
- e. *Plant material.* All plant material shall be hardy to the city, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds.
- f. *Minimum sizes and spacing.* The minimum plant sizes and spacing shall be provided in accordance with the following:

Minimum sizes and spacing		
Type of plant material	Minimum plant sizes	Spacing requirements
Deciduous canopy trees	2½ in. caliper	25 ft. on-center
Ornamental trees	2 in. caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen trees	8 ft. height	15 ft. on-center
Narrow evergreen trees	4 ft. height	12 ft. on-center
Deciduous shrubs	3 ft. height	4 ft.—6 ft. on-center

Upright evergreen shrubs	3 ft. height	3 ft.—4 ft. on-center
Spreading evergreen shrubs	18 in.—24 in. spread	6 ft. on-center

1. *Screening.* Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.
 2. *Mixing of species.* The overall landscape plan shall not contain more than 33 percent of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
 3. *Trees not permitted.* The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The planning commission may however allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).
 4. *Topsoil.* Top soil shall consist of a four-inch base for lawn areas and an eight- to 12-inch base within planting beds.
 5. *Proximity to utilities.* Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
 6. *Lawn grasses.* Lawn grasses shall be planted in species normally grown as permanent lawns in the county. Grasses may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- g. *Modification of screening and landscape requirements.* Recognizing that a wide variety of land uses and the relationship between them can exist, and that varying circumstances can mitigate the need for screening and landscaping, the planning commission may reduce or waive the screening and landscaping requirements of this section and approve an alternative screening plan upon finding that compliance with this section would not otherwise be feasible. The planning commission shall find that the following standards have been met whenever it modifies any screening or landscaping requirements:
1. The screening and landscaping plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
 2. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:
 - a) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.

- b) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this article. The planning commission shall require the preservation of these natural features as a condition of site plan approval.
- c) The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

(Ord. No. O-22-719, § 7, 3-7-22)

Sec. 447. - Minimum standards for installation, irrigation and maintenance.

- a. *Timing of planting.* All required plant material shall be planted prior to issuing a final certificate of occupancy. In the event that the project is completed during a time of year when planting is impractical, a financial guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the city.
- b. *Completion of improvements.* Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
- c. *Irrigation.* All landscaped areas shall be provided with functional underground irrigation system. If the landscape materials used may survive without irrigation, the applicant must demonstrate or provide data to confirm that irrigation is not needed for survival.
- d. *Maintenance.* Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within 30 days written notice from the city or within an extended time period as specified in said notice.

Sec. 448. - Standards for compliance for existing sites.

In any case where the building and/or parking area is being increased by at least 40 percent over the originally approved site plan or is being changed to a more intense use as determined by the planning commission and/or city planner, the site shall be brought into full compliance with the landscape standards herein, unless the site conditions prevent full compliance. In cases where the increase is less than 40 percent the site shall be brought into greater conformity with the landscape standards.

The planning commission and/or city planner shall determine the extent of new landscaping by evaluating the following:

1. Size of the land.
2. Configuration and size of the existing buildings.
3. Relationship to the proposed buildings and uses of land.
4. Relationship to adjacent land uses.
5. Relationship to existing and proposed thoroughfares.
6. The new landscaping shall protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

(Ord. No. O-22-719, § 7, 3-7-22; Ord. No. O-23-728, § 6, 3-8-23)

Secs. 449—464. - Reserved.

DIVISION 4. - SIGNS

Sec. 465. - Findings and purpose.

- a. The purpose of this division is to permit and regulate signs within the city so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the city master plan and this appendix; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content neutral. This division must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this division is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this division which can be given effect without the invalid provision.
- b. It is hereby determined that proliferation of signs in the city is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. Too many signs can overwhelm the senses, impair sightlines and vistas, create feelings of anxiety and dismay, affect the tranquility of residential areas, impair aesthetics and degrade the quality of a community.
- c. It is also determined that the appearance of the city is marred by proliferation of signs.
- d. It is also determined that proliferation of signs negatively affects property values. This division promotes safe, well-maintained, vibrant and attractive residential and business neighborhoods while accommodating the need for signs to function for the purposes for which they are intended.
- e. It is also determined that the individual user's rights to convey a message must be balanced against the public's right to be free of signs which unreasonably compete with one another, distract drivers and pedestrians, and create safety concerns and confusion. This division is intended to balance the individual user's desire to attract attention with the citizens' right to be free of unreasonable distractions.
- f. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this division is to control the occurrence and size of signs in order to reduce the aforementioned negative effects.
- g. It is further determined that off-premise signs are unduly distracting to motorists and residents because of the periodic changing of the message on such signs and because such signs are generally larger and are predominantly located along busy highways where several businesses are located in close proximity to each other, thereby posing a greater risk to the city's interest in traffic safety and aesthetics. Additionally, off-premises signs can also deter the redevelopment of a parcel or limit the redevelopment potential of a site due to extended lease periods for off-premises signs.
- h. It is further determined a proliferation of off-premise signs creates confusion and the perception of visual clutter in conflict with one of the goals and themes of this division.
- i. These objectives are accomplished by establishing the minimum number of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city to:
 1. 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.

2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
3. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the city's image, property values and quality of life.
4. Assist the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the size and placement of signs.
5. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
6. Prevent off-premise signs from conflicting with other allowed land uses.
7. Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings. This includes preventing light trespass onto adjacent properties.
8. Prohibit all portable signs on public property, including, but not limited to, city-owned property, in recognition of their significant negative impact on traffic safety and aesthetics.
9. Preserve and enhance the image of the city.

(Ord. No. O-23-728, § 7, 3-8-23)

Sec. 466. - Sign definitions.

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

Animated sign. A sign which uses lights, moving parts, or other means to depict movement, motion, action, the impression or appearance thereof, or create an image of a living creature or person.

Awning sign: That angled portion of an awning other than 90 degrees.

Awning valance: That portion of an awning consisting of short strips or bands of material hung at the lower edge of the awning.

Blade sign. A sign which is oriented perpendicular to the building façade and which is suspended under a bracket, armature, or other mounting device.

Business center. A grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of freestanding signs. An automobile or vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used vehicle sales section of the lot includes at least 25 percent of the available sales area.

Canopy sign. A structure other than an awning affixed to a building and carried by a frame which is supported by the ground.

Device sign. Permanent signs on vending machines, gas pumps, ice containers and similar items indicating only the contents of such devices.

Directional sign. A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs.

Electronic messaging sign. A sign, or portion thereof, that displays electronic, static images, static graphics or static pictures, with or without textual information. Such a sign can be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed. Electronic messaging signs include computer programmable microprocessor controlled electronic or digital displays, and shall not include animated images or graphics, audio components, scrolling messages, or video moving images similar to television images.

Entranceway sign. A sign which marks the entrance to an apartment complex, condominium development, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses.

Flashing sign. A sign which contains an intermittent or sequential flashing light source including color and intensity.

Freestanding sign. A sign supported by one or more uprights, poles or braces placed in the ground surface and not attached to any building or other structure. Freestanding signs may include monument, pylon, and pole-type signs.

Government sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Human sign. A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

Illegal sign. A sign which does not meet the requirements of this division and does not have legal non-conforming status.

Incidental sign. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Mansard. A sloped roof or roof-like façade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee. A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Memorial sign or tablet. A sign having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.

Moving sign. A sign, in which the sign itself or any portion of the sign moves or revolves. "Rotating signs" and "feather signs" are types of moving signs. This definition does not include "electronic message" or "animated" signs.

Mural (art). A design or representation which does not contain promotional or commercial advertising painted or drawn on a wall.

Mural (limited reference art mural). An original, one-of-a-kind unique design or representation which contains limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site.

Nameplate. A non-electric, on premise identification sign.

Non-conforming sign. A sign that does not comply with the size, placement, construction or other standards or regulations of this division, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as non-conforming.

Obsolete sign. A sign for a business or use that has closed.

Off-premise sign. A sign which identifies a use, directs travelers, provides a message or advertises products and services not available on the site or parcel on which the sign is located.

Portable sign. A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, and searchlights and signs mounted on a portable structure including those with wheels.

Regulatory sign. A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Roof sign. Any sign that extends above the roofline or is erected over the surface of the roof.

Sandwich board sign. Also known as a poster panel or "A" frame sign. A moveable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two flat surfaces containing messages, and not permanently affixed to any structure or to the sidewalk itself.

Sign. Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

Snipe sign. A sign made on any material and attached to any object and having no application to the premises where located.

Temporary sign. A sign not constructed or intended for long-term or permanent use. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the city to be displayed for a limited time.

Vehicle sign. Signs affixed to a parked vehicle or truck trailer which is being used principally for displaying a message, rather than for transportation purposes.

Wall sign. A sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs on the face of a mansard roof, awning or canopy shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

Window display. Shall include any window area designated to permit customers outside the building to view merchandise inside a store or that displays store merchandise in a specially designed area immediately inside the window glass, whether or not the rest of the store interior is visible. Window displays are not considered signs.

Window graphics. A type of window sign that is attached to a window and does not block visibility from inside the window but displays an image outside the window.

Window sign. A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are directly affixed or not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

(Ord. No. O-23-728, § 7, 3-8-23)

Sec. 467. - Sign permit required.

Except as expressly provided in section 470, it shall be unlawful for any person to erect, alter, relocate, construct, display, install, change or cause to be constructed, displayed, installed, or changed, any sign or other structure designed to display a message within the city without first obtaining a sign permit from the city and payment of a fee provided for in this section.

Sec. 468. - Permits and application procedure.

- a. *Application.* Applications for permits to erect, construct, maintain, use, display, alter, convert, repair a sign shall be made upon forms provided for by the city. The applicant must provide sufficient information to determine if the proposed sign is allowed under this Code and other applicable laws, regulations and ordinances. An application shall contain or have attached thereto the following information:
 1. Name and telephone number of the applicant, property owner(s), and if applicable, the tenant(s) and occupant(s);
 2. Location of building, structure, or lot to which the sign is to be attached or erected;
 3. Three drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
 4. Name and address of the person erecting the structure and any applicable licenses;
 5. Any electrical permit required and issued for such sign;
 6. Such other information as the building official, or his or her designee, may require showing full compliance with this [article] and all other applicable laws of the city and the state.
- b. *Fees.* A non-refundable application, permit, review and inspection fee shall be paid to the city for each permit and each temporary permit required by this division as shall be set by resolution of the council from time to time.
- c. *Timing.* The building official or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 21 days after receipt. If the application is rejected, the building official shall provide a list of the reasons for the rejection in writing.

Sec. 469. - Applicability of state construction code.

Except as otherwise indicated in this division, the regulations of the state construction code as adopted by the city shall apply to signs. Where the provisions of this division are more restrictive in respect to location, setback, use, size or height of signs, the limitations of this division shall take precedence over the regulations of the state construction code.

Sec. 470. - Exemptions to permitting.

- a. The following signs shall not require a permit provided such signs are outside of the public street right-of-way, are located to ensure adequate sight distance, and meet the requirements of this section:
 1. Address signs. In all single-family zoning districts, such sign shall not exceed two square feet in area. In all other zoning districts, such signs shall not exceed six square feet in area.
 2. Signs erected, maintained or otherwise posted, owned or leased by the federal government, the state or the city.
 3. Construction signs meeting the size requirements for temporary signs under subsection 472.b.
 4. Directory signs. A building with business occupants on the upper floors or the interior space on the first floor of a building may have a directory sign plaque not to exceed ten square feet in area at the street entryway.
 5. Essential service signs denoting utility lines, hazards and precautions or other similar information.
 6. Flags:
 - a) Not to exceed three per business premise; and
 - b) Not to exceed four feet by six feet.
- b. Historic markers.
- c. Incidental and device signs shall not exceed a total of two square feet, a total of two signs per business indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance, or window.
- d. Interior signs, including any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
- e. Memorial signs or tablets not exceeding four square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
- f. Nameplates.
- g. Real estate signs and real estate open house signs meeting the requirements of section 472.
- h. Real estate development signs meeting the requirements of section 472, conditioned upon removal when the building or development is completed.
- i. Regulatory signs including traffic control and street identification signs.
- j. Vehicle signs.
- k. Warning signs that are publicly authorized, such as no trespassing, warning of electrical currents or animals provided such signs do not exceed two square feet in area.

Sec. 471. - General standards for permitted signs.

- a. *Setbacks*.
 - 1.

All signs, unless otherwise provided for in this article, shall be set back a minimum of five feet from any public or private street right-of-way line, access drive, or sidewalks in all zoning districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way, access drive, or sidewalk.

2. All nonresidential signs shall be set back at least 100 feet from any residential district.

b. *Design and construction.* Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein.

c. *Illumination.*

1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.

2. Use of glaring undiffused lights, including bare bulbs, neon, or flames, is prohibited.

3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.

d. *Maintenance and construction.* Every sign shall always be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.

e. *Clearance.* All signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole or standard.

f. *Sign area.* Measurement of allowable sign area is as follows:

1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.

2. When a sign has two or more faces, the area of all faces shall be included in calculating the area of the sign except that where two such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure and are separated by no more than two feet.



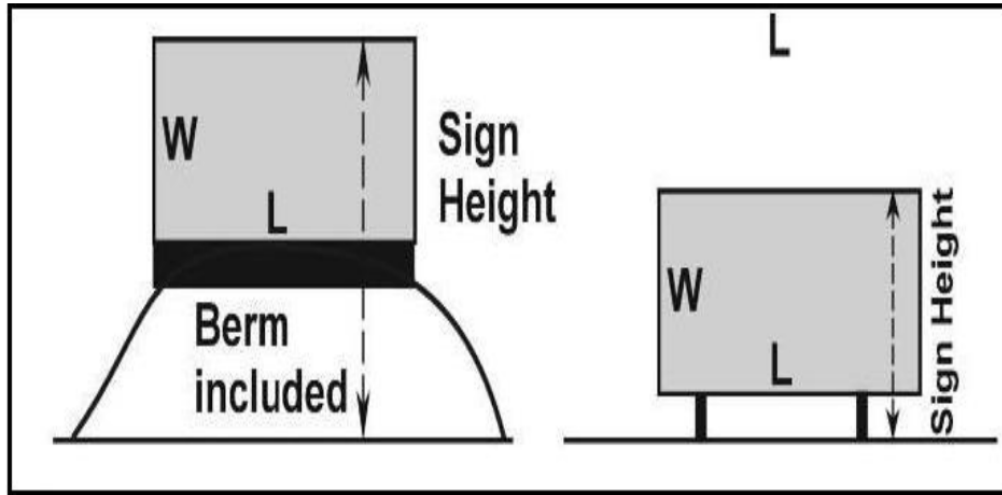
3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the awning or canopy which contains a message, symbol and/or logo.

4.

When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

g. Sign height.

1. The permitted height of all signs supported by the ground shall be measured from the average ground level within two feet of the base of the sign.
2. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the average ground level within two feet of the base of the sign).



- h. Replacement signs.* When a sign is to be replaced, it shall thereafter conform to all requirements of this appendix. This shall not prevent the lawful continuance of nonconforming signs that were legally established prior to the current requirements of this appendix. The following provisions shall apply to replacement of panels and signs intended to update nonconforming signs:
1. The owner of a nonconforming sign may replace a panel or face of the sign in order to update the nonconforming sign or identify a new tenant or occupant from the same use category provided the sign is not enlarged or otherwise made more nonconforming. Approval of replacement panels may be granted by the building official.
 2. The replacement of a nonconforming sign or signs with a sign that conforms to the current requirements of this appendix may be approved by the building official.

(Ord. No. O-22-719, § 8, 3-7-22)

Sec. 472. - Specific sign standards.

- a. The number, display area, and height of signs within the various zoning districts are provided in the sign dimensional standards and regulations table [below] and its accompanying footnotes. Additional standards for specific types of signs are given below.

Sign Dimensional Standards and Regulations

	Wall, canopy, or awning	Freestanding sign	Temporary signs(c)
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District	Number	Maximum size per sign	Number	Maximum size per sign	Maximum height	Maximum size per sign	Maximum height
R-1, R-2	1	15% of front façade, a maximum of 120 square feet for all uses other than single family residential units, duplexes, and attached condominiums	1	Maximum of 30 square feet for all uses other than single family residential units, duplexes, and attached condominiums	6 feet	Maximum of 30 square feet for all uses other than single family residential units, duplexes, and attached condominiums	Freestanding sign maximum height is 6 feet
RM-1, RM-2, PMF	1	15% of front façade, a maximum of 120 square feet	1	30 square feet	6 feet	30 square feet	Freestanding sign maximum height is 6 feet
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1, MX-2, IF	1 per business (1) (6)	15% of front façade, a maximum of 120 square feet(3)	1 sign(3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2), (4), (5)	6 feet(5)	30 square feet	Freestanding sign maximum height is 6 feet

Footnotes:

- (1) Businesses located on a corner lot or in an MX-1 District shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet. As a substitution for a freestanding sign, one additional wall sign with an area not to exceed 30 square feet, may be displayed on one side of the

building. When a business occupies two or more buildings on the same parcel or adjacent parcels, one additional wall sign per building is permitted. The additional wall sign shall not exceed 30 square feet and may be displayed on one side of the building.

- (2) Businesses fronting roadways in excess of 35 m.p.h., the maximum allowable size is increased to 40 square feet.
- (3) For a commercial structure containing one use or business establishment the size of the wall sign may be increased up to the maximum square footage as follows:
- (6) Office district—In office districts one sign per building is allowed. However, businesses located on the ground floor with a dedicated exterior entrance may be allowed one additional awning sign. The awning shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and property it may affect. Awnings shall be coordinated to be compatible with the overall architectural integrity of the building to which it is attached. Awning signs are not permitted above the first floor. Awnings may not extend from the wall at a height of less than ten feet above a public right-of-way. The awning signage shall be only permitted on the awning directly located above the storefront entrance and shall not exceed 20 percent of the awning face or valance area. Texts or graphics on a valance shall not be more than eight inches in height; providing at least one inch gap between the text and the top and bottom of a valance.

Table of Maximum Allowable Wall Sign Area, in Square Feet*

Allowed in B-1, B-2, PTRED, PCD, PUD, O, L1, MX-1	Store size in square feet		
	Building front setback	Less than 10,000	10,001 to 50,000
Over 200 feet	180	240	300
<u>101</u> —200 feet	150	180	240
0—100 feet	120	120	180

* In no instance shall the above table cause any wall sign to exceed 15 percent of the building front wall surface area.

- (4) Freestanding signs in business centers:

Business centers with frontage along two or more rights-of-way	One sign up to the maximum sign face area shall be allowed along two frontages
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(5) For business centers freestanding signs shall be permitted in accordance with the following table:

Table of Maximum Allowable Freestanding Sign Area Per Business Center

	Less than 10,000 square feet	10,001 to 50,000 square feet	Over 50,001 square feet
Maximum height	15 feet	22 feet	24 feet
Maximum size	40 square feet	150 square feet	200 square feet

b. Temporary signs.

1. All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.
2. Location of temporary signs shall comply with the following:
 - a) Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way or on city-owned property.
 - b) Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
 - c) Temporary signs cannot be placed or constructed to create a hazard of any kind.
 - d) Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 - e) Signs shall not be located within any clear vision triangle, as described in section 314.
 - f) Each temporary commercial sign requires a permit. Not more than two temporary commercial sign permits may be issued to a business in a calendar year. Each temporary commercial sign permit is valid for no more than 60 days.
 - g) Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, no larger than six square feet and no taller than four feet in height per sign for a period not to exceed 90 days per calendar year.

c. Window signs. Window signs shall be permitted not to exceed 25 percent of the window area of the façade, including window graphics.

d. No wall sign shall extend above the roof or parapet of the structure to which it is attached.

(Ord. No. O-22-719, § 8, 3-7-22; Ord. No. O-23-728, § 7, 3-8-23)

Sec. 473. - Additional sign standards.

- a. *Directional signs*. No more than one directional sign shall be permitted for each approved driveway, with a maximum sign area of four square-feet per sign, and a maximum height of four feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable wall or freestanding sign

square footage, as specified in the sign dimensional standards and regulations table.

- b. *Awning and canopy signs.* Awnings and canopy signs may be used as an alternative to wall signs listed in the sign dimensional standards and regulations table, if they meet the following standards:
 1. Any sign area on awnings and canopy signs shall be included in calculations of maximum wall sign square footage.
 2. Awnings and canopy signs in the B-1 central business district shall be set back at least two feet from any street curb line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground.
 3. Awning and canopy signs, other than those in the B-1 district, shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any public right-of-way, nor project over an alley or private access lane. A sign shall not extend for more than two feet from the building to which it is attached.
 4. No awning or canopy sign shall extend above the roof or parapet of the structure to which it is attached.
 5. Wood posts or supporting arms shall not be used in conjunction with any awning or canopy sign, unless it is decorative in nature and part of the character of the sign.
 6. Canopy signs shall not be internally illuminated and must be blackened out on the underside.
- c. *Blade sign.* One non-illuminated blade sign oriented perpendicular to the building, no greater than four square feet in size, extending no more than four feet from the façade of the building and no lower than eight feet above ground level. Blade signs shall be placed below the roofline of a single-story building or below the second floor of a multi-story building.
- d. *Entranceway signs.* One permanent sign per vehicular entrance identifying uses such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of 15 feet from any property line or public right-of-way is permitted.
- e. *Electronic messaging signs.* Electronic messaging signs shall meet the following standards:
 1. An electronic messaging sign shall be permitted only as a portion of a freestanding sign. Electronic messaging signs are prohibited as wall, window and temporary signs.
 2. The area of the electronic messaging display shall not exceed 20 square feet of the total sign face of a freestanding sign.
 3. Messages on electronic messaging signs shall be displayed for a minimum of eight seconds before changing.
 4. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance except when the electronic message or display is changed to another message or display. When an electronic message changes, the prior message shall disappear simultaneously with the appearance of the new message. Electronic displays with white backgrounds are prohibited.
 5. An electronic messaging sign shall be equipped with an automatic dimmer control capable of providing a distinct illumination change from a higher illumination level to a lower illumination level. The illumination level of the sign shall be reduced during the time period from one-half hour before sunset to one-half hour after sunrise.
 6. Audio speakers are not permitted on any electronic messaging sign.

7. A malfunctioning electronic messaging sign shall be turned off or shall display a blank screen until repaired.
 8. No electronic messaging sign shall be allowed within 100 feet of a residential zone from which it is visible.
An electronic messaging sign which is visible from a residential district may operate only between the hours of 6:00 a.m. and 10:00 p.m.
- f. *Sandwich board signs.* Sandwich board or portable A-frame signs are permitted, after issuance of an annual permit, in the B-1, B-2, PCD and MX-1 Districts at the customer building entrances to businesses subject to the following requirements:
1. One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
 2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 3. Each sign shall not exceed an overall height of 42 inches and an overall width of 24 inches.
 4. The sign must be located adjacent to the building; no more than ten feet from the customer entrance to the business, be a minimum of two feet from the edge of the curb, and be located so that at least a five foot wide sidewalk is maintained.
 5. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 6. All signs must be constructed or weather-proof, durable material and kept in good repair.
 7. The sign shall not be illuminated in any manner.
 8. Sandwich board signs within the public right-of-way and/or placed on city owned property may be moved/removed by the city.

(Ord. No. O-22-719, § 8, 3-7-22)

Sec. 474. - Prohibited signs.

- a. The following signs are prohibited in all districts:
1. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
 2. Any sign within the clear vision area as specified in section 315.
 3. Moving signs.
 4. Animated signs.
 5. Pennants, strings of flags, feather banners, spinners, streamers, balloons, and inflatable signs.
 6. Human signs.
 7. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.
 8. Signs which obstruct or impair the vision of motorists or non-motorized travelers on any roadway or at any intersection, driveway, within a parking lot or loading area.
 9. Snipe signs, including non-regulatory signs placed in any public right-of-way, as well as those attached to a utility pole, affixed to a tree, street furniture, fences, or waste receptacle.
 10. Roof signs.

11. Portable signs.
12. Obsolete signs and any sign or sign structure which is structurally or electrically unsafe.
13. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
14. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
15. Flashing signs which incorporate in any manner or are illuminated by any flashing or moving lights.
16. Any sign which makes use of the words "stop", "look", or "danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
17. Exterior string lights used in connection with a commercial premise, other than holiday decorations associated with a nationally recognized holiday.
18. Any sign not expressly permitted.
19. Any sign placed on city owned property, unless placed by the city itself.

(Ord. No. O-22-719, § 8, 3-7-22)

Sec. 475. - Non-conforming signs.

- a. It is the intent of this division to bring about, in an expeditious and timely manner, the eventual elimination of signs and their supporting structures that are not in conformity with the provisions of this division. Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this division, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming. The following provisions apply to nonconforming signs, including the replacement of nonconforming signs with less nonconforming signs to encourage a quicker upgrade. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this division, however, the following alterations are regulated:
 1. A nonconforming sign shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign unless the change shall make the sign conforming.
 2. A nonconforming sign shall not be replaced by another nonconforming sign.
 3. A nonconforming sign shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official or if 50 percent or more of the face of the sign is damaged or destroyed.
 4. A nonconforming sign shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer as defined in section 476.

Sec. 476. - Dangerous, unsafe, abandoned, and illegally erected signs.

- a. *Dangerous signs.* Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance per se and may be immediately removed by the city without notice and the cost thereof charged against the owner of the property on which it was installed.
- b. *Unsafe signs.* Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official to the health or safety of the public shall be removed or repaired within 30 days after written notice from the city building official.

- c. *Obsolete or abandoned signs.* Permanent signs applicable to a business suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least 30 consecutive days. An abandoned sign shall be removed by the owner or lessee of the premises within ten days after written notice from the city building official.
- d. *Illegally erected signs.* Any sign erected or displayed illegally in violation of this section shall be removed or made to comply with this section within ten days after written notice from the city building official.

(Ord. No. O-22-719, § 8, 3-7-22)

Sec. 477. - License and insurance.

Every person who engages in the business of erecting, altering or dismantling signs in the city shall first submit a liability insurance policy that indemnifies the city and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the city building department at least 30 days prior to the date of cancellation. The building official shall issue a permit for the sign upon determining that the proposed sign meets the provisions, standards and regulations of this article and any other applicable city ordinance and after payment of the prescribed fees and deposit.

(Ord. No. O-22-719, § 8, 3-7-22)

Sec. 478. - Administration, enforcement, violations, and penalties.

- a. *Generally.* The regulations of this article shall be administered and enforced by the building official.
- b. *Violations.* It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move, any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions, standards and regulations of this article. Each act of violation, and on each day upon which any such violation shall occur, shall constitute separate offense.
- c. *Public nuisance per se.* Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this article, including the failure to remove a sign when directed under the authority of this article, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction,
- d. *Municipal civil infraction.* Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this article shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in this Code.
- e. *Other relief.*
 1. In addition to the remedies otherwise provided for, the city may remove and dispose of an unlawful sign on public property.
 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this article.
 3. In addition to any remedies provided for by this Code, any equitable or other remedies available may be sought and granted.

(Ord. No. O-22-719, § 8, 3-7-22)

Sec. [479]. - Variances.

- a. Appeals. Appeal from the ruling of any officer, department, board or bureau of the city, including the building official, concerning the enforcement of the provisions, standards and regulations of this division may be made by any aggrieved party within 30 days of the ruling to the zoning board of appeals, sitting as an administrative appeal board under this division.
- b. Variances. The zoning board of appeals shall have the authority to grant variances from the requirements of this division according to the criteria in [subsection c. below]. In deciding on whether a practical difficulty exists, the board may also consider the following for sign variance requests.
- c. In determining whether a variance is appropriate, the zoning board of appeals shall study the sign proposal, consider conformity with the provisions of this division, including its purpose as set forth in section 465, and considering any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards.
- d. In granting a variance the zoning board of appeals may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting or denying a variance, the zoning board of appeals shall state the grounds and findings upon which it justifies granting or denying the variance based on the following criteria.
- e. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- f. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Sec. [480]. - Substitution clause.

Notwithstanding any provision, standard, or regulation in this division to the contrary, a noncommercial message may be substituted, in whole or in part, for any commercial message on any sign permitted pursuant to this division. If a noncommercial message is substituted, the sign must still comply with the provisions, standards, and regulations of this division applicable to the original sign prior to any substitution. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or messages over noncommercial speech or messages.

Secs. 481—489. - Reserved.

DIVISION 5. - LIGHTING STANDARDS

Sec. 490. - Purpose.

The purpose of this division is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this division provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on

public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; reduce light pollution and light trespass from light sources onto adjacent properties; conservation of electrical energy; and curtail the degradation of the nighttime visual environment.

Sec. 491. - Applicability.

The standards in this division shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The zoning administrator (or their designee) may review any building or site to determine compliance with the requirements under this division. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the city, the applicant shall submit sufficient information to enable the zoning administrator to determine whether the proposed lighting will comply with this division.

Sec. 492. - Lighting definitions.

- a. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 1. *Canopy structure*. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
 2. *Flood or spot light*. Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
 3. *Glare*. Direct light emitted by a lamp, luminous tube lighting or other light source.
 4. *Lamp*. The component of the luminaire that produces the actual light including luminous tube lighting.
 5. *Light fixture*. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
 6. *Light pollution*. Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
 7. *Light trespass*. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
 8. *Luminaire*. The complete lighting system including the lamp and light fixture.
 9. *Luminous tube lighting*. Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
 10. *Outdoor light fixtures*. Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
Shielded fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this division
 11. *Wall pack*. An unshielded fixture that is typically wall-mounted and used to illuminate a large area.

Sec. 493. - Submittal requirements.

- a. The following information must be included for all site plan submissions and where full site plan approval is not required, some or all of the items may be required by the zoning administrator:
 1. Location of all freestanding, building-mounted and canopy light fixtures on the site plan.
 2. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles), is required when the zoning administrator determines the size or scope of the project deems it necessary.
 3. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp, and method of shielding.
 4. Any other information deemed necessary by the city planner to determine compliance with provisions of this division.

Sec. 494. - Lighting standards.

Unless exempted under section 495, exemptions, all lighting must comply with the following standards:

a. *Freestanding pole lighting.*

1. Lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED, shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
2. The intensity of light within a site shall not exceed one footcandle at any property line, except where it abuts a service drive or other public right-of-way.
3. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
4. The maximum height of parking lot light fixtures shall be 20 feet, except that the planning commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.
5. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.

b. *Building-mounted lighting.*

1. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed, not adjustable, downward directed metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
2. The intensity of light within a site shall not exceed one footcandle at any property line, except where it abuts a service drive or other public right-of-way.
3. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site or is necessary for security purposes.
- 4.

The intensity of lighting under roof eaves, awnings, porticos, or other structural projections shall not exceed ten footcandles. The internal illumination of building-mounted awnings is prohibited.

5. Luminous tube, LED, and exposed bulb lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc.
- c. *Window lighting.*
1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
 2. Luminous tube, LED, and exposed bulb lighting (visible from the property line) is prohibited in the windows of a building unless it is part of a sign that meets the requirements of article IV, division 4, signs.
- d. *Gas station canopy lighting.*
1. The intensity of lighting under gas station canopies shall not exceed 32 footcandles or have an average intensity greater than 22 footcandles for LED fixtures. Any other fixtures shall not have an intensity greater than 20 footcandles.
 2. All fixtures must be recessed into the canopy and the lens shall not extend below the lowest part of the fixture.
- e. *Other lighting.*
1. Internal illumination of building-mounted canopies is prohibited.
 2. Indirect illumination of signs and buildings is permitted provided there is no off-site glare.
 3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
 4. Lighting shall not be of a flashing, moving, or intermittent type.
 5. Outdoor patio lighting.

Sec. 495. - Exemptions.

- a. The following are exempt from the lighting requirements of this division, except that the zoning administrator may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:
 1. Sports field lighting, in use no later than 10:00 p.m., provided they are located at least 1,000 feet away from any existing residential zone or use. Other sports field lighting may be approved by the planning commission after a determination that compliance with the standards in section 494 have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.
 2. Swimming pools.
 3. Holiday decorations, erected no more than 30 days prior of said holiday and when removed within 45 days of said holiday.
 4. Window displays without glare.
 5. Shielded pedestrian walkway lighting.
 6. Residential lighting with no off-site glare.
 7. Street lights.

- 8. Search lights may be approved by the zoning administrator, under the following conditions:
 - a) Such lighting must be associated with a public or private special event or annual sale.
 - b) Search lights for private events may be approved for a maximum of two such events per business, person or organization, per calendar year. The zoning administrator may grant exceptions to this maximum for community-wide events or for those that serve a general public purpose or that benefit the public.
 - c) Search lights may not be used for a duration exceeding seven consecutive calendar days.
 - d) Location of all search lights must be in a non-residential district, and must be placed in such a way as to minimize any nuisance or glare onto any nearby residential property.
 - e) Search lights may not be run by any power supply that creates noise or vibration that can be heard or felt by nearby residences at a level that is greater than 75 decibels, or roughly equivalent to the noise generated by city traffic.
 - f) If it is determined necessary by the zoning administrator, a limit to the hours of search light usage may be imposed to prevent night glare.

Sec. 496. - Lamp or fixture substitution.

Should any light fixture regulated under this division, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the zoning administrator for approval, together with adequate information to assure compliance with this division, which must be received prior to substitution.

Secs. 497—499. - Reserved.

ARTICLE V. - APPROVAL PROCEDURES

DIVISION 1. - SITE PLAN REVIEW

Sec. 500. - Purpose.

- a. It is the intent of this division to require site plan review approval by the planning commission prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this division.
- b. It is the intent of this division to require the eventual upgrade of existing sites that do not conform with current standards of this division and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the city and the goals and design guidelines in the city master plan.

Sec. 501. - Uses requiring site plan review.

Uses requiring site plan review

	Use or activity	Requires site plan review	Sketch plan review (administrative approval)	Exempt
a.	New construction of any non-residential or multiple-family development.	•		
b.	All uses subject to special conditions.	•		
c.	Site condominium developments.	•		
d.	Planned developments (PDs) in accordance with article V, division 2, PUD, planned unit development overlay district standards.	•		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.			•
f.	Co-location of a communication antenna upon an existing tower.			•
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	In accordance with <u>section 301</u>		
h.	Home occupations.			•
i.	Temporary uses, buildings, structures, and seasonal events.		•	
j.	An increase in floor area of uses subject to site plan review up to 2,000 square feet or 25% of existing floor area, whichever is less.		•	
k.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bike paths, or sidewalks.		•	

l.	Improvements to outdoor recreational uses and parks.		●	
m.	Expansion, replacing or alteration of landscaping areas consistent with this division.		●	
n.	Improvements or installation of walls, fences, or lighting.		●	
o.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent or to meet various federal, state, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate city staff.		●	
p.	Construction or relocation of a waste receptacle or enclosure.		●	
q.	Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with article VI, division 1, nonconforming uses, structures, and lots.		●	
r.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other federal, state or county regulations.		●	
s.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.			●

t.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.			•
u.	Development regulated by the Land Division Act of 1997 (P.A. <u>112</u>) and <u>chapter 70</u> , subdivisions, of this Code.			•
v.	Erection of essential public service local distribution lines.			•
w.	Construction, erection or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.		•	
x.	Any proposed building or use which does not qualify for sketch plan or exemption from any site plan review.	•		

(Ord. No. O-23-728, § 8, 3-8-23)

Sec. 502. - Planned unit developments, site condominiums, condominium subdivisions, and subdivisions.

Site plans for planned unit developments shall be subject to the provisions of article V, division 2, planned unit development overlay, and site condominiums and condominium subdivisions shall be subject to the provisions of article V, division 5, condominium development standards, and the Condominium Act (MCL 559.101 et seq.). All plats for new subdivisions shall conform with the city subdivision regulations and all other applicable city ordinances, and with all applicable laws of the state.

Sec. 503. - Projects exempt from site plan review.

Projects identified as exempt from site plan review must still meet all applicable zoning ordinance and general code requirements.

Sec. 504. - Projects eligible for sketch plan review and administrative approval.

- a. *Intent.* The intent of this section is to permit submittal of a sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this division. The intent is to also provide for an administrative review by city staff of planning commission approved

site plans for compliance with conditions as imposed by the planning commission.

- b. *Eligibility.* A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in this Division, Section 501: Uses Requiring Site Plan Review.
- c. *Procedure.*
 1. Sketch plan. The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the city planner. The city planner shall review the sketch plan in accordance with the same standards used by the planning commission for a full site plan. The city planner shall make a report of administrative reviews to the planning commission.
 2. *Minimum contents.* The minimum contents of a sketch plan submitted for administrative review include:
 - a) *Cover sheet including:*
 - 1) Completed application form and fee.
 - 2) Title block with sheet number/title; name, address, email, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
 - 3) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if there are three acres or more.
 - 4) Scale and north-point.
 - 5) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within 100 feet of subject property lines (may be waived).
 - 6) Legal and common description of property including net acreage.
 - 7) Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings (may be waived).
 - 8) Zoning classification of petitioner's parcel and all abutting parcels.
 - 9) A note on each plan sheet stating "Not to Be Used as Construction Drawings."
 - b) *Buildings and structures.*
 - 1) Existing and proposed buildings and parking lots with dimensions, setbacks, and percent coverage.
 - 2) Floor plan indicating existing and proposed uses.
 - 3) Building elevations including materials and colors for all sides with proposed changes. Building material samples shall be submitted to the city planner for approval.
 - c) *Parking and access.*
 - 1) Existing and proposed parking calculations.
 - 2) Existing and proposed driveways.
 - d) *Site data.*
 - 1) Existing and proposed landscaping illustrated on the plan and described in a plant list including irrigation method.
 - 2) Proposed changes to grading and other natural features.
 - 3) Stormwater (may be waived)
 - 4) Existing and proposed lighting and screening.

- 5) Proposed changes to utilities.
 - 6) Location of utilities (may be waived).
 - 7) Any other items requested by the city planner to assist in the administrative review.
3. *Planning commission approved site plan.* If the administrative review consists of a review of an approved site plan with conditions by the planning commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
 4. *Additional information.* The city planner retains the option to require additional information or a complete site plan for review by the planning commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the city planner shall inform the applicant to submit a set of plans in accordance with this division within 14 days of receipt of the application.

Sec. 505. - (Optional) conceptual site plan review.

The site plan approval process includes a review, at the option of the applicant, of a conceptual site plan by the city staff. This option is recommended for site plans affecting locations designated in the city master plan as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing EGLE designated/regulated wetlands, special land uses, and complex developments. The review of a conceptual site plan allows the planning commission and/or city staff to review and comment on the project's compliance with the requirements of this division prior to the preparation of all the required site plan review materials. The process is illustrated in development review process below.



Sec. 506. - Site plan submittal requirements.

The site plan shall include all the following information, unless the city planner determines that some of the required information is not reasonably necessary:

- a. *Application, form, and fees.* A completed application form, supplied by the city, and an application fee. An application will not be placed on the planning commission agenda until the city planner determines that the application is complete as reviewed by city staff and consultants and all fees have been paid.
- b. *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement. Include signature of applicant and legal owner of the property, if different.
- c. *Project schedule.* A narrative indicating the period of time within which the project will be completed.
- d. *Copies.* 15 copies of the site plan:
 1. *Sheet size.* Sheet size of submitted drawings shall be 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 100 feet or less (i.e. one inch equals 20 to 100 feet) for sites over 20 acres.

2. *Cover sheet.* Cover sheet providing:
 - a) Applicant's name, contact information, common property address
 - b) Name of the development.
 - c) Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the state.
 - d) Date of preparation and revision dates.
 - e) North arrow.
 - f) Property lines and dimensions.
 - g) Complete and current legal description, property identification number, and size of property in acres.
 - h) Small location sketch of sufficient size and scale to determine the site's location within the city.
 - i) Note on each plan sheet stating "Not to Be Used as Construction Drawings."
 - j) Location map at a scale of one inch equals 2,000 feet, showing site location, major roads, and railroads.
- e. *Site plan.* Plan sheet(s) indicating:
 1. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if there are three acres or more.
 2. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
 3. Lot lines and all structures on the property and within 100 feet of the site's property lines.
 4. Location of any vehicle access points on both sides of the street within 100 feet of the site along streets where vehicle access to the site is proposed.
 5. Existing buildings and any public or private easements, noting those which will remain and which are to be removed.
 6. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 7. Location of all existing and proposed structures, uses, number of stories, gross building area, setback lines, distances between structures, and location of loading areas on the subject property.
 8. Location of all existing structures within 100 feet of the subject property lines.
 9. All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces on the subject property. Interior walks and pedestrian or bicycle paths within right-of-way.
 10. All existing and proposed roadways, drives, parking areas, and pedestrian paths within 100 feet of the subject property.
 11. Location and height of all walls, fences, and screen planting, including a plan for landscaping of the development and the method by which landscaping is to be maintained.
 12. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavements.
 - 13.

Types of existing and proposed surfacing, such as asphalt or concrete paving.

14. Types of facing materials to be used on structures.
15. Elevations (front, sides, and rear views) of all sides of the building(s).
16. A floor plan drawing showing the specific use areas of all existing and proposed building on-site.
17. Density calculations (for multiple family projects).
18. Principal and accessory buildings.
19. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
20. All utilities located on or serving the site, including sizes of water and sewer lines.
21. Loading and unloading areas.
22. Estimated number of full-time and part-time employees.
23. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise, vibration, and emission levels, and other data of all such equipment or machinery.
24. General location type, and size of proposed signs for all buildings and uses on site.
25. Such other reasonable and relevant information as may be required by the city to assist in the review of the proposed development.
26. Proposed fire lanes and fire lane signs.
27. Proposed traffic circulation pattern and proposed signs and specifications for control of traffic.
28. Measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
29. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover and including required irrigation method.
30. Final site plan approval may be conditioned on approvals being obtained from outside agencies.
31. Site engineering plans prepared by a registered civil engineer. Submission of final engineering plans may be a condition of site plan approval. Plans shall include the following:
 - a) A proposed grading and drainage plan. The plan should show proposed finished floor elevations, finished grades at structures, proposed storm collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the city engineer. The planning commission shall require compliance with engineering standards, subject to the city engineer's final approval, as a condition of site plan approval.
 - b) All utilities located on or serving the site, including sizes of water and sewer lines, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
 - c) Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
 - d)

If connected to a city water system, show existing invert elevation or lateral at proposed tap manhole and approximate invert; otherwise, Location of existing or proposed well.

- e) If connected to a city sanitary system, show existing invert elevation or lateral at proposed tap manhole and approximate invert
 - f) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - g) Typical cross-sections for streets, roads, alleys, parking lots, etc., as applicable.
 - h) Existing and proposed ground contours at intervals of one foot.
32. Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
 33. A floor plan drawing showing the specific use areas of all existing and proposed building on-site.
 34. Density calculations (for multiple family projects).
 35. Proposed lot coverage percentage and impervious surface percentage.
 36. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees (in accordance with article IV, division 3, section 445, incentives to preserve existing trees, non-EGLE regulated wetlands, lakes, rivers, drainageways, topography, etc.
 37. Location(s) of any EGLE- regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an EGLE wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two contiguous acres.
 38. Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of article III, division 1, section 333, waste receptacles and enclosures.
 39. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise, vibration, and emission levels, and other data of all such equipment or machinery.
 40. Details of exterior lighting meeting the requirements of article IV, division 5, lighting standards, including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
 41. Landscape plan. A landscape plan in accordance with article IV, division 3, landscape standards and tree replacement, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
- f. *Additional items.* Any additional graphics or written materials requested by the planning commission or city council to assist the city in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

g.

Performance guarantees. To insure compliance with the provisions of this ordinance and any conditions imposed by the planning commission, the department of municipal services may require that a performance guarantee be deposited with the city to insure the faithful completion of improvements, in accordance with Section 505(1) of the Michigan Zoning Enabling Act of 2006, Public Act 110 of 2006, as amended. Improvements for which the city may require a performance guarantee include, but are not limited to, landscaping, berms, screen walls, lighting, surfacing of drives, parking areas, and acceleration/deceleration lanes, traffic control devices, sewer or water line improvements, and stormwater management systems.

(Ord. No. O-22-727, § 1, 12-5-22)

Sec. 507. - Standards for site plan approval.

Based upon the following standards, the planning commission may recommend approval, approval with conditions, or denial of the site plan:

- a. *General.* All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this division.
- b. *Building design.* The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of article III, division 2, architectural building standards.
- c. *Preservation of significant natural features.* Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features.
- d. *Landscaping.* The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this division. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of article IV, division 3, landscape standards and tree replacement.
- e. *Streets.* All streets shall be developed in accordance with the city subdivision control ordinance and construction standards, unless developed as a private road.
- f. *Access, driveways, and circulation.* Safe, convenient, un-congested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
 1. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 2. All driveways shall meet the design and construction standards of the city.
 3. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
 4. For uses having frontage and/or access on a major traffic route, as defined in the city master plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of article IV, division 2, access management and driveway standards.

- g. *Emergency vehicle access.* All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the city fire and police departments.
- h. *Sidewalks, pedestrian and bicycle circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with article III, division 1, section 326, sidewalks, bikepaths, and other walkways.
 - 1. A pedestrian circulation system shall be separated from vehicular circulation system.
 - 2. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high traffic areas of pedestrians or bicycles.
- i. *Barrier-free access.* The site has been designed to provide barrier-free parking and pedestrian circulation.
- j. *Parking.* The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by article IV, division 1, off-street parking and loading standards. However, where warranted by overlapping or shared parking arrangements, the planning commission or city council may reduce the required number of parking spaces as permitted in section 401f., shared parking, and section 401g., parking lot deferment.
- k. *Loading and storage.* All loading and unloading areas and outside storage areas shall be screened as determined by the planning commission.
- l. *Soil erosion control.* The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the city engineer.
- m. *Utilities.* Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
- n. *Stormwater management.* Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion, and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- o. *Lighting.* Exterior lighting, in accordance with article IV, division 5, lighting standards, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- p. *Performance standards.* The site has been designed, buildings so arranged, and activities/equipment programmed to adhere to section 320, performance standards, particularly for sites adjacent to residential districts.
- q. *Mechanical equipment and utilities.* Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of article III, division 1, section 319, mechanical equipment and utilities.
- r.

Waste receptacles. Waste receptacles shall be provided as required in article III, division 1, section 334, waste receptacles and enclosures.

- s. *Signs.* The standards of article IV, division 4, signs must be met.
- t. *Hazardous materials or waste.* For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
- u. *Other agency and department reviews.* The applicant has provided documentation of compliance with other appropriate agency and department review standards, including, but not limited to, the EGLE, MDOT, county drain commission, county health department, state department of floodplain management, city police, fire, building, etc., and other federal and state agencies, as applicable.

Sec. 508. - Site plans with multiple phases.

The planning commission shall review site plans with multiple phases as a site plan meeting the submission requirements of this division, section 506, site plan submittal requirements. Any future phases identified on a site plan must be reviewed by the planning commission in the form of a site plan submission. The planning commission may require that the conceptual layout for future phases and outlots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the planning commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this division have been provided. In addition, any phase of a site plan where construction has not commenced within 18 months from the date of approval must return to the planning commission for a new site plan approval. The administration may extend the approval by 12 months if requested by the developer.

Sec. 509. - Conditions of site plan approval.

- a. As part of an approval to any site plan, the planning commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the planning commission to ensure compliance with the review standards of this division, section 507, standards for site plan approval, and necessary to meet the intent and purpose of this division.
- b. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
- c. A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this division, section 511, deviations from approved site plan.
- d. A record of the decision of the planning commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- e. The city planner shall require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the planning commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The city planner shall have authority to approve the site plan.

- f. The designated city official may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the planning commission to terminate such approval following a public hearing.

Sec. 510. - Validity of approved site plan.

- a. Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of 18 months. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.
- b. Upon written application filed prior to the termination of the 18 month review period, the city planner may authorize a single extension of the time limit for approval of a site plan for a further period of not more than 12 months. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the city planner but which shall not exceed 12 months.

Sec. 511. - Deviations from approved site plan.

- a. Amendments to the approved site plan may occur only under the following circumstances:
 1. An applicant or property owner who has been granted site plan approval shall notify the city planner of any proposed amendment to such approved site plan.
 2. Minor changes may be approved by the city planner. The city planner must provide, in writing to the planning commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this division, nor any specified conditions of the plan as agreed upon by the planning commission. In considering such a determination, the city planner shall consider the following to be a minor change:
 - a) Change in size of structures, for residential buildings by up to five percent, provided that the overall density of units does not increase.
 - b) Change in square footage of non-residential buildings by up to five percent or 1,000 square feet, whichever is smaller.
 - c) Alterations to horizontal and/or vertical elevations by up to five percent.
 - d) Movement of a building or buildings by no more than ten feet.
 - e) Increase in designated "areas not to be disturbed."
 - f) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the city planner.
 - g) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - h) Changes of building materials to another of higher quality, as determined by the city planner.
 - i) Changes in floor plans which do not alter the character of the use.
 - j) Slight modification of sign placement or reduction of size.
 - k) Relocation of sidewalks and/or refuse storage stations.

- l) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent or alter access locations or design.
 - m) Changes required or requested by the city for safety reasons.
- b. Should the city planner determine that the requested modification to the approved site plan is not minor, the planning commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the city planner for resubmission to the planning commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.
- c. Any deviation from the approved site plan, except as authorized in this division, section 511, deviations from approved site plan, shall be considered a violation of this division.

Sec. 512. - Property maintenance after approval.

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

Sec. 513. - As-built drawings.

- a. All projects within the city which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the city engineer prior to final acceptance of the project by the city.
- b. The initial submittals shall be of one set of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be one inch equals 50 feet and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the state. All record lengths and elevations must be labeled as record.
- c. After the record drawings have been approved by the city engineer, the applicant shall submit one PDF electronic copy of the approved drawings. A USB shall also be provided which contains a .pdf version of each sheet of the plan set with the following attributes:
 - 1. Locations shall be shown on the plans in state plane coordinates using the NAD83 Michigan South zone.
 - 2. Individual pipe sizes and structure types should be on separate layers.
 - 3.

The scale shall be one to one.

4. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.
- d. GIS shape files must also be submitted along with the electronic copies.
 1. The shape file must be compatible with the software the city engineering division is currently using.
 2. The files must include the size, depth, and material of the pipe.
 3. All types of utilities must be clearly defined and separated with layers.
- e. As-built requirements checklist. Additional specific information per site may be required at the discretion of the engineer.

Sanitary sewer— In plan & profile show:	Completed	Outstanding	N/A
All invert & rim elevations to USGS Datum			
Actual laying length between structures			
Type of pipe used			
Actual slope of pipe			
Size of pipe			
Tie down all structures via coordinates			
Lead information (distance from downstream manhole, riser length, depth, tie down end, etc.)			

Storm sewer— In plan & profile show:	Completed	Outstanding	N/A
All invert & rim elevations to USGS datum			
Actual laying length between structures			
Type of pipe used			
Actual slope of pipe			

Size of pipe			
Tie down all structures via coordinates			
Lead information (distance from downstream manhole, depth, tie down end, etc.)			

Water mains— In plan view:	Completed	Outstanding	N/A
Valve rim elevations			
Size & type of pipe			
Length of pipe			
Tie down all structures via coordinates			
Call out actual offset from pavement			

Detention ponds	Completed	Outstanding	N/A
Letter required by the design engineer stating that the pond is properly sized according to approved plans and the outlets are properly located and sized			

Pavement	Completed	Outstanding	N/A
Sidewalks/bike paths require spot elevations every 50 feet			
Curbing and parking lot approach ramps require spot elevations			

Structures in parking lot require RIM elevations as well as all invert elevations			
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Submittals	Approved— Submit to city	Submit w/ revisions noted above
One paper copy		
One mylar copy		
Electronic Version		

Secs. 514—519. - Reserved.

DIVISION 2. - PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

Sec. 520. - Intent.

- a. The planned unit development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one of the other zoning districts established in this division, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning district.
- b. The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the city; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
- c. The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the city master plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
- d.

In order to encourage PUD developments on specific properties, these standards relax or waive one or more of the dimensional requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

Sec. 521. - Principal permitted uses.

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

- a. *Residential.* All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.
- b. *Commercial/mixed use.* All business, service, professional office, retail, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the planning commission to be similar to other uses in the surrounding area.
- c. *Office and industrial.* All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and light manufacturing uses may be permitted, if determined by the planning commission to be compatible with other proposed PUD uses and surrounding uses.

Sec. 522. - Special land uses and conditional uses.

All uses listed as special land uses in the underlying district are considered as special land uses or conditional land uses within the planned unit development designation.

Sec. 523. - Qualifying conditions.

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

- a. *Demonstrated benefit.* The PUD shall provide one or more of the following benefits not possible under the requirements of another zoning district, as determined by the planning commission:
 1. Preservation of significant natural or historic features.
 2. A complementary mixture of uses or a variety of housing types.
 3. Common open space for passive or active recreational use.
 4. Mitigation to offset community impacts.
 5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
 6. Implementation of a significant component of the city master plan.
- b. *Availability and capacity of public services.* The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.

- c. *Compatibility with the master plan.* The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the city master plan.
- d. *Compatibility with the PUD purpose.* The proposed PUD shall be consistent with the purpose of section 535 and spirit of this division.
- e. *Development impact.* The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this division.
- f. *Unified control of property.* The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the city.

Sec. 524. - Application and review procedure for preliminary PUD site plan and final PUD site plan.

- a. The application process for a PUD involves a three-step process including: an optional pre-application workshop; review of a preliminary (conceptual) site plan by both the planning commission and city council; and review of a final PUD site plan by the planning commission. The procedures are described below, and the development approval process is illustrated.



- b. An optional pre-application meeting with the planning commission and/or city staff may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a meeting shall request placement on the planning commission agenda.
- c. The applicant shall prepare and submit 15 copies to the city clerk of a preliminary PUD site plan for a PUD, meeting the requirements of section 525, preliminary PUD site plan submittal requirements, at least 30 days prior to the meeting at which the planning commission shall first review the request; 21 days for an applicant who has had a pre-application workshop on the proposal within 60 days of the preliminary PUD site plan submittal. The city manager shall promptly transmit this plan to the members of the planning commission.
- d. The planning commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with the Michigan Zoning Enabling Act, Section 125.3503(5). During this review, the planning commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of section 526, standards for approval of preliminary PUD site plan. The planning commission shall then, within 60 days of the submittal, make a recommendation on the preliminary PUD site plan to the city council. The applicant shall incorporate these modifications or conditions recommended by planning commission prior to the review by the city council.
- e. Following receipt of the planning commission recommendations, the city council shall take final action on said plan and petition within 90 days of the date it receives a report from the planning commission, or such reasonable extension of time as may be necessary for adequate review. A PUD rezoning is discretionary on the part of the city and the city council is not obligated to approve a PUD rezoning request unless, in its opinion, the

proposal meets the purpose and requirements of this ordinance.

- f. If any conditions are imposed upon the approval of the preliminary PUD site plan by the city council, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
- g. Approval of the preliminary PUD site plan by the city council shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three years from date of approval. This period may be extended by the city council for one additional three-year period.
- h. The applicant shall submit copies of detailed final site plans to the city clerk, as described in section 527, final PUD site plan submittal requirements, for all, or any phase of, the approved preliminary PUD site plan at least 30 days prior to the planning commission meeting at which the planning commission shall first review the request.
- i. Upon submission of all required materials and fees, the planning commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this zoning ordinance, the final PUD site plan.
- j. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the city planner in accordance with article V, division 1, section 504 for administrative approval for approval prior to the issuance of any building permits.
- k. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this division.
- l. In the commercial district, the city council may, upon recommendation of the planning commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this division. Depending upon the size and complexity of the project, the city council may then require each developer to enter into a separate PUD agreement for each individual site or series of projects.

Sec. 525. - Preliminary PUD site plan submittal requirements.

- a. *Required information.* The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:
 1. *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 2. *Written documentation.* Written documentation that the proposal meets the standards of section 526.
 3. *Application form and fees.* A completed application form, supplied by the building official/zoning administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.
 4. *Sheet size.* Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 100 feet or less (i.e. one inch equals 20 to 100 feet) for sites over 20 acres.
 5. *Cover sheet.* Cover sheet providing:

- a) Applicant's name.
- b) Name of the development.
- c) Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the state.
- d) Date of preparation and any revisions.
- e) North arrow.
- f) Property lines and dimensions.
- g) Complete and current legal description and size of property in acres.
- h) Small location sketch of the subject site and area within one-half mile, and scale.
 - i) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
 - j) Lot lines and all structures on the property and within 100 feet of the PUD property lines.
 - k) Location of any vehicle access points on both sides of the street within 100 feet of the PUD site along streets where vehicle access to the PUD is proposed.
- b. *PUD site plan*. A site plan sheet indicating:
 1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, EGLE designated or regulated wetlands with supporting documentation, wetland areas two or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four feet above grade) of "landmark" trees.
 2. Existing and proposed topography at five foot contour intervals, and a general description of grades within 100 feet of the site.
 3. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
 4. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain, and which are to be removed.
 5. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
 6. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 7. Size, type, and location of proposed identification signs.
 8. All site plan requirements as defined in section 506, site plan submittal requirements.
- c. *Site analysis*. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, that will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.
- d. *PUD development agreement*. A draft written PUD development agreement specifying all the terms and understandings of the PUD development as prescribed in section 527, final PUD site plan submittal requirements, may be required when deemed necessary by the planning commission.

- e. *Multi-phased PUD.* If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
- f. *Additional information.* Any additional graphics or written materials requested by the planning commission or city council to assist the city in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

Sec. 526. - Standards for approval of preliminary PUD site plan.

- a. Based upon the following standards, the planning commission may recommend denial, approval, or approval with conditions, and the city council may deny, approve, or approve with conditions the proposed PUD.
- b. The uses proposed shall be consistent with the city's adopted master plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.
- c. Any amendments to the dimensional standards of this division, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the planning commission.
- d. Any increase in the density requirements of the underlying zoning district must be approved by the city council upon recommendation of the planning commission and be included under preliminary review of the site plan.
- e. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by article IV, division 1, off-street parking and loading standards. However, where warranted by overlapping or shared parking arrangements, the planning commission or city council may reduce the required number of parking spaces in accordance with article IV, division 1, section 401, general requirements.
- f. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of city ordinances, unless modified by city council.
- g. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- h. Sidewalks shall be provided in accordance with article III, division 1, section 326, sidewalks, bike paths, and other pedestrian pathways.
- i. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of article IV, division 3, landscape standards and tree replacement.
- j. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.
- k. Surface water shall be retained on the site wherever possible.

- i. The site shall have adequate soil erosion barrier to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, soil erosion barriers shall be made by the city engineer.
- m. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
- n. Building design shall be of a high quality, meeting or exceeding the standards of article III, division 2, architectural building standards.

Sec. 527. - Final PUD site plan submittal requirements.

- a. The final PUD site plan shall include all the following information, unless the city planner determines that some of the required information is not reasonably necessary for the consideration of the PUD:
 1. All information required for site plan submittal in accordance with article V, division 1, section 506, site plan submittal requirements.
 2. Any additional graphics or written materials requested by the planning commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
 3. A proposed written development agreement specifying all the terms and understanding of the PUD development including:
 4. A survey of the acreage comprising the proposed PUD.
 5. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from city regulations which have been requested and approved.
 6. The manner of ownership of the developed land.
 7. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 8. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the city may require conveyances or other documents to be placed in escrow to accomplish this.
 9. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the city council.
 10. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the city council.
 11. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
 12. Any other concerns raised by the planning commission or city council regarding the construction and maintenance of the PUD.
 13. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
 - 14.

A written draft of PUD design guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The design guidelines shall also include any variations to the dimensional standards of this division, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

Sec. 528. - Standards for approval of final site plan.

The planning commission shall use the standards for approval of article V, division 1, section 507, standards for site plan review approval, and any design requirements developed specifically for the PUD by the city council, in reviewing the final PUD site plan.

Sec. 529. - Conditions of approval.

The planning commission may attach conditions to the final PUD site plan approval.

Sec. 530. - Validity of approved final PUD site plan.

- a. *Project commencement.* Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within 18 months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that 18 month period, then the site plan shall be invalid and void.
- b. *Project completion.* The approved site plan shall remain valid for a three-year period following the date of final site plan approval, provided that the requirements of paragraph a. above are met.
- c. *Extensions.* The three-year period for project completion may be extended for one year, if applied for by the petitioner and granted by the planning commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

Sec. 531. - Deviations from approved final PUD site plan.

- a. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with article V, division 1, section 531, deviations from approved site plan.
- b. Should the planning commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the city council as a new preliminary PUD plan.
- c. Any amendment to the PUD design guideline requirements established specifically for the PUD by the city council shall be adopted by resolution of the city council, upon recommendation of the planning commission, and will not require amendment of this division of the zoning ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph a. above.
- d. Any deviation from the approved PUD site plan, except as authorized in section 531, deviations from approved final PUD site plan, shall be considered a violation of this division and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

Sec. 532. - Appeals and variances.

Amendments, appeals, and variances related to a PUD cannot be taken to the zoning board of appeals in a PUD. Amendments can only be granted by the planning commission when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in section 520, intent and improve the quality of the development.

Sec. 533. - PUDs approved prior to this ordinance.

All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this ordinance shall be treated as follows:

- a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this ordinance.
- b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed-use PUD in the O, office district. The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.
- c. Any changes to the uses and/or their locations as approved on a mixed-use preliminary PUD plan shall meet section 528, standards for approval of preliminary PUD site plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the planning commission or city staff considered necessary to review the impacts of the proposed change.
- d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this ordinance shall be regulated and reviewed in accordance with this division.

Secs. 534—539. - Reserved.

DIVISION 3. - CONDITIONAL LAND USES

Sec. 540. - Purpose.

The intent of this article is to provide standards for conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This article provides standards for the city planner or planning commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

(Ord. No. O-22-719, § 9, 3-7-22)

Sec. 541. - Standards for approval.

- a. Prior to approving a conditional land use, the city planner shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted.

- b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of article V, division 1, site plan review. Failure to obtain site plan approval will constitute denial of the approved conditional land use.

(Ord. No. O-22-719, § 9, 3-7-22)

Sec. 542. - Requirements and standards of approval.

- a. The requirements to permit the conditional use shall remain unchanged.
- b. The department of municipal services division of building inspector and/or zoning official shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the department of municipal services division of building inspector and/or zoning official to terminate the approval.

(Ord. No. O-22-719, § 9, 3-7-22; Ord. No. O-22-727, § 1, 12-5-22)

Sec. 543. - Validity of conditional land use approval.

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not commenced within 18 months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- b. Upon written application filed prior to the termination of the 18-month period, the city planner may authorize a single extension of the time limit for a further period of not more than 12 months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the 12-month extension.
- c. The granting of a conditional land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this division are maintained.

(Ord. No. O-22-719, § 9, 3-7-22)

Sec. 544. - Conditional land use specific requirements.

Conditional land uses, because of their unique character and potential impacts on adjacent properties and the city, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

- a. *Automobile repair establishments (major repair)*. Vehicle repair garages including body repair, body painting, engine rebuilding, rust-proofing, and similar activities, may be permitted in certain districts specified in this ordinance, subject to the following:
 - 1. No vehicles awaiting service shall remain on-site for more than 36 hours.
 - 2. All repair services shall be conducted within a completely enclosed building.
 - 3. All trash storage areas shall be screened from view by a six-foot high enclosure approved by the planning commission. The trash containers shall be emptied at least once each week. All discarded vehicle parts shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than one week unless stored within the building.

4. A six-foot high masonry face brick wall or poured concrete wall with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - a) One three-inch caliper deciduous tree per 30 feet of wall length.
 - b) Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.
 - c) Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
 5. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all new, used or waste automotive fluids resulting from repair or service operations.
- b. *Automobile service centers (minor repair).* Automobile service centers such as muffler and brake shops, new tire sales, tune-up shops, quick oil change shops, and similar establishments for minor repairs, routine maintenance and auto accessories, may be permitted in certain districts specified in this ordinance subject to the following:
1. The use shall be completely enclosed within a building.
 2. No vehicles awaiting repair shall remain on-site for more than 36 hours.
 3. A six-foot high masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - a) One three-inch caliper deciduous tree per 30 feet of wall length.
 - b) Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.
 - c) Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
 4. All trash storage areas shall be screened from view by a six-foot high enclosure approved by the planning commission. Old parts such as tires, mufflers, pipes, and the like, shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than one week unless stored within the building.
 5. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all new, used or waste automotive fluids resulting from repair or service operations.
- c. *Automobile washes, automatic or self-service.*
1. Only one ingress/egress driveway shall be permitted on any single street.
 2. Where adjoining residentially zoned or used property, a decorative masonry wall six feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The zoning official or planning commission may approve a fence, landscaped berm, or landscaping as an alternative. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - a) One three-inch caliper deciduous tree per 30 feet of wall length.
 - b) Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.

- c) Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
 - d) A three-foot high landscaped berm within a greenbelt of at least 20 feet in width may be substituted for the required masonry wall.
3. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
 4. Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least 50 feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the zoning official or planning commission.
 5. Adequate stacking space shall be provided in accordance with the requirements of article 4, division 1, off-street parking and loading standards. Stacking spaces shall not be permitted in the public right-of-way.
 6. All lighting shall be noted on the site plan and shall be shielded downward and away from adjacent properties and rights-of-way.
 7. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- d. *Automobile or vehicle dealerships.* Automobile or vehicle dealers shall be subject to the following regulations except as otherwise specified in this ordinance:
- a) *General provisions.* In B-2, general business districts, and LI, light industrial districts, the following minimum standards apply:
 - 1) All vehicle dealers shall have a solely dedicated permanent structure containing not less than 500 square feet of interior floor space to be used as business or sales office, in which customers may enter and transact business, and in which heating, plumbing, and restrooms are provided. Such building shall also include a bay in which vehicles can be brought in for minor servicing, cleaning, and preparation for sales.
 - 2) All cleaning and refurbishing of vehicles must be performed within an enclosed permanent building. No repair or refinishing shall be done outside on the lot.
 - 3) Outdoor loudspeakers or public address systems shall not be permitted.
 - 4) The required vehicle display area shall conform to the following requirements:
 - i. Access to each individual vehicle shall be provided. Vehicles shall not be positioned in a stacked or packed formation.
 - ii. There shall be no storage or display of vehicles in the public right-of-way.
 - 5) Vehicles for sale shall be prohibited from parking within any maneuvering lane or driveway.
 - 6) Outdoor storage of inoperable or part-stripped vehicles shall be prohibited from the site.
 - 7) The setback areas along street frontages shall not be used for the parking or for the storage/display of vehicles. Separate off-street parking shall be provided in compliance with the regulations contained in article 4, division 1, off-street parking and loading and the following provision:
 - i. The minimum number of parking spaces to be provided shall be calculated based on the formula of five spaces plus one space per each 15 used car storage/display spaces.

- 8) Grounds shall meet, or be improved to comply with, the following site design requirements:
 - i. The site shall be hard-surfaced, graded and drained in accordance with the regulations of article 4, division 1, off-street parking and loading. Concrete curbing shall be provided along the perimeter of the parking area.
 - ii. Maneuvering lanes for the storage/display area shall be a minimum of 20 feet in width.
 - iii. The setback areas along street frontages shall be a landscaped greenbelt measuring minimum of ten feet in width. Landscape plans must be included in application for review. See landscape provisions in article 4, division 3, landscaping.
 - iv. Overhead service doors shall not face or open toward residentially zoned property.
9. A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall proposed, shall be located on all property lines which abut any residential district.
10. Where the storage yard abuts residentially zoned property there shall be a ten-foot-wide landscaped greenbelt, between the property line and the wall. Said greenbelt shall be planted in accordance with article 4, division 3, landscaping, section 445.
- 11) All lighting on the site shall be shielded. All glare shall be eliminated from all light fixtures and not encroach upon abutting properties. Lighting shall otherwise not direct illumination upon abutting properties, or emit illumination upon abutting properties in a manner that or of such magnitude that encroaches upon their peace. The light poles shall be no higher than 20 feet. Upward-directed lighting, searchlights, moving beams, and spotlights shall not be permitted.
- 12) A vehicle dealer licensed business shall be issued only for use on the premises named in the license application and such location shall not be changed without the approval of the city clerk. The clerk shall not approve such a transfer unless the new location conforms with all applicable ordinances.
- b) *LI, light industrial districts*. Classes B and W vehicle dealer licenses permitted only in combination with a towing, body shop (collision-related mechanical repair and unitized body structural repair only) or custom utility vehicle manufacturer subject to the following:
 - 1) The minimum lot area for a class B vehicle dealer shall be a solely dedicated 5,000 square feet and for class W licenses a solely dedicated 2,500 square feet.
 - 2) There shall be provided a minimum of ten storage/display spaces for class B licenses and five storage/display spaces for class W licenses.
- c) *B-2, general business districts*. Classes A and B vehicle dealer licenses permitted for automobile dealerships, showrooms and used car lots subject to the following:
 - 1) The minimum lot area for a class A or B vehicle dealer shall be a solely dedicated 10,000 square feet.
 - 2) There shall be provided a minimum of ten storage/display spaces.
- e. *Commercial indoor recreation*. Commercial indoor recreation uses, such as a bowling alley, roller rink, or similar use, may be permitted in certain districts, as specified in this ordinance, subject to the following:
 1. All off-street parking shall be screened from abutting residential property by a six-foot high masonry wall of face brick or poured concrete with brick pattern on both sides. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:

- a) One three-inch caliper deciduous tree per 30 feet of wall length.
 - b) Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.
 - c) Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
 - d) A three-foot high landscaped berm within a greenbelt of at least 20 feet in width may be substituted for the required masonry wall.
2. The site shall have direct access to a major or secondary thoroughfare as designated in the city's adopted master plan.
 3. The planning commission may regulate the hours of operation, as necessary, when the project is abutting less-intensive or residential uses, as a part of the conditional land use permit.
- f. *Commercial outdoor recreation.* Commercial outdoor recreation such as, golf driving ranges, miniature golf, batting practice cages, water slide parks, tourist-oriented outdoor amusements, and similar uses, may be permitted in certain districts as specified in the ordinance, subject to the following:
1. Minimum lot size of one acre.
 2. No activities shall take place within 100 feet of an abutting residential district.
 3. Use of loudspeaker or public address systems for broadcasting music or continuous announcements shall be prohibited.
 4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or interfere with driver visibility on any public or private street or public right-of-way.
 5. Hours of operation may be restricted by the planning commission in order to reduce the impact of the proposed use on abutting residential areas.
 6. All protective fencing/netting locations shall be detailed on the site plan. The planning commission may regulate type, size and location, of said fencing/netting for aesthetic, visibility and safety purposes.
- g. *Community center/places of worship.*
1. In residential zoning districts, community centers or cultural facilities, churches, synagogues and other places of worship shall conform to the following requirements and restrictions.
 - a) They shall be located on a principal arterial, major arterial, minor arterial, or major collector street.
 - b) Parking shall not be provided in the front building setback area.
 - c) All parking areas shall be screened from adjoining properties by a minimum four-foot, six-inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.
 - d) The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than 50 feet from an abutting residential district or residential use.
 - e) The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.
 - f)

The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.

h. *Contractor storage yard.*

1. All such storage shall be located within a rear yard and screened in accordance with subsection 557m, outdoor storage.
2. No material shall be stored above the height of the screening.
3. All storage areas shall conform to all district setback requirements for principal uses. Where the storage yard abuts residentially zoned property, there shall be a ten-foot-wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with article 3, division 3, landscaping, section 447.
4. Property access to all parts of the storage areas shall be provided for fire and emergency services.
5. All loosely packed materials such as sand, topsoil, dirt, fertilizer, etc., shall be covered and contained to prevent them from being blown or washed off of the site.
6. No materials which give off noxious odors shall be stored outdoors.
7. Outdoor storage and display areas shall comply with the requirements of subsection 557m, outdoor storage.

i. *Drive-through window facilities for banks, restaurants or other permitted uses.* See section 557f.

j. *Event facilities.*

1. Such facilities shall be located on a principal arterial, major arterial, minor arterial, or major collector street.
2. The property shall contain a minimum of three acres.
3. Activities shall be limited to community or private parties, gatherings or charity events; weddings, wedding receptions; showers; business functions. Other similar events may also be included, at the discretion of the city.
4. Adequate, permanent restroom facilities shall be provided, which shall meet the minimum requirements of the county health department and building code requirements.
5. Special event hours of operation shall be limited to between 9:00 a.m. and 11:00 p.m.
6. Adequate off-street parking facilities shall be provided on-site.

k. *Garden centers/greenhouse/nursery.*

1. The outdoor storage or material display areas shall not be permitted in any front yard as determined by the planning commission. Such areas shall meet all other yard setback requirements applicable to any building in the district.
2. All loading activities and parking areas shall be provided off-street and on the same premises.
3. The storage of any soil, sand, mulch, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials shall be prohibited.
4. Decorative fences, knee walls, and other architectural features may be required by the planning commission for outdoor sales, display, and storage areas to assure compatibility with the existing or intended character of the general vicinity.

5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center wall.
- l. *Health/fitness/exercise center.*
 1. Within the light industrial (L1) and industrial flex (IF) districts, the minimum square footage of the facility shall be 4,000 square feet.
 2. In the mixed use (MX-1) district, the facility shall be a maximum of 1,200 square feet.
- m. *Hookah/vapor bar or lounge (smoking lounge).*
 1. Shall be subject to the following restrictions:
 - a) Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
 - b) Hours of operation shall not extend past 11:00 p.m.
 - c) Hookah bars and lounges shall not serve patrons under the age of 19.
 2. Required spacing.
 - a) The proposed smoking lounge is not located within 500 feet of a school, park, or place of worship.
 - b) The proposed smoking lounge is not located within 1,000 feet of any other smoking lounge.
 - c) Measurement of distances between regulated uses and any other regulated or protected use shall be from the outermost boundaries of the parcel or lot of each use. In the case of a regulated use within a shopping center with a minimum of at least 5,000 square feet of tenant space, the distance from the outermost boundaries of the tenant space proposed to contain the regulated use, shall be used as one measurement point.
- n. *Indoor specialty cars facility.*
 1. No outdoor storage or display of cars permitted.
 2. No auctions permitted.
- o. *Kennels, commercial.* Commercial kennels and may be permitted in certain districts specified in this ordinance, subject to the following:
 1. The site shall abut a public road shown as a major or secondary thoroughfare on the city's adopted master plan.
 2. All pens and runs shall be completely enclosed within a building.
 3. All breeding areas shall be completely enclosed.
 4. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
 5. Kennels housing more than ten dogs shall provide one off-street parking space for each five kennel runs. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time in accordance with article 4, division 1, off-street parking and loading.
 6. A six-foot high masonry face brick wall or poured concrete wall with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - a) One three-inch caliper deciduous tree per 30 feet of wall length.

- b) Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.
 - c) Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
7. Any use permitted by the city under this section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this ordinance violated.
- p. *Manufacturing, packaging, assembly, fabrication of products.*
- 1. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building, except for off-street parking or loading.
 - 2. Outdoor storage which is clearly accessory to the permitted use, limited in scale, and incidental to the primary indoor use(s) of the site, subject to the provisions of section 557m (special land use approval not required).
 - 3. Where the outdoor placement of an aboveground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern or a treated wood obscured fence. The design and material of the screening to be approved by the planning commission and city council.
 - 4. No truck well, loading dock, overhead door or other type of service bay door shall face an abutting residential district. Pedestrian exits and emergency doors are permitted on such building facades.
 - 5. The storage and/or use of any volatile, flammable or other materials shall be fully identified in the site plan review application and in accordance with all city, state and federal regulations regarding toxic or hazardous materials.
- q. *On-premises alcoholic beverages.* Any primary or accessory use that requires a license for the sale or consumption of alcoholic beverages on-premises as regulated by the state liquor control commission (LLC) shall require a conditional land use, even if the use is permitted by right in any given district, subject to the following:
- 1. General. Establishments serving alcoholic liquor for consumption on the premises may be permitted in certain districts, subject to the following:
 - a) The proposed establishment serving alcoholic liquor for consumption on the premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed establishment serving alcoholic liquor for consumption on the premises will be permitted to serve alcoholic liquor if the proposed establishment serving alcoholic liquor for consumption on the premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the planning commission if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body,

affirmatively waives, in writing, its right to object to the establishment and the planning commission determines that the proposed establishment serving alcoholic liquor for consumption on the premises will not adversely affect the operation of the school or place of worship.

- b) The layout of the site of the proposed establishment serving alcoholic liquor for consumption on the premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed establishment serving alcoholic liquor for consumption on the premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
 - c) The proposed establishment serving alcoholic liquor for consumption on the premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.
 - d) The proposed establishment serving alcoholic liquor for consumption on the premises will not be contrary to the public interest or injurious to nearby properties.
 - e) The proposed establishment serving alcoholic liquor for consumption on the premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.
 - f) The proposed establishment serving alcoholic liquor for consumption on the premises will not reasonably be expected to diminish the value of properties in the immediate area.
 - g) Where the establishment is immediately adjacent to residentially used or zoned properties, serving of on-premises alcoholic beverages shall cease by 12:00 a.m. unless waived by the planning commission; upon finding that the use is compatible with the residential area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
 - i. Vehicular and pedestrian traffic, particularly during after midnight hours, might disturb area residents.
 - ii. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings, consistent with section 320 of this article and chapter 38 of this Code.
 - h) Except as otherwise provided in this article, all operations of the proposed establishment shall be conducted within a completely enclosed building, except for off-street parking or loading. Outdoor dining shall be subject to the provision of section 319 of this article.
 - i) All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
2. Review criteria. The planning commission shall consider whether the applicant's proposal is reasonable when measured against the review criteria as found in section 6-58(e) of chapter 6, alcoholic liquor, of this Code, as amended thereafter.
 3. For brewpubs serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:
 - a) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

- b) Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the state liquor control commission.
 - 4. For breweries, wineries and distilleries serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:
 - a) Shall be located only along major corridors in the LI light industrial district.
 - 5. For restaurants serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:
 - a) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
 - b) Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
 - 6. For any other alcohol-related uses such as, but not limited to, theaters, markets, or recreational centers seeking to serve beverages for consumption on-the premises, the accessory/secondary use of alcoholic liquor bar area shall not exceed ten percent of the total combined square footage of all primary and other secondary uses.
- r. *Outdoor retail display and sales (commercial).*
 - 1. Unless accessory to an approved retail business, an enclosed building of at least 5,000 square feet of gross floor area for office and sales use is required.
 - 2. Shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
 - 3. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
 - 4. Displays shall not interfere with fire lanes.
 - 5. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
 - 6. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
 - 7. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the city prior to any outdoor display. Any outdoor display shall at all times comply with the sketch plan or site plan approved by the city.
- s. *Outdoor storage.* See subsection 557m.
- t. *Performing and fine arts studios.* In light industrial district:
 - 1. Studios shall be one-story.
 - 2. Activities shall be within a completely enclosed building.
 - 3. Shall be located along a major corridor
- u. *Pet boarding facilities.*
 - 1.

Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.

2. The lot shall be at least two acres in size.
 3. Up to five percent of the floor area may be used for accessory retail sales.
 4. Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
 5. An outdoor play area is allowed with the following restrictions:
 - a) Any outdoor play area shall not be any closer than 150 feet from a residential zoning district.
 - b) Any outdoor play area shall be located in the interior side yard or rear yard.
 - c) A maximum eight foot high fence enclosure is required around the play area and surface must be easy to maintain.
 - d) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
 - e) Pets shall not be permitted to remain outdoors overnight.
- v. *Rehabilitation of historic buildings into restaurants, museums, and performing arts centers.*
1. The determination of whether a building is historic will be made by the planning commission based on the review and consideration of a report developed by a qualified historic preservation professional
 2. Any restaurant serving alcohol must comply with subsection "w" below.
- w. *Restaurants with a walk-up window.*
1. Trash receptacles shall be provided and maintained on the property, decorative, and covered.
 2. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed 25 percent of that area. Temporary signs indicating whether the establishment is "opened" or "closed for the season" shall be permitted in accordance with article 4, division 5, signs.
 3. Months and hours of operation shall be provided as part of the conditional land use application.
- x. *Restaurants, including carryout.*
1. In the office (O) district, all proposed restaurants shall be within an office building. No freestanding restaurants are permitted.
 2. Outdoor dining as an accessory area to a restaurant and subject to the provisions in article 3, division 1, general provisions, section 320.
 3. Parking shall be calculated for the site based on the individual uses, including the restaurant area, in accordance with the parking standards in article 4, division 1, off-street parking and loading.
 4. No drive-thru or drive-in facilities are permitted.
- y. *Retail businesses with adult novelty items.*
1. *Intent.* See section 557a.
 2. *Definitions.*
 - a) *Adult materials.* One or a combination of more than one of the following types of materials: adult books and adult novelty items.

- b) *Adult books.* Books, magazines, newspapers, advertisements, displays, posters, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.
 - c) *Adult novelty items.* Devices of simulated human genitals or devices designed for sexual stimulation.
3. *Requirements and regulated uses.* The following requirements and regulated uses are included this subsection and defined for purposes of regulating retail businesses with adult novelty items:
- a) Except for transitory movement by customers to the cash register and exiting the store, and except for temporary movement for delivery of inventory into the store and subsequent shelf placement, adult materials shall not be visible to the public, except for within a designated area meeting the following requirements:
 - b) A separate room (hereinafter referred to as adult material room) with a minimum of six-foot high walls that screen or substantially limit view by persons in the remaining areas of the store.
 - c) Minors under the age of 18 years of age shall not be permitted in the adult material room.
 - d) The ceiling in the adult material room shall not be utilized for the display, storage or reflection of any adult materials.
 - e) A bathroom and/or mechanical room adjacent to the adult material room shall at no time be used for the display or storage of adult materials.
 - f) Adult materials are prohibited in any location visible to the public outside of a retail business, including any area visible to the public through front windows of a retail business.
 - g) There shall not be any live modeling or similar activity of any sort on the property.
 - h) There shall be only one public entrance to the retail business located at the front of the retail business only, excluding required emergency exits and loading doors.
 - i) Retail businesses with adult novelty items shall be located at least 500 feet from:
 - 1. All churches, convents, temples and similar religious institutions.
 - 2. All public, private or parochial nursery, primary or secondary schools, public parks, and hospitals.
 - 3. All childcare centers or day care centers.
 - j) Pre-viewing of any adult materials on or from any televisions, audio players, video screens, monitors or other devices in the retail business is prohibited.
- z. *Retail establishment holding a SDD (specially designated distributor) or SDM (specially designated merchant) license from the state liquor control commission.*
- 1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the state liquor control commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor with SDD and SDM licenses from the state liquor control commission, are exempt from the spacing requirement between regulated uses.

2.

The proposed regulated use is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Establishments with SDM licenses from the state liquor control commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDM license, are exempt from this spacing requirement.

3. The layout of the site of the proposed regulated use and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from such proposed regulated use and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
4. The proposed regulated use will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.
5. The proposed regulated use will not be contrary to the public interest or injurious to nearby properties.
6. The proposed regulated use will not have the possible effect of downgrading and blighting the surrounding neighborhood.
7. The proposed regulated use will not be contrary to any program of neighborhood conservation, nor will it interfere with any redevelopment projects.
8. The proposed regulated use will not reasonably be expected to diminish the value of properties in the immediate area.
9. The proposed regulated use will be in compliance with all other applicable regulations, city codes and state and federal laws.
10. Measurement. Measurement of distances between regulated uses and any other regulated or protected use shall be from the outermost boundaries of the parcel or lot of each use. In the case of a regulated use within a shopping center with a minimum of at least 5,000 square feet of tenant space, the distance from the outermost boundaries of the tenant space proposed to contain the regulated use, shall be used as one measurement point.
 - aa. *Retail sales in MX-1.*
 1. Specialty retail limited to the following categories: gifts, flowers, apparel, jewelry, novelties, housewares, home accessories, sporting goods, specialty food and photographic equipment. Uses which, in the opinion of the planning commission based on findings of fact, are similar to the above permitted uses.
 - bb. *Retail sales and personal service in office building.*
 1. Retail sales are permitted on ground floor.
 2. Retail sales may not occupy more than 30 percent of ground floor area.
 3. The following retail and personal service establishments, which provide goods and services necessary for the convenience of employees in the office district (not to exceed 40 percent of gross building area): jewelry stores, office supplies; copy service or instant printer; florist shop; tailor, hair stylist; travel agent; dry cleaners drop-off without processing facilities; private mailing service; group child care facility; clothing stores and personal communication services. The above uses shall be located in an office building and shall be clearly accessory to the office use.
 4. Other retail and personal service establishments, which provide goods and services necessary for the convenience of employees in the office district, and which the planning commission and city council determine to be similar to the above permitted uses. These uses shall be located in an office building

and shall be clearly accessory to the office use.

cc. *Self-storage facilities.*

1. The owner and/or operator shall not permit any non-storage business activity to be conducted from individual storage units. The purpose of self-storage facilities shall be limited to storage of private property by individuals, organizations, and businesses.
2. The minimum spacing between self-storage buildings shall be 30 feet where a one-way traffic pattern is used and 40 feet for two-way movement of customer vehicles.
3. If an office and caretaker's quarters are proposed on site, they shall occupy a single building.
4. If the site of a self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall and/or a landscaped greenbelt shall be provided, at the discretion of the planning commission. In deciding what type of screening to require, the planning commission shall evaluate which would be most appropriate to the neighborhood area in question.
5. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall proposed.
6. No individual self-storage unit shall have an interior width greater than ten-feet and there shall be no electrical service to individual units that could be used by customers.
7. There shall be no storage of hazardous, flammable, explosive, or toxic materials in any storage units at any time.
8. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be utilized only for recreation vehicles, private automobiles, and customarily manufactured non-commercial vehicles. The intent of this subsection is to prevent use of these facilities for contractor's storage yards, heavy equipment etc.
9. Box trucks for use by lessees or rental by the general public, subject to the following:
 - a) The self-storage facility may store on the premises not more than two box trucks for moving/transportation of personal property to and from the self-storage facility by lessees of the self-storage facility units.
 - b) The public self-storage facility may have up to six box trucks available for rent by the general public, provided that trucks requiring a commercial driver's license to operate shall be prohibited.
 - c) Box trucks shall be parked behind the front building line of the self-storage facility. The box trucks shall not be parked or otherwise situated upon the property of the public self-storage facility in such a manner that the box trucks serve as signs or advertisements of any kind.
10. All vehicular use and outdoor storage areas shall be paved with asphalt or concrete.
11. The minimum lot size for self-storage facilities shall be five acres.

dd. *Small manufacturing and production establishment.*

1. In B-1, B-2, and MX-1, subject to the following:
 - a) Establishment occupies less than 1,500 square feet and has not more than ten employees.
 - b) May not include bulk storage of flammable materials.
 - c) Storage of materials/production must be completely within a closed building.

- d) The emission of odor or noise must be mitigated.
 - e) Must have an accessory retail use or another component that provides direct interaction with the public.
 - f) Must have windows along street frontage that allow pedestrians to view manufacturing process.
 - g) Must have a public entrance directly from the street.
2. In B-2, subject to the following:
- a) Establishment occupies less than 3,000 square feet and has not more than 20 employees.
 - b) May not include bulk storage of flammable materials.
 - c) Storage of materials/production must be completely within a closed building.
 - d) The emission of odor or noise must be mitigated.
 - e) Must have an accessory retail use or another component that provides direct interaction with the public.
- ee. *Tattoo parlors.*
1. The facility must hold the licenses appropriate to the nature of the business per Public Act 375 body art facility license through the state.
 2. A body art establishment shall meet the inspection criteria and standard operating procedures established by the county health division and hold a OCHD body art practitioner permit at all times.
 3. Must hold a certificate of registration as a medical waste producing facility from the state department of environment, great lakes, and energy (EGLE).
 4. The use shall not operate before 9:00 a.m. or after 10:00 p.m.
- ff. *Veterinary hospitals/clinic.*
1. Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
 2. The principal buildings or structures shall be set back at least 75 feet from the front property line; and at least 200 feet from any property line abutting a residential district or use on the same side of the street, and at least 75 feet from all other property lines.
 3. The zoning official or planning commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.
 4. Parking lots shall be set back at least 50 feet from a residential district or use and shall be screened by a wall at least four feet high with landscaping on the exterior side of the wall. The zoning administrator or planning commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
 5. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel under section 544(p), kennels, or pet boarding facility under section 544(u).
 6. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
 7. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e. fencing, soundproofing, sanitary requirements).

8. All waste disposal shall meet the requirements of the state health department.

(Ord. No. O-22-719, § 9, 3-7-22; Ord. No. O-22-721, § 4, 6-20-22; Ord. No. O-23-728, § 9, 3-8-23)

Secs. 545—549. - Reserved.

DIVISION 4. - SPECIAL LAND USES

Sec. 550. - Purpose.

The intent of this division is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district but may be permitted because of circumstances unique to the location of the particular use. This division provides standards for the planning commission to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

Sec. 551. - Standards for approval.

Prior to approving a special land use application, the planning commission shall require that the following general standards, in addition to the specific standards noted for individual uses in this division, section 557, special land use specific requirements, be satisfied. The proposed use or activity shall:

- a. Be compatible and in accordance with the goals, objectives, and policies of the city master plan and promote the intent of the zoning district in which the use is proposed.
- b. Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
- c. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.
- d. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.
- e. Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of article V, division 1, site plan review. Failure to obtain site plan approval will constitute denial of the approved special land use.
- f. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

Sec. 552. - Application procedure.

- a. Any person owning or having an interest in the subject property may file an application for special land use approval as provided for in this division.

- b. The following materials shall be submitted to the City at least 30 days prior to the meeting at which the planning commission first considers the special land use application:
 1. Payment of the required fee.
 2. Copies of completed application forms.
 3. Copies of a site plan meeting the requirements of article V, division 1, site plan review.
 4. Impact assessment if required by the city planner; the analysis shall be carried out by qualified individuals and shall include but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

(Ord. No. O-23-728, § 10, 3-8-23)

Sec. 553. - Designated review authority and approval procedure.

- a. The planning commission shall have final review authority for all special land uses.
- b. Following the submission of the required application materials the planning commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with article 6, division 2, section 623, public hearings.
- c. The planning commission shall review the application in terms of the requirements of this section 551, standards for approval, and shall approve, approve with conditions, or deny the application.

(Ord. No. O-23-728, § 10, 3-8-23)

Sec. 554. - Conditions of approval.

- a. As part of any special land use approval, the planning commission may impose any additional conditions or limitations as, in its judgement, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of this division, section 551, standards for approval, and the applicable specific regulations of section 557, special land use specific requirements, are met.
- b. The approval of a special land use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- c. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.
- d. A record of the decision of the planning commission, the reasons for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- e. The city shall make periodic investigations of developments authorized by special land use approval to ensure continued compliance with all requirements imposed by the planning commission and this division. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the planning commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as described in article VI, division 2, section 613, public hearings, and as required by this division.

Sec. 555. - Validity of special land use approval.

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within 18 months of issuance, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- b. Upon written application filed prior to the termination of the 18 month period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one-year extension.
- c. The granting of a special land use shall allow that particular use to be conforming on the subject property, as long as the standards of this division are maintained.
- d. Any use for which a special land use approval has been granted and which ceases to continuously operate for a six-month period shall be considered abandoned and the special land use approval shall become null and void.
- e. No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

Sec. 556. - Special land use amendments and expansions.

- a. *Amendments.* Any person or agency who has been granted a special land use approval shall notify the city planner of any proposed amendment to the approved site plan of the special land use. The city planner shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of article 5, division 1, section 511, deviations from approved site plan. A major amendment to a special land use approval shall comply with the application and review procedures contained in this article.
- b. *Expansion or change in use.* The expansion change in activity, reuse, or redevelopment of any use requiring a special land use approval, with an increase of ten percent or greater, shall require re-submittal in the manner described in this division. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use on property which has not previously received special land use approval.

(Ord. No. O-22-719, § 10, 3-7-22)

Sec. 557. - Special land use specific requirement.

The general standards and requirements of this division, section 551, standards for approval, are basic to all uses authorized by a special land use approval. However, certain special land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the city, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met in addition to the general standards of this division, section 551, standards for approval, and other sections of this ordinance.

- a. *Adult entertainment regulated uses.*

- 1.

Intent. In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult entertainment regulated uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.

2. *Definitions.* The following definitions shall apply to adult entertainment regulated uses:
 - a) *Specified anatomical areas.* Portions of the human body defined as follows:
 - 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola.
 - 2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
 - b) *Specified sexual activities.* The explicit display of one or more of the following:
 - 1) Human genitals in a state of sexual stimulation or arousal.
 - 2) Acts of human masturbation, sexual intercourse, or sodomy.
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
3. *Uses regulated.* The following uses are regulated by this subsection and defined for purposes of regulating adult entertainment regulated uses:
 - a) *Adult book or supply store.* An establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
 - b) *Adult model studio.* Any place where models who display specified anatomical areas as defined herein are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
 - c) *Adult motion picture arcade or mini motion picture theater.* Any place where motion picture machines, projectors, or other image producing devices are maintained to show images and where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas as defined herein.
 - d) *Adult motion picture theater or adult live stage performing theater.* An enclosed building wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual

activities or specified anatomical areas as defined herein for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- e) *Adult outdoor motion picture theater.* A drive-in theater 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 herein for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- f) *Adult physical cultural establishment.* Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture establishment:
 - 1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a therapeutic massage practitioner as defined in this ordinance or any other similarly licensed medical professional.
 - 2) Fitness center, as defined in this ordinance.
 - 3) Electrolysis treatment by a licensed operator of electrolysis equipment.
 - 4) Continuing instruction in martial or performing arts, or in organized athletic activities.
 - 5) Hospitals, nursing homes, medical clinics, or medical offices.
 - 6) Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or shoulders only.
 - 7) Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas as defined herein.
- g) *Adult sexual encounter center.* Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
- h) *Cabaret.* An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas as defined herein for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- i)

Adult, nude, partially nude dancing. A business having as its principal activity the live presentation of or display of nude or partially nude male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this division, nude or partially nude shall mean having any or all of the specified anatomical areas exposed as defined herein.

4. *Required spacing.* The establishment of the types of adult entertainment regulated uses listed above shall meet all of the following space requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:
 - a) 1,000 feet from:
 - 1) Any other adult entertainment regulated use.
 - 2) All churches, convents, temples and similar religious institutions.
 - 3) All public, private or parochial nursery, primary or secondary schools, public parks, and hospitals.
 - 4) Any adult or childcare facility.
 - 5) An establishment holding an SDD or SDM license from MLCC.
 - b) 800 feet from:
 - 1) Any single-family or multiple-family residential district or use.
 - 2) Any pool or billiard hall, concreted amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice- or roller-skating rinks, and similar uses generally frequented by children and teenagers.
5. *Special site design standards.*
 - a) The maximum size of the building shall be 5,000 square feet.
 - b) The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
 - c) Adult entertainment regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be a freestanding building.
 - d) The color of the building materials shall be reviewed and approved by the planning commission.
 - e) The planning commission shall determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
 - f) The hours of operation shall be approved by the planning commission.
 - g) Access shall be from an arterial roadway.
 - h) Any adult entertainment regulated use which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
- 6.

Obscene material strictly prohibited. The applicant for a special land use for any adult entertainment regulated use shall set forth in his or her application a statement in sufficient detail to describe the material contained in the adult entertainment regulated use. In the event that the planning commission finds the material proposed to be within the adult entertainment regulated use to be obscene, then the special land use shall not be granted. For purposes of this subsection, a form of expression shall be classified as obscene if the material meets all of the following criteria:

- a) The average individual, applying contemporary community standards for the city would find that the material, taken as a whole, appeals to the prurient interest.
 - b) The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
 - c) The material depicts or describes, in a patently offensive way, sexual conduct.
7. *Waivers.* Upon denial of any application for an adult entertainment regulated use under this section the applicant may appeal for a waiver of the location provisions above to the zoning board of appeals (ZBA) consistent with the standards set forth below. The ZBA may waive the location provisions set forth in this section, after all the following findings are made:
- a) *Compliance with regulations.* The proposed use will not be contrary to any other provision of these zoning regulations or injurious to nearby properties.
 - b) *Not enlarge district.* The proposed use will not enlarge or encourage the development of a "skid row" or "strip."
 - c) *Consistent with programs.* The establishment of an additional adult entertainment regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development.
 - d) *Consistent with law.* All applicable city, state or federal laws and regulations will be observed.
 - e) *Procedure for waiver.* Prior to granting a waiver of the location restrictions set forth above, a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with article VI, division 2, section 623, public hearings, shall be held.
8. *Conditions of approval.* Prior to the granting of approval for the establishment of any adult entertainment regulated use, the planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult entertainment regulated use which is necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
9. *Specific penalties.* No person operating an adult entertainment regulated use shall permit any person under the age of 18 to be on the premises of the business as an employee, customer, or otherwise.
- b. *Automobile gasoline stations.*
1. There shall be a minimum lot area of one acre and minimum lot width of 250 feet.
 2. Pump islands shall be a minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
 3. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with article IV, division 4, signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

4. Only one driveway shall be permitted from each street unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
 5. The intensity of lighting within a site shall meet the requirements of article IV, division 5, lighting standards.
 6. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment except within an area defined on the site plan approved by the planning commission and which extends no more than ten feet beyond the building.
 7. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the city fire department.
 8. Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.
 9. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
- c. *Automobile washes, automatic or self-service.* See section 544c.
- d. *Cemeteries.*
1. Minimum site size shall be 20 acres with a minimum lot width of 330 feet.
 2. There shall be no burial plots within 50 feet of any property line.
 3. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall at least six feet high.
 4. On all sides abutting property in a zoning district that permits residential uses, there shall be a landscaped greenbelt at least 25 feet wide.
- e. *Commercial television and radio broadcast towers and studios.* Commercial television and radio broadcast towers and studios may be permitted in certain districts, as specified in this ordinance, subject to the following:
1. Office buildings and broadcasting studios of radio and television stations shall be subject to the provisions of article III, general provisions.
 2. Commercial television and radio broadcasting towers shall be located on a continuous parcel having a dimension at least equal to the height of the tower measured from the base of said tower to all points on each property line. Multiple towers on the same parcel or adjoining parcels shall be so situated as to meet the above criteria and be separated from any other tower for a distance of at least equal to the height of the tallest tower. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
- f. *Drive-through window facilities for banks, restaurants or other permitted uses.*
1. Sufficient stacking capacity in accordance with article 4, division 1, off-street parking and loading standards, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
 2. A bypass lane shall be provided around the stacking spaces.

3. In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
 4. Only one ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-through facility shall be only from the street which carries the least amount of daily traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
 5. The planning commission may require direct vehicular access connections with adjacent commercial developments where feasible.
 6. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or 75 feet from the centerline of any other driveway.
 7. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
 8. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- g. *Dry cleaning plant.*
1. Central dry cleaning plants may be permitted in certain districts, as specified in this ordinance, subject to the following:
 2. The site plan submittal shall include a floor plan which details the location of all storage areas for hazardous/toxic materials and the method of secondary containment proposed.
- h. *Educational institutions, including private and parochial preschool, elementary, middle, and high schools.*
1. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare, as designated on the city's adopted master plan.
 2. No building other than a single-family residential dwelling shall be closer than 50 feet to any property line and/or existing or proposed public right-of-way.
 3. All service and storage areas shall be screened from view by a masonry wall at least six feet high, approved by the planning commission.
 4. All areas for student and staff parking shall be set back at least 50 feet from an abutting residential district or residential use.
 5. No outdoor use areas (playgrounds, athletic facilities) shall take place within 75 feet of an abutting residential use.
 6. The site plan shall clearly demonstrate that the parcel size has the ability to provide adequate space for buildings, parking, setback, open space, landscaping, and the like.
- i. *Golf driving ranges and miniature golf courses.*
1. All traffic ingress and egress shall be from a major traffic route in the city master plan, or as a local or collector street on the city's Act 51 map.
 2. Whenever any such use abuts a residential district, a transition buffer area at least 100 feet in width shall be provided between all operations, buildings, and structures, including fences, and the residential property. Landscaping, berms, and structural screens of a type approved by the planning commission

may be placed within the buffer strip.

3. All buildings, uses, operations, and structures, including fences, shall be located a minimum of 100 feet from any public right-of-way. This yard shall be landscaped as determined by the planning commission.

j. *Hospitals.*

1. Minimum site area shall be ten acres.
2. The proposed site shall have at least one property line abutting a "major street", as identified in the city's Act 51 map or identified as a major traffic route in the city master plan.
3. The front, side, and rear yard minimum setbacks shall be 50 feet.
4. Parking setbacks shall be 40 feet in the front yard, 20 feet for side and rear yards.
5. Whenever any such use abuts a residential district, a transition buffer area of at least 100 feet in width shall be provided. Walls, fences, or landscaping may be required as part of this buffer area as determined by the planning commission.
6. Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping with a minimum height of six feet.
7. Auxiliary uses, such as a pharmacy, gift shop, cafeteria, day care, and similar customary hospital related uses shall be allowed.
8. Parking for professional and outpatient buildings, or sections of a hospital building, shall be calculated as separate uses as noted in article IV, division 1, off-street parking and loading requirements. Only one-half of the total number of parking spaces within gated or restricted physician parking lots shall be included for required parking calculations.

k. *Mobile home parks.*

1. Development shall be no less than four acres in size.

l. *Outdoor storage.*

1. In B-2 districts a special land use approval may be granted for outdoor display, sales, or storage.
2. The site plan shall detail the general location and type of equipment or materials proposed to be stored in the outdoor storage yards.
3. If retail activity is associated with the use, an enclosed building of at least 500 square feet of gross floor area for office and sales use is required.
4. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials is prohibited.
5. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles, implements, and recreational vehicles may exceed the height of the screen provided that they are set back from the screen a distance equal to their height.
6. All vehicular use areas shall be paved with asphalt or concrete. Areas used exclusively for non-vehicular storage may be gravel or crushed stone surface, as approved by the planning commission. All proposed paved surface areas shall be detailed on the site plan.
7. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement
- 8.

The storage yard shall be screened on all sides by a six-foot-high masonry wall of face brick; or six-foot-high simulated brick pattern poured concrete wall.

- a) In LI district, the storage yard can be screened on the sides that are visible from the public right-of-way, public view, or any residential district by a screen wall by the provision of the business owners and property owners of abutting properties affirmatively waiving, in writing, the need to provide such screening along their property lines. In such cases, other types of fences in accordance with section 308 may be allowed to screen the rest of the outdoor yard sides of the property.
 - b) In LI district, the screen wall or fence shall be permitted up to eight feet as permitted in section 308.
 9. No materials, racks, or vehicles shall exceed the height of the required screen wall.
 10. Where the storage yard abuts residentially zoned property, there shall be a ten-foot wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with article 3, division 3, landscaping, section 447.
 11. The planning commission may request review and comment on the proposed outdoor storage yard from the fire marshal and EGLE where the materials proposed to be stored may pose an environmental or safety hazard.
- m. *Pawnbrokers.*
1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the state liquor control commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor with SDD and SDM licenses from the state liquor control commission, are exempt from the spacing requirement between regulated uses.
 2. The proposed regulated use is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Establishments with SDM and SDD licenses from the state liquor control commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDM and SDD license, are exempt from this spacing requirement.
 3. The proposed regulated use will not be contrary to any program of neighborhood conservation, nor will it interfere with any redevelopment projects.
 4. The proposed regulated use will be in compliance with all other applicable regulations, city codes and state and federal laws.
 5. No pawnbroker or pawnshop use shall be located on a parcel of land which is located such that a radius of 1,000 feet drawn from any point on that parcel contains at least 30 percent residential buildings, dwellings or rooming units of the total number of structures within such radius. This provision may be waived by the zoning board of appeals upon receiving a petition filed by the appellant which indicated approval of the proposed regulated use by 51 percent of all the adults residing within a radius of 1,000 feet of the location of the proposed use.
 - 6.

Petition preparation. The petitioner shall attempt to contact all adult residents within this radius and shall maintain a list of all addresses at which no contact was made or only a verbal response received. Signatures of a minimum of 51 percent of all the adult residents of the area are required for approval.

7. Regulations of board. The zoning board of appeals shall adopt rules and regulations governing the procedure for securing the petition of consent as provided for in this section. The rules shall provide that the circulator of the petition shall subscribe to an affidavit to the fact that the petition was circulated in accordance with the rules of the zoning board of appeals and that the circulator personally witnessed the signatures on the petition by the person whose name appeared therein.
 8. Filing and verification. The zoning board of appeals shall not consider the waiver of location requirements until the above-described petition shall have been filed and verified.
 9. Measurement. Measurement of distances between regulated uses and any other regulated or protected use shall be from the outermost boundaries of the parcel or lot of each use. In the case of a regulated use within a shopping center with a minimum of at least 5,000 square feet of tenant space, the distance from the outermost boundaries of the tenant space proposed to contain the regulated use, shall be used as one measurement point.
 10. The proposed regulated use will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.
 11. The proposed regulated use will not contrary to the public interest or injurious to nearby properties.
 12. The proposed regulated use will not have the possible effect of downgrading and blighting the surrounding neighborhood.
 13. The proposed regulated use will not be contrary to any program of neighborhood conservation, nor will it interfere with any redevelopment projects.
 14. The proposed regulated use will not reasonably be expected to diminish the value of properties in the immediate area.
 15. The proposed regulated use will be in compliance with all other applicable regulations, city codes and state and federal laws.
- n. *Research or testing laboratories.*
1. Except as otherwise provided in this division, all uses shall be conducted wholly within a completely enclosed building, except for off-street parking or loading.
 2. Outdoor storage which is clearly accessory to the permitted use, limited in scale, and incidental to the primary indoor use(s) of the site.
 3. Where the outdoor placement of an above ground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern. The design and material of the screening to be approved by the planning commission.
 4. No truck well, loading dock, overhead door or other type of service bay door shall face an abutting residential district. Pedestrian exits and emergency doors are permitted on such building façades.
 5. The storage and/or use of any volatile, flammable or other materials shall be fully identified in the site plan review application and in accordance with all city, state and federal regulations regarding toxic or hazardous materials.

o. *Salvage yard.*

1. The salvage yard shall be enclosed on all sides by a masonry wall of face brick or six-foot-high simulated brick pattern poured concrete wall at least six feet in height. The wall shall be maintained in good repair and shall be free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding 48 feet in width shall be permitted in the enclosure.
 2. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20 foot continuous loop drives separating each row of vehicles.
 3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be
 4. Visible from any residence, business, or street from a height at or below the top of the wall enclosing the yard.
 5. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil, and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 6. The property shall include at least six acres. The front screen wall shall be set back the distance as a principal building in the industrial district, and all such walls shall be set back a minimum of 500 feet from any residential district or use. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.
- [7.] The applicant shall submit written assurances that the activities of the salvage yard will comply with all state and federal regulations.
- [8.] The planning commission may impose other conditions which have a reasonable relationship to the health, safety, and general welfare of the city. These conditions can include a provision for an annual inspection by the building official to ensure continuing compliance with the above standards.
- p. *Student dormitories—Private.* Private student dormitory rooms, when constructed as a part of a private educational institution or campus, may be permitted in certain districts, as specified in this ordinance, subject to the following:
1. The site plan shall conform with article 5, division 1, site plan review and approval.
 2. The minimum site size for a private educational campus which includes a dormitory shall be three acres.
 3. A private educational campus which includes a dormitory shall be located on a major or secondary thoroughfare as designated in the city's adopted master plan.
 4. 80 square feet of useable floor area shall be provided in each dormitory room for each one bed. This required space shall be exclusive of common lounge areas, kitchens, dining rooms, halls, bathrooms or similar use areas.
 5. 300 square feet of outdoor open space shall be provided for each one bed. This outdoor area shall be available for open space/recreation purposes and shall be exclusive of parking areas, service drives and similar uses.
 6. Bathroom facilities shall be constructed according to the city building code. Showers or similar bathing facilities shall be provided in the ratio of not less than one shower for each seven persons housed.

7. All school dormitories shall be inspected at least once each year by the city building department to guarantee compliance with all preceding standards.
- q. *Trucking terminals.* Trucking terminals may be permitted in certain districts, as specified in this ordinance, subject to the following:
 1. The site shall be designed to minimize negative impact on adjacent properties with regard to noise, glare, dust or fumes.
 2. All loading/truck service areas shall be located in compliance with section 407 and shall be designed to minimize negative impacts on adjoining properties.
 3. Site lighting shall be designed and regulated in accordance with article IV, division 5, lighting standards. All site lighting shall be designed to minimize glare on adjacent properties.
 4. Any proposed maintenance/service facility, including fueling stations, shall be noted on the site plan. The site plan shall detail the location of all underground or above ground storage tanks and storage areas for new or used/waste materials of a hazardous or toxic nature. Method of secondary containment and leak detection, where applicable, shall also be noted on the site plan.
 5. Loudspeakers or public address systems may be permitted subject to the following criteria:
 - a) Any proposed sound system shall be detailed on the site plan.
 - b) The facility and proposed sound system shall be designed so as to minimize the level of noise generated and the impact on adjacent properties. Such design alternatives include, but are not limited to, time/volume limitations on the use of sound systems, directional/locational limitations, sound deadening construction materials and landscaping.
 - c) The planning commission shall review the special approval in one year to determine if there are any noise-related problems regarding the approved sound system. In reviewing the special approval, the planning commission shall consult the police department and code assistance whose reports, along with any public comments at the review hearing, shall be the basis for any subsequent decisions by the planning commission.
 - d) If the planning commission finds a noise-related problem, the planning commission may require additional measures be taken by the owner to reduce or eliminate the problem(s) in accordance with subsection 5.b. above.
 6. A six-foot high masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - a) One three-inch caliper deciduous tree per 30 feet of wall length.
 - b) Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.
 - c) Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.

(Ord. No. O-22-719, § 10, 3-7-22; Ord. No. O-23-728, § 10, 3-8-23; Ord. No. O-23-729, § 4, 7-17-23)

Secs. 558, 559. - Reserved.

DIVISION 5. - CONDOMINIUM DEVELOPMENT STANDARDS

Sec. 560. - Purpose.

The intent of this division is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This division is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

Sec. 561. - Definitions.

The definitions contained in article I, division 2, definitions, are intended to make comparison possible between the definitions of the zoning ordinance and the city subdivision regulations.

Sec. 562. - Application and authority.

The following review process shall apply to all condominium projects within the city:

- a. Concurrently with notice required to be given to the city pursuant to section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the city the following information with respect to the projects:
 1. All names, address and telephone numbers of:
 - a) The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 - b) Engineers, attorneys, architects, and licensed land surveyors involved in the condominium project.
 - c) The developer or proprietor of the project.
 - d) The legal description of the land including tax identification numbers.
 - e) The total acreage.
 - f) The intended use.
 - g) The number of units to be developed.
 - h) A copy of the proposed master deed.
 - b. Condominium projects shall contain all information required by the Condominium Act.
 - c. The information shall be filed with the zoning administrator at the time the information is filed with the city clerk and shall be kept current.
 - d. In addition to the requirements of this division, any applicable requirements of article V, division 2, planned unit development overlay standards, article V, division 1, site plan review, and the city subdivision regulations, must be met.

Sec. 563. - Approval of plans.

All condominium plans must be approved by the planning commission following the same process identified for site plan review in the city zoning ordinance. In making determination, the planning commission shall consult with the zoning administrator, city planner, city attorney, and the city engineer regarding the adequacy of the master deed, deed

restrictions, utility systems, streets, project design, and layout and compliance with the Condominium Act.

Sec. 564. - Streets and necessary easements.

- a. Condominium projects shall comply with all public and private street requirements found in this Code. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
- b. The condominium plan shall include all necessary easements granted to the city for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

Sec. 565. - Setbacks and boundaries.

- a. The setback requirements for condominium buildings shall be in accordance with the district regulations unless otherwise modified by the planning commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
- b. The relocation of boundaries as defined in section 148 of the Condominium Act shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to the planning commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

Sec. 566. - Common elements.

After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

Sec. 567. - Encroachment.

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

Sec. 568. - Subdivision of unit sites.

Subdivision of condominium unit sites is permitted with planning commission approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on conditions of zoning or site plan approval and shall be made as part of the bylaws and recorded as part of the master deed.

Sec. 569. - Conformance with subdivision regulations.

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the city subdivision regulations.

Sec. 570. - Residential recreational area.

Any residential condominium comprising 20 or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area in accordance with article III, division 1, section 326, residential recreational area.

Sec. 571. - Water and wastewater.

The condominium project shall comply with and meet all federal, state, and county standards for a domestic water system and wastewater disposal.

Sec. 572. - Expansion and conversion.

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the planning commission.

Sec. 573. - Master deed.

The project developer shall furnish the zoning administrator with one copy of the proposed consolidated master deed, one copy of bylaws and two copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and this Code and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the city for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the city for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the city council.

Sec. 574. - As-built plan and occupancy.

Submission of an as-built plan of a condominium unit is required prior to occupancy. The zoning administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the municipal services department, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the city. The amount of the bond shall be determined by the city engineer.

(Ord. No. O-22-727, § 1, 12-5-22)

Sec. 575. - Final bylaws, consolidated master deed, and site plan.

Upon approval of the development, a copy of the bylaws and consolidated master deed shall be furnished to the city. The site plan shall be provided in digital format meeting the requirements of article V, division 1, section 513, as-built drawings.

Sec. 576. - Compliance with other statutes and ordinances.

All condominium projects shall comply with federal, state, and city laws, statutes and ordinances.

Sec. 577. - Violation and penalty.

Any violation of the terms and conditions of this division shall constitute a misdemeanor punishable, upon conviction, by a sentence of not to exceed 90 days in jail or a fine not to exceed \$500.00, or both such fine and imprisonment, in the discretion of the court.

Secs. 578—599. - Reserved.

ARTICLE VI. - ADMINISTRATIVE PROCEDURES

DIVISION 1. - NON-CONFORMING USES, STRUCTURES, AND LOTS

Sec. 600. - Non-conforming uses, structures, and lots, in general.

- a. Within the districts established by this division, or amendments that may later be adopted, there exist lots, structures and uses of land which were lawful before this division was enacted or amended, but which would be prohibited, regulated, restricted or otherwise unlawful under the provisions of this division or future amendments.
- b. It is the intent of this division to permit these non-conformities to continue until they are removed, but not encourage their continuation. Such non-conforming uses and structures are declared by this division to be incompatible with permitted uses in the districts involved. It is further the intent of this division that non-conformities 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. Non-conforming uses are considered to present a greater public burden than non-conforming lots and structures, therefore the intent of this chapter is to gradually eliminate non-conforming uses or decrease their non-conforming status, but to permit certain non-conforming uses to continue under certain conditions.
- d. Non-conforming lots and structures are typically those established prior to the current zoning standards. The city intends to allow continued use of these lots and structures in certain cases. Accordingly, this Division establishes regulations that govern the completion, restoration, reconstruction and expansion of non-conforming structures which do not increase the non-conforming situation.
- e. To avoid undue hardship, nothing in this division shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this division, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing structure has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

(Ord. No. O-22-719, § 11, 3-7-22; Ord. No. O-23-728, § 11, 3-8-23)

Sec. 601. - Non-conforming lots.

- a. *Use of nonconforming lots.* Any lot of record existing at the effective date of the ordinance codified in this chapter that now fails to meet the requirements for area or width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this title are met, including setbacks, minimum floor area, maximum height and access requirements.
- b. *Variance to area and dimensional requirements.* If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the zoning board of appeals.

(Ord. No. O-22-719, § 11, 3-7-22)

Sec. 602. - Non-conforming uses.

Where, at the effective date of this article or amendment thereto, lawful use of land exists that is made no longer permissible under the provisions of this article as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this article.
- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this article.
- c. A non-conforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:
 1. Utilities, such as water, gas and electricity to the property, have been disconnected.
 2. The property, buildings, or grounds have fallen into disrepair and/or are declared a public nuisance (see chapter 18, article V: dangerous buildings and article VI: property maintenance code).
 3. Signs or other indications of the existence of the non-conforming use have been removed.
 4. Removal of equipment or fixtures which are necessary for the operation of the non-conforming use.
 5. Other actions, which in the opinion of the city manager or designated zoning official, constitute an intention on the part of the property owner or lessee to abandon the non-conforming use.
- d. Those alleged non-conforming uses which cannot be proved to have been legally existing prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.

(Ord. No. O-22-719, § 11, 3-7-22)

Sec. 603. - Non-conforming uses of land (or land with minor structures only).

Where at the time of passage of this ordinance lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- a.

No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

Sec. 604. - Non-conforming structures.

Where, at the effective date of this ordinance section or amendment thereto, a lawful structure exists that could not be built under the provisions of this section by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity within the provisions of this chapter.
- b. Any additions or modifications to such structure should bring the structure into greater conformity with the architectural and site standards applicable to the addition or modification.
- c. Any addition greater than 40 percent of the gross floor area of the principal building shall require the entire addition to fully meet the setback and build to standards.
- d. Any addition less than 40 percent of the gross floor area of the principal building is required to meet the architectural and site standards but may be granted flexibility by the planning commission with bringing the building into greater conformity with the setback and build to standards.
- e. For standards c and d above, where any existing side or rear part of the structure is non-conforming with the setback standards, the addition may be built to the same structure line. In no way shall the addition extend closer to the lot line than any existing, non-conforming part of the structure.
- f. Should such structure be destroyed by any means to an extent greater than 50 percent of the square footage of the floor area of the structure, it shall not be reconstructed except in conformity with the provisions of this chapter.
- g. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- h. Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later reestablished or increased.
- i. Existing carports, designed and integral to the residential structure, which may encroach into required setbacks, may be repaired or reconstructed with the same footprint, height, and design. Existing carports that do not meet current setback standards may be enlarged and/or enclosed on all four sides if the criteria established in section 605 below is met.

(Ord. No. O-22-719, § 11, 3-7-22; Ord. No. O-23-728, § 11, 3-8-23)

Sec. 605. - Expansion of a non-conforming residential building.

A non-conforming residential building may be expanded into a side or rear yard in a manner that does not comply with the setback standards with approval from the zoning board of appeals. The zoning board of appeals shall utilize the following standards:

- a. The expansion does not extend closer to the lot line than any existing, non-conforming part of the structure.
- b. The addition does not extend beyond the predominant existing building line along the same block.
- c. The addition retains compliance with all other setback, lot coverage, and height requirements.
- d. The addition will meet all minimum building code requirements.
- e. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
- f. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.
- g. The expansion of a residential building with a non-conforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the zoning board of appeals (ZBA).

(Ord. No. O-22-719, § 11, 3-7-22)

Sec. 606. - Continuance of non-conforming uses of structures and land.

Where, at the effective date of this ordinance or amendment thereto, lawful use of a structure, or of a structure and land in combination, exists that is made no longer permissible under the provisions of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following limitations:

- a. No existing structure devoted to a use not permitted by this chapter in the zoning district in which it is located shall 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.
- b. Any non-conforming use may be extended throughout any parts of a structure which were arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such structure.
- c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the ZBA, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate in the district than the existing non-conforming use; in permitting such change, the ZBA may require appropriate conditions and safeguards in accord with the purpose and intent of this ordinance.
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of

the zoning district in which it is located; structures occupied by seasonal uses shall be excepted from this provision. These provisions may be waived, as determined by the city manager, upon substantiation that there is intent to continue the nonconformity.

- f. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(Ord. No. O-22-719, § 11, 3-7-22)

Sec. 607. - Non-conforming sites.

- a. The intent of this section is to permit improvements and minor modifications to sites containing uses and building(s) which do not meet all of the various site improvement related regulations of this zoning ordinance, including provisions such as landscaping, signage, building materials and architecture, paving and other non-safety site related items. The purpose is to allow gradual compliance with these and other site related requirements, for the entire site, for sites that predate the ordinance requirements.
- b. Site improvements or expansions on nonconforming sites may be permitted by the planning commission during special land use, conditional land use, site plan review, without a complete upgrade of all site elements under the following conditions. The city may require a performance guarantee to ensure that all improvements permitted under this section will be made in accordance with the approved plan.
- [1.] There are reasonable site improvements proposed to the overall site in relation to the scale and construction cost of the proposed building improvements or expansion.
- [2.] Safety-related site issues, or those regulated by state and federal laws, are met.
- [3.] Driveways that do not conform with the access management requirements of this ordinance shall be eliminated to the extent practical, provided that the minimum reasonable access shall be maintained, as determined by the standards of article IV, division 2, access management and driveway standards, and as approved by the planning commission.
- [4.] Landscaping shall be required to conform to the requirements of article IV, division 3, landscape standards and tree replacement; exceptions will be permitted only where the existing site conditions prevent full compliance.
- [5.] All signs must conform with article IV, division 4, signs. Existing pole signs shall be replaced with monument signs. Some size allowances may be granted where site conditions warrant such consideration.
- [6.] All lighting, including pole and building mounted, must conform with article IV, division 5, lighting standards.
- [7.] The improvements or minor expansions shall not increase any existing nonconformity with the site requirements.
- [8.] A site plan shall be submitted and reviewed in accordance with article V, division 1, site plan review.

Sec. 608. - Repairs and maintenance.

- a. On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the estimated value of the structure, as determined by the most recent assessment of the SEV of the structure for purposes of taxation, provided that the cubic content of the structures as it existed at the time of enactment or amendment of this chapter shall not be increased.

- b. Nothing in this division shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Sec. 609. - Change of tenancy or ownership.

A change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises shall not alter the non-conforming status of a non-conforming building, structure, use, or lot, provided there is no change in the nature or character of such non-conforming uses.

Secs. 610—619. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 620. - Enforcement authority.

Except where herein otherwise stated, the provisions of this section shall be administered by the department of municipal services, division of building inspector. The division of building inspector shall have the power to:

- a. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance.
- b. Issue and serve appearance tickets on any person with respect to any violation of this ordinance where there is reasonable cause to believe that the person has committed such an offense.
- c. Issue a certificate of compliance when the requirements of this ordinance have been met.
- d. Perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

(Ord. No. O-22-719, § 12, 3-7-22; Ord. No. O-22-727, § 1, 12-5-22)

Sec. 621. - Planning commission.

- a. *Creation.* The planning commission previously established shall continue in existence as the commission specified in section 4 of P.A. 207 of 1921, as amended, and shall perform the zoning and planning duties as provided in the statute and this ordinance.
- b. *Composition.* The city planning commission shall consist of nine members, six of whom shall be representative, insofar as possible, of different professions or occupations, and shall be appointed by the mayor subject to approval by the council. Three members shall be ex officio members, namely: the mayor, an administrative officer of the city selected by the mayor, and one councilperson selected by the council.
- c. *Qualifications of members.* No member of the city planning commission, other than an ex officio member, shall hold any other office or position with the city, except that one such appointed member may be a member of the zoning board of appeals. Every member shall have the qualifications of electors of the city.
- d. *Terms.* All members of the city planning commission shall serve for a term of three years, and until their successors are appointed and qualified, except that the terms of ex officio members shall correspond to their respective official tenures, and the term of the administrative officer appointed as an ex officio member shall

terminate with the term of the mayor who appointed them.

- e. *Removal.* Inefficiency, neglect of duty or malfeasance in office shall be deemed cause for removal of any member from the city planning commission.
- f. *Organization.* The city planning commission shall elect its chairperson from among the appointed members and create and fill such other of its offices as it may determine. The term of chairperson shall be one year with eligibility for reelection.
- g. *Meetings.* The city planning commission shall schedule at least one regular meeting each month. However, the city planning commission may adopt rules setting forth procedures pursuant to which a regular scheduled meeting, with appropriate notices, may be rescheduled by the chairperson or other designated official due to lack of availability of a quorum, or canceled if it appears that no suitable date is available in that month when a quorum can be assembled. All meetings of the commission shall be conducted in compliance with Act 267 of 1976, as amended, The Open Meetings Act.
- h. *Rules; records.* The city planning commission shall adopt rules for transaction of business and shall keep a record of its resolutions and recommendations, which record shall be a public record.
- i. *Quorum.* Five members of the city planning commission shall constitute a quorum for the transaction of business.
- j. *Required votes for action.* The affirmative votes of five members of the city planning commission shall be required for the passage of any resolution or motion; provided, however, that the affirmative votes of six members of the city planning commission shall be required for the adoption, amendment, extension or addition to a master plan for the city.
- k. *Form of recommendations.* All recommendations to the city council by the city planning commission shall be by resolution duly adopted by it.
- l. *Powers and duties.* The planning commission shall have those powers and duties as provided in P.A. 207 of 1921 as amended, and this ordinance, including:
 - 1. Prepare and maintain a master plan for the physical development of the city;
 - 2. Review and make recommendations to the city council regarding adoption of zoning ordinances and subsequent amendments thereto;
 - 3. Review and approve special land uses in accordance with article V, division 4, special land uses of this ordinance;
 - 4. Review and approve site plans in accordance with article V, division 1, site plan review;
 - 5. Review and make recommendation to the city council regarding preliminary plat review of subdivisions proposed under P.A. 288 of 1967 as amended;
 - 6. Prepare and maintain a six year capital improvements program;
 - 7. Review and make recommendations to city council regarding proposed public works projects, including the removal, location, widening, narrowing, vacating, abandonment, change of use, or extension of streets, alleys, grounds, open spaces, building, public utilities and terminals;
 - 8. Conduct public hearings as required by law regarding matters before the commission for review, recommendations or approval; and
 - 9. The city planning commission shall perform any and all acts as required by state law.

- m. *Failure to act.* Failure of the city planning commission to act or make recommendations within a reasonable time or within the time limited by the city council on any matter referred to it by the city council or by this chapter, shall not constitute a bar to action thereon by the city council.
- n. *Public hearings.* The city planning commission may, in its discretion, hold public hearings on matters under consideration by it.
- o. *Procedures.*
 1. Applicants shall appear at hearing(s) regarding their case, either personally or by designated representatives who are authorized by the applicant in writing to act on their behalf for purposes of the application. The planning commission may conduct the required hearing and reach a decision on all applications without the applicant being present unless the applicant, for good cause, requests a continuance in writing prior to the hearing.
 2. The planning commission shall make no decision except in a specific case and after requiring a public hearing, if applicable.
 3. The secretary of the planning commission shall prepare and maintain minutes of all planning commission proceedings. The minutes shall be the final authority on proceedings and shall be the responsibility of the secretary of the planning commission. The commission shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application shall constitute the written decision.
 4. The official records of the planning commission shall be maintained by the city clerk.
 5. The planning commission may adopt by-laws for the conduct of its meetings and hearings.
- p. *Funds.* Funds may be allocated to the city planning commission to defray its expenses in the discretion of the city council.
- q. *Appeals from decisions of the planning commission.* Appeals from decisions of the planning commission shall be taken in the manner provided by law.

(Ord. No. O-22-719, § 12, 3-7-22)

Sec. 622. - Performance guarantees.

To ensure compliance with the provisions of this ordinance and any conditions imposed thereunder, the department of municipal services may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development and in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items.

- a. Performance guarantees shall be processed in the following manner:
 1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the uncompleted required improvements, which shall then be reviewed by the department of municipal services. The amount of the performance guarantee shall be no greater than 100 percent of the cost of installing the uncompleted improvements.

2. The required performance guarantee may be in the form of a cash deposit, certified check, performance bond, or irrevocable bank letter of credit acceptable to the city. If the applicant posts a letter of credit, the credit shall require only that the city present the creditor with a sight draft and an affidavit signed by an authorized representative of the city attesting to the city's right to draw funds under the letter of credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the city whenever an authorized representative of the city presents an affidavit to the agent attesting to the city's right to receive funds whether or not the applicant protests that right. If the applicant posts a performance bond and the improvements are not complete by the time a certificate of occupancy is requested in the case of a building project, or by the time a building permit is requested on a lot in a new subdivision or condominium, then the performance bond shall be replaced by a bank letter of credit or cash escrow prior to the issuance of said certificate of occupancy or building permit.
3. Upon receipt of the required performance guarantee, the department of municipal services, division of building inspector may issue a temporary certificate of occupancy for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance.
4. When all of the required improvements have been completed, the applicant shall send written notice to the department of municipal services, division of building inspector of completion of such improvements. Thereupon, the department of municipal services, division of building inspector shall inspect all of the improvements and shall recommend to the planning commission either approval or rejection of the improvements with a statement of the reasons for any rejections.
5. The planning commission shall then either approve or reject the improvements. The planning commission shall notify the applicant in writing of the action within 30 days after receipt of the notice from the obligor of the completion of the improvements.
6. The department of municipal services, division of building inspector, upon completion of all required improvements, shall issue a certificate of compliance and forward it to the building official.
7. Upon receipt of the certificate of compliance and request of the applicant, the department of municipal services, division of building inspector shall rebate the performance guarantee, if applicable, upon determination that the improvements for which the rebate has been requested have been satisfactorily completed.
8. Performance guarantees shall not be returned until all debts or obligations to the city are resolved.
9. A record of authorized performance guarantees shall be maintained by the department of municipal services, division of building inspector.

(Ord. No. O-22-719, § 12, 3-7-22; Ord. No. O-22-727, § 1, 12-5-22)

Sec. 623. - Public hearings.

a. Unless otherwise required, notices for all public hearings shall be prepared in accordance with state law and local ordinance, as applicable.

Sec. 624. - Permit required; zoning; building.

A. It shall be unlawful to commence or conduct any of the following until the administrative official has issued a zoning compliance permit and a building permit has been issued for such work or change:

1. The excavation, construction, reconstruction, repair, moving, or alteration of:
 - (a) Any building or structure for which a building permit is required by the building code, or
 - (b) Any parking lot, sign (see definition), tower, bridge, or any structure having a cost or value of more than \$500.00.
 2. A change in the use or occupancy of any building or land to a type of use or occupancy which is not expressly permitted by the district's regulations specified in this ordinance.
- B. The zoning compliance permit shall include a certificate by the department of municipal services that plans, specifications, and description of such use(s) and structure(s) do in all respects conform to the provisions of this ordinance.
- C. The application shall be made in writing to the department of municipal services on forms provided for that purpose. A record of all such applications shall be kept on file by the department of municipal services. When the department of municipal services receives an application for a zoning compliance permit which requires special land use approval, or other approval, the department of municipal services shall so inform the applicant.

(Ord. No. O-22-719, § 12, 3-7-22; Ord. No. O-22-727, § 1, 12-5-22)

Editor's note— Ord. No. O-22-719, § 12, adopted March 7, 2022, added a new § 624, as set out above and later amended, and in so doing renumbered the existing §§ 624, 625 as 625, 626.

Sec. 625. - Violations.

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

(Ord. No. O-22-719, § 12, 3-7-22)

Note— Formerly § 624, see editor's note for § 624.

Sec. 626. - Penalties.

Any person who violates this chapter shall be responsible for a civil infraction violation, subject to the fines and penalties set forth in this Code.

(Ord. No. O-22-719, § 12, 3-7-22)

Note— Formerly § 625, see editor's note for § 624.

Secs. 627—629. - Reserved.

DIVISION 3. - ZONING BOARD OF APPEALS

Sec. 630. - Establishment.

- a. A zoning board of appeals (ZBA), hereinafter in this article sometimes referred to as the "board," is hereby established pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- b. The terms of the statute shall prevail, except as modified by the terms of this Code and the city Charter which are not in direct conflict thereto.

Sec. 631. - Membership, quorum, and alternate members.

- a. The ZBA shall consist of seven members appointed by majority vote of the members of the city council. Each member shall be appointed to hold office for a three-year term. A vacancy on the zoning board of appeals shall be filled by city council for the remainder of the unexpired term in the same manner as the original appointment.
- b. One member of the zoning board of appeals shall be chosen and appointed from the city planning commission, and the term of any member of the zoning board of appeals appointed to fulfill such requirement shall terminate immediately upon the termination of his or her membership on the city planning commission.
- c. Four members shall constitute a quorum.

Sec. 632. - Qualifications of members.

- a. Members of the board shall be residents of the city for a minimum of two years, city council will appoint members of the board.
- b. An employee or contractor of the city may not serve as a member of the ZBA.

Sec. 633. - Procedural matters, public hearings, and vote required.

- a. The ZBA is hereby authorized and empowered to establish its own rules of procedure and to elect its own officers subject to the provision that it shall, at its organizational meeting, elect a chairperson, a vice-chairperson and a secretary. In establishing rules of procedure and election of officers, a majority of those in attendance and constituting a quorum shall be required.
- b. Prior to the ZBA deciding in a specific case, the ZBA shall conduct a public hearing. Written notice of the hearing shall be in accordance with section 623, public hearings.
- c. A concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant, a matter upon which the board is required to pass under this chapter or other chapters of this Code, except that a concurring vote of two-thirds of the members of the ZBA shall be necessary to grant a variance from uses of land permitted in this ordinance.

Sec. 634. - Jurisdiction, duties and responsibilities.

- a. *Administrative appeals.* To hear and decide appeals from any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the zoning ordinance. An appeal may be taken by any person aggrieved by an officer, department, board, or bureau of the city. There shall be no appeal to the zoning board of appeals from a decision of the planning commission or city council approving or disapproving a special land use.

An appeal under this section shall be made within 20 days of the action by the officer or body which is the subject of the appeal. The zoning board of appeals shall provide a notice of appeal as specified in section 636. Any appeal shall be in writing on a standard form available from the city and accompanied with a payment of a fee in accordance with the schedule of fees adopted by the city council. The officer or body from whom the appeal is taken shall transmit to the zoning board of appeals all the papers constituting the record upon which the appealed action was taken.

- b. *Interpretation.* To hear and decide requests for interpretation of the zoning ordinance and official zoning map. The board shall observe the spirit and intent of the ordinance in all decisions regarding interpretation. Text interpretations shall be limited to the issue presented and shall not have the effect of amending the ordinance. Map interpretations shall be made based upon any relevant historical records. In deciding all interpretations, the board shall consider all reasonable and practical interpretations which have been consistently applied in the administration of the ordinance. The board may consult with staff and other appropriate persons or organizations prior to rendering its interpretation. A decision providing an interpretation may be accompanied by a recommendation for amendment of the zoning ordinance to address the interpretive issue.
- c. *Variances.* To authorize upon application in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in a practical difficulty or unnecessary hardship. The application for a variance shall not be construed as an appeal from a decision made by or an alleged error of the administrative official. A variance from the terms of this ordinance shall not be granted by the zoning board of appeals unless and until:
 1. A written application for a variance is submitted demonstrating:
 - a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district;
 - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) That the special conditions and circumstances do not result from the actions of the applicant;
 - d) That the request relates only to the property that is under the control of the applicant, e.g. ownership, option to purchase, long term lease; and
 - e) That the application states the owner's full name and address and is signed by the owner if the owner is not the applicant.
 2. The zoning board of appeals shall make findings that: the requirements of paragraph 1, above have been met by the applicant for a variance; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 3. In granting any variance, the zoning board of appeals may impose reasonable conditions and safeguards which shall be in writing. Violations of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance. A variance from the terms of this ordinance shall not be granted by the zoning board of appeals unless the conditions in section 635 are met.

Sec. 635. - Granting of variances.

ZBA shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below:

1. *Dimensional variance.* The ZBA may grant a dimensional variance only upon a finding that practical difficulties exist. A dimensional variance is a variance from any dimensional standard or requirement of this ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all the following:
 - a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.
 - b) A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
 - c) The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography or area.
 - d) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
 - e) The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
 - f) The granting of the variance will not materially impair the intent and purpose of this ordinance.
2. *Use variance.* The ZBA may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all the following:
 - a) The property cannot be reasonably used for any purpose permitted in the zoning district without the variance.
 - b) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it unreasonable to develop the property without some adjustment.
 - c) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - d) The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

Sec. 636. - Appeals.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed, that by reason of fact stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the zoning board of appeals or by the circuit court.

Sec. 637. - Decisions.

A decision of the zoning board of appeals shall be considered final as of the meeting at which the decision was made, and shall be subject to appeal as provided by law.

Sec. 638. - Application and notice.

- a. All applications to the zoning board of appeals shall be filed on forms provided by the city for that purpose.
- b. Applications shall be accompanied by the required fee as established by resolution of the city council.
- c. Applications shall include all plans, studies and data which are to be considered in the board's deliberations.
- d. The plan which shall accompany the application for any variance request shall be based upon a mortgage survey or land survey prepared by a registered land surveyor or professional engineer. The plan shall be to scale and shall include all property lines, dimensions, setbacks, existing, and proposed structures. The board has the authority to require submittal of a land survey where the board finds it necessary to ensure accuracy of the plan.
- e. The zoning board of appeals shall have no obligation to consider any application unless and until a complete application packet has been submitted.
- f. Application to the zoning board of appeals shall be made with the full knowledge and written consent of all the owners of the property in question (including written consent of any land contract seller).
- g. The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of one and two-family dwellings within 300 feet. The notice may be delivered personally or by mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. An affidavit of mailing or delivery of notices of the hearing shall be filed in the case file.

Sec. 639. - Meetings and records.

- a. The zoning board of appeals shall hold regular meetings as scheduled each year. The board shall also conduct such special meetings as shall be called by the chair.
- b. All meetings of the board shall be conducted in compliance with Act 267 of 1976 as amended, The Open Meetings Act.
- c. Applicants shall appear at the hearing(s), either personally or by designated representatives who are authorized by the applicant in writing to act on their behalf for purposes of the application. The board may conduct the required hearing and reach a decision on all applications without the applicant being present unless the applicant, for good cause, requests a continuance in writing prior to the hearing.

- d. The zoning board of appeals shall make no decision except in a specific case and after required hearing.
- e. A simple majority of the members of the zoning board of appeals appointed and serving shall constitute a quorum, without which the board shall not conduct business. The concurring vote of a simple majority of the members of the zoning board of appeals shall be required to pass a motion regarding any matter brought before the board except that the concurring vote of two-thirds of the members of the zoning board of appeals shall be necessary to grant a variance from uses of land permitted in the zoning ordinance.
- f. The administrative official shall prepare and maintain minutes of all zoning board of appeals proceedings. The minutes shall be the final authority on proceedings and shall be the responsibility of the secretary of the zoning board of appeals. The board shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application shall constitute the written decision.
- g. The official records of the zoning board of appeals shall be maintained by the city clerk and/or the administrative official.
- h. The zoning board of appeals may adopt rules of procedure for the conduct of its meetings and hearings.

Secs. 640—649. - Reserved.

DIVISION 4. - REZONING

Sec. 650. - Initiation of rezoning, zoning ordinance text, and master plan amendments.

- a. The city council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the official zoning map (rezoning) or the provisions of this ordinance. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the city council, the planning commission, or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the text of this ordinance may be initiated by the city council, the planning commission, or by petition of one or more residents or property owners of the city. All proposed amendments to the official zoning map or the provisions of this ordinance shall be referred to the planning commission for public hearing and recommendation to the city council, prior to consideration thereof by the city council.
- b. The planning commission may amend the future land use designations shown on the city master plan. An amendment may be initiated by the planning commission or by petition of one or more residents or property owners of the city.

Sec. 651. - Application procedure.

- a. An amendment to the official zoning map, this ordinance or the master plan, except those initiated by the city council or planning commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee, which shall be established from time to time by resolution of the city council.
- b. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application:
 - 1.

A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

2. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
 3. The existing and proposed zoning district designation of the subject property.
 4. A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 5. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
 6. A written description of how the requested rezoning meets section 653, criteria for amendment of the official zoning map (rezoning).
- c. In the case of an amendment to the master plan or this ordinance, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany the application form.

Sec. 652. - Rezoning, zoning ordinance, and master plan amendment procedure.

- a. Upon initiation of a rezoning, zoning ordinance text amendment or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission in accordance with article VI, division 2, section 623, public hearings.
- b. Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council, except in the case of a master plan amendment. In the case of an amendment to the official zoning map (rezoning), the planning commission shall consider the criteria contained in section 653, criteria for amendment of the official zoning map (rezoning), below, in making its finding and recommendation.
- c. Following receipt of the findings and recommendation of the planning commission, the city council shall consider the proposed amendment. In the case of an amendment to the text of this ordinance, the city council may modify or revise the proposed amendment as recommended by the planning commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the city council shall approve or deny the amendment, which may be based on consideration of the criteria contained in section 653, criteria for amendment of the official zoning map (rezoning), below.
- d. No petition for rezoning, zoning ordinance text amendment or master plan amendment that has been denied by the city council or planning commission (master plan amendment) shall be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

Sec. 653. - Criteria for amendment of the official zoning map (rezoning).

In considering any petition for an amendment to the official zoning map (rezoning), the planning commission shall, and the city council may, consider the following criteria in making its findings, recommendations, and decision:

- a. Consistency with the goals, policies and future land use map of the city master plan, including any subarea or corridor studies. If conditions have changed since the city master plan was adopted, the consistency with recent development trends in the area.
- b. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- c. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
- d. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the city.
- e. The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate the demand.
- f. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Sec. 654. - Amendments required to conform to court decree.

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

Sec. 655. - Conditional rezoning.

- a. *Conditional rezoning.* An applicant for a rezoning may voluntarily offer a conditional rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a conditional rezoning shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and this section.
- b. A conditional rezoning shall be a written agreement executed by the applicant and the city, shall be in recordable form and shall be recorded with the county register of deeds after execution.
- c. A conditional rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features than would otherwise be provided in this ordinance.
- d. A conditional rezoning may not authorize uses or developments of greater intensity or density, or which are not permitted in a proposed zoning district; nor may a conditional rezoning permit variation from height, area, setback or similar dimensional requirements that are less restrictive than a proposed zoning district.
- e. A conditional rezoning shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. A conditional rezoning may include conditions related to the use and development of the property that are necessary to:
 1. Serve the intended use of the property such as improvements, extension, widening, or realignment of streets, utilities, or other infrastructure serving the site.
 2. Minimize the impact of the development on surrounding properties and the city overall.

3. Preserve natural features and open space beyond what is normally required.
- f. *Content of agreement.* In addition to any limitations on use or development of the property or preservation of property features or improvements as described above, a conditional rezoning shall also include the following:
1. An acknowledgement that the conditional rezoning was proposed voluntarily by the applicant.
 2. An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a conditional rezoning.
 3. An agreement and understanding that the approval of a rezoning and a conditional rezoning shall be binding upon and inure to the benefit of the property owner and the city, and their respective heirs, successors, assigns, receivers or transferees.
 4. An agreement and understanding that, if a rezoning with a conditional rezoning becomes void for any reason including, but not limited to, reasons identified in this section, then no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
 5. An agreement and understanding that no part of a conditional rezoning shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
 6. A legal description of the land to which the agreement pertains.
 7. Any other provisions as are agreed upon by the parties.
- g. *Process.* A conditional rezoning shall be reviewed concurrently with a petition for rezoning following the process in section 652, rezoning, zoning ordinance, and master plan amendment procedure and the following:
1. A conditional rezoning may be submitted prior to or following the planning commission public hearing. If the agreement is submitted following the planning commission public hearing, it must be reviewed by planning commission and a second public hearing shall be held prior to the planning commission making its recommendation on the rezoning and conditional rezoning to the city council. A conditional rezoning shall be reviewed by the city attorney to determine that it conforms with the requirements of this section, this ordinance, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and that the conditional rezoning is in a form acceptable for recording with the county register of deeds.
 2. Following a public hearing for a proposed zoning amendment, the planning commission shall make a recommendation to the city council based upon the criteria listed in section 653, criteria for amendment of the official zoning map (rezoning). In addition, following a public hearing to consider a conditional rezoning, the planning commission shall consider and address in written findings whether a proposed conditional rezoning:
 - a) Is consistent with the intent of this article.
 - b) Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - c) Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood.
 - d) Leads to a better development than would have been likely if the property had been rezoned without a conditional rezoning, or if the property were left to develop under the existing zoning classification.
 - e) Is clearly in the public interest.
- h.

If a conditional rezoning has been offered by the applicant and recommended for approval by the planning commission, the city council may approve a conditional rezoning as a condition to the rezoning if it meets all requirements of subsection 2 above. The conditional rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council to accomplish the requested rezoning.

- i. If a rezoning and conditional rezoning are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the conditional rezoning. The zoning map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a conditional rezoning (i.e. "B-1, a"). The city clerk shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the agreements upon request.
- j. An approved conditional rezoning shall be recorded with the county register of deeds.
- k. Any uses proposed as part of a conditional rezoning that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of article V, division 4, special land uses and article V, division 1, site plan review.
- l. All other requirements of this ordinance or any other city ordinances shall apply to the property to which a conditional rezoning applies.
- m. *Expiration.*
 1. Unless extended by the city council for good cause, a rezoning and conditional rezoning shall expire two years after adoption of the rezoning and conditional rezoning, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the city commences within the two-year period and proceeds diligently to completion.
 2. In the event that substantial construction on the approved development has not commenced within the aforementioned two years, or if construction and development does not proceed diligently to completion thereafter, a conditional rezoning and rezoning shall be void and of no effect.
 3. Should a conditional rezoning become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with this ordinance, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 4. Notwithstanding the above, if the property owner applies in writing for an extension of a rezoning and a conditional rezoning at least 30 days prior to the expiration date, the city council may, in its sole discretion, grant an extension of up to one year. Future extensions may be granted, although the number of previous extensions granted to a particular rezoning and conditional rezoning shall be considered by the city council.
- n. *Reversion of zoning.* If a rezoning and conditional rezoning become void as outlined above, then the zoning classification of the property shall revert to its previous zoning classification. The reversion process shall be initiated by the city council by requesting that the planning commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests, including the notice and hearing as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006), and this ordinance. No building or other permit shall be issued or valid during the process described in this subsection.
- o.

Continuation. Provided that all development and/or use of the property in question is in compliance with a conditional rezoning, a use or development authorized there under may continue indefinitely, provided that all terms of a conditional rezoning continue to be adhered to.

p. *Amendment.*

1. During an initial two-year period, or during any extension granted by the city as permitted above, the city shall not add to or alter a conditional rezoning, even with the landowner's consent.
2. A conditional rezoning may be amended after the expiration of an initial two-year period and any extensions, in the same manner as was prescribed for the original rezoning and conditional rezoning.

q. *Violation of agreement.* Failure to comply with a conditional rezoning at any time after approval will constitute a breach of the agreement and a violation of this ordinance and further use of the property may be subject to legal remedies available to the city. Any violation of a conditional rezoning that is not cured within 30 days after written notice of the violation is given shall permit the city council, in its sole discretion, to declare a conditional rezoning void and of no effect.

r. *Subsequent rezoning of land.* Nothing in a conditional rezoning, nor any statement or other provision, shall prohibit the city from later rezoning all or any portion of the property that is the subject of a conditional rezoning to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).

s. *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this ordinance.