

Chapter 82 ZONING¹

ARTICLE I. IN GENERAL

Sec. 82-1. Short title.

This chapter shall be known and may be cited as the City of Pleasant Ridge Zoning Ordinance.

(Ord. of 12-10-19)

Sec. 82-2. Construction of language.

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

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) 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.
- (5) A "building" or "structure:" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other entity.
- (8) 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:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

¹Editor's note(s)—An ordinance adopted December 10, 2019 repealed chapter 82 in its entirety and added a new chapter 82, as set out herein. The former chapter pertained to similar subject matter and derived from §§ 5-81, 5-106—5-111 of the 1979 Code; §§ 10-131, 10-176—10-181 of the 1997 Code; §§ 26-1.1—26-2.2, 26-3.1—26-3.5, 26-12.1, 26-12.2, 26-13.1—26-13.15, 26-14.1—26-14.8, 26-15.1—26-15.8, 26-17.1, 26-17.2, 26-21.1—26-21.3, 26-21.5, 26-21.6, arts. XVI, XVII, XIX, XX of an ordinance adopted July 14, 2009; Ord. No. 395, § 1, adopted March 8, 2011; Ord. No. 398, § 2, adopted May 8, 2012; Ord. No. 407, §§ 5, 6, adopted Dec. 9, 2014; Ord. No. 414, §§ 1—7, adopted Feb. 9, 2016; Ord. No. 417, § 1, adopted April 12, 2016; Ord. No. 427, § 1, adopted Jan. 9, 2018; Ord. No. 428, § 1, adopted Jan. 9, 2018; Ord. No. 434, § 1, adopted Jan. 15, 2019; and Ord. No. 438, § 1, adopted Dec. 10, 2019.

State law reference(s)—Zoning, MCL 125.3101 et seq.

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- b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

(9) Terms not defined shall have the meaning customarily assigned to them.

(Ord. of 12-10-19)

Sec. 82-3. Definitions.

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

Accessory building is subordinate to and serves a principal building or principal use and is subordinate in area, extent or purpose to the principal building or principal use served; and contributes to the comfort, convenience or necessity of occupants of the principal use served and is located on the same zoning lot as the principal building or principal use served.

Accessory use or *accessory* means a use, which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers.
- (2) Swimming pools for the use of the occupants of a residence, or their guests.
- (3) Storage in a shed, tool room, or similar accessory building or other structure.
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (6) Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (8) Uses clearly incidental to a main use, such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Addition means an extension or increase in floor area or height of a building or structure.

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

Alterations means any change, addition, or modification in construction or type of occupancy, or 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."

Apartments means a room or suite of rooms in a multiple-family building used for a family.

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

Automobile service station means a place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair. An automobile service station use shall not include the parking or storage of dismantled, wrecked, non-licensed, or non-mobile motor vehicles of any kind, unless ordered by a law-enforcement agency.

Basement means that portion of a building, which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and breakfast means a dwelling where lodging and meals, are provided for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not greater than one week. A bed and breakfast is to be distinguished from a boarding house, a hotel, a motel, or a convalescent or nursing home.

Block means the property abutting one side of a street and extending laterally between the two nearest intersecting streets, (crossing or terminating) or between the nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, or unsubdivided acreage; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Board of appeals means the zoning board of appeals for the City of Pleasant Ridge.

Boarding house means a dwelling where lodging and meals, are provided for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not less than one week. A boarding house is to be distinguished from a bed and breakfast, a hotel, a motel, or a convalescent or nursing home.

Building means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels is a building. This shall include tent structures, awnings, greenhouses, and sheds including commercially manufactured and/or pre-fabricated sheds and buildings. When any portion thereof is completely separated from every other part by division of wall from the ground up, and without opening, each portion of such building shall be deemed a separate building.

Building height means the vertical distance measured from the established 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 may be measured from the crown of the street grade.

Building inspector (official) means the administrative official designated by the city commission charged with the responsibility of administering and enforcing this chapter.

Building line means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

Child care center or day care center means a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents, guardians, family member, or court appointed fiduciary or care giver is not immediately available to the child or adult.

- (1) Childcare center or day care center includes a facility that 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 childcare center, day care center, day nursery, nursery school, parent cooperative

preschool, play group, before or after school program, or drop in center. Childcare center or day care center does not include any of the following:

- a. Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
 - b. A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious service.
 - c. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 - d. A program that is primarily an incident of group athletic or social activities for school-age-children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age-child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- (2) Private home. A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group childcare home, or a family child care home, as follows:
- a. *Foster family home* means a private home in which 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.
 - b. *Foster family group home* means a private home in which more than four but less than seven minor 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.
 - c. *Family child care home* means a private home in which one but fewer 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. Family child care home includes a home that gives care to all unrelated minor children for more than four weeks during a calendar year.
 - d. *Group child care home* means a private home in which more than six but not more than 12 minor 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, but including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- (3) Adult foster care. A facility for the care of adults, over 18 years of age, as licensed and regulated under the Adult Foster Care Facility Licensing Act, as amended, and the associated rules promulgated by the State of Michigan. Such organization shall be defined as follows:
- a. *Adult foster care family home* means a private residence with capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks.

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- b. *Adult foster care small group home* means an adult foster care facility with capacity for not more than 12 adults who are provided foster care.
 - c. *Adult foster care large group home* means an adult foster care facility with capacity for at least 13 but not more than 20 adults who are provided foster care.

Child care organization means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision. Such organization shall be defined as follows:

City commission means the City of Pleasant Ridge City Commission.

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

Club means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Commercial vehicle means any vehicle used to generate income and which, by appearance, is anything other than usual and customary personal family transportation.

Commercial vehicle: pick-up truck means a light truck, including one with an "extended cab" or a "crew cab," manufactured with an open body, low sides, and a tailgate. Please [see] figure below.



Pickup (Standard)



Crew or Extended Cab

Commercial vehicle: passenger/cargo-style van means an enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout. See figure below.

Convalescent or nursing home means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Convenience store. Refer to the definition for "neighborhood specialty food store."

Development means the construction of a new building, reconstruction of an existing building or other structure, on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District means a portion of the municipality within certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicle so as to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling unit means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

Dwelling, multiple family means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, one-family means a building used by one family for a residence.

Dwelling, two-family means a building used by two families for independent residence.

Earth berm means a mound of earth, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view between land uses and to reduce noise and dust from adjacent uses and passersby.

Entrance ramp means a roadway connecting a feeder road with a limited access highway and used for access on to such limited access highway.

Erected means any operations on the premises, which requires the construction, excavation, fill, drainage, and alteration of the physical site.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal department of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including, buildings which are necessary for the furnishings of adequate service by such utilities or municipal department for the general health, safety, or welfare.

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

Exit ramp means a roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

Family means one or more persons occupying a premises and living as a single housekeeping unit, in a domestic relationship, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Feeder road means a street or road intersecting with a limited access highway and having traffic interchange facilities with such limited access highway.

Fence means any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure. A hedge row, landscape berm or other natural plant material used for screening or dividing land uses or properties shall not be considered a fence.

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

Floor area, gross means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half of the basement height is above grade. "Floor-area" shall include elevator shafts and stairwells at each floor, floor space used for the mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

Floor area, residential means 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 buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and open porches.

Floor area, usable means that area used for, or intended 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, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage, private means a space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees not to exceed four domestic passenger vehicles.

Garage, service means any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Geothermal exchange system means a sealed, watertight loop of pipe buried outside of a building foundation, which is intended to recirculate a liquid solution through a heat exchanger. This includes, but is not limited to, vertical loop, horizontal loop and body of water loop systems.

Geothermal exchange system contractor means any individual who installs geothermal exchange systems except a geothermal exchange system excavator.

Geothermal exchange system excavator means any individual who excavates for the purpose of installing a geothermal exchange system this includes, but is not limited to, drilling, boring, jetting, or digging.

Grade means the ground elevation established for the purpose of regulating the number of stories and the height of buildings and structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

Greenbelt means an open, landscaped area intended to act as a buffer for noise, and/or sight relief.

Home occupation means an accessory use of a dwelling that constitutes either entirely or partly the livelihood of a person living in the dwelling, said use that is conducted entirely within the dwelling and carried on by the inhabitants.

Hospital means an institution providing health services, primarily for in-patients and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities, central service facilities, and staff offices.

Incombustible material means any material that will not ignite at or below a temperature of 1,200 Fahrenheit and will not continue to burn or glow at that temperature.

Loading space means 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 means 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 chapter. A lot may or may not be specifically designated as such on public records.

Lot area means the total horizontal area within the lot lines of the lot.

Lot, corner means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than 135 degrees.

Lot coverage means the part of a lot occupied by building and/or structures. This shall be deemed to include all buildings, above ground swimming pools, roofed structures, roof porches, arbor, breezeways, decks, and patios, but shall not include unroofed porches, decks, patios and swimming pools that do not project more than 24 inches above grade.

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

Lot, interior means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein:

- (1) *Front lot line.* In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
- (2) *Rear lot line.* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line.* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two or more lots as contained on any recorded plat into a single building site, or combined two or more lots contained on any recorded plat in the records of the assessor, said combination of lots shall be deemed to be a single lot of record for the purposes of this chapter.

Lot, through means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

Lot, zoning means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

Main use means the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major thoroughfare means an arterial street, which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, expressway, or equivalent term on the city's street classification report as provided to the Michigan Department of Transportation.

Manufacturing use means the processing of materials from pre-made components or materials that does not include the use of large quantities of toxic, hazardous, or explosive materials. This use category excludes uses that qualify as hazardous group H occupancy under the Michigan Building Code. This definition includes all uses or products in the following NAICS groups. Any use in a 31-33 Manufacturing NAICS group that is not listed below is not considered part of the group of defined allowable uses:

- (1) 311 Food Manufacturing (except 311311 Sugercane Mills, 311312 Cane Sugar Refining, 311313 Beet Sugar Manufacturing, 311611 Animal (except poultry) Slaughtering, 311613 Rendering and Meat Byproduct Processing)
- (2) 312111 Soft Drink Manufacturing
- (3) 312112 Bottled Water Manufacturing
- (4) 313 Textile Mills

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- (5) 314 Textile Product Mills
 - (6) 315 Apparel Manufacturing
 - (7) 316 Leather and Allied Product Manufacturing
 - (8) 321 Wood Product Manufacturing (except 321114 Wood Preservation)
 - (9) 322 Paper Manufacturing (except 32211 Pulp Mills, 322121 Paper (except newsprint) Mills, 322122 Newsprint Mills, and 32213 Paperboard Mills)
 - (10) 323 Printing and Related Support Activities
 - (11) 326 Plastics and Rubber Products Manufacturing (except 326211 Tire Manufacturing)
 - (12) 332 Fabricated Metal Product Manufacturing (except 332111 Iron and Steel Forging and 332112 Nonferrous Forging)
 - (13) 333 Machinery Manufacturing
 - (14) 334 Computer and Electronic Product Manufacturing
 - (15) 335 Electrical Equipment, Appliance, and Component Manufacturing
 - (16) 337 Furniture and Related Product Manufacturing
 - (17) 339 Miscellaneous Manufacturing

See: <http://www.census.gov/eos/www/naics/index.html> for a description of listed NAICS categories.

Master plan means the comprehensive 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.

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

Motorized home means a self-propelled motor vehicle, which provides the amenities of day-to-day living while, used as a means of transportation for recreational or travel purposes.

Municipal building means a building owned by the City of Pleasant Ridge and used in conjunction with the business and operation of the city.

Municipality means the City of Pleasant Ridge.

Neighborhood specialty food store means a small retail store that sells a limited line of groceries, including the sale of "SDM" and "SDD" licensed beverages, and household items intended for the convenience of the adjacent residential neighborhoods.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter derived, or amendments thereto and that does not conform to the provisions of the ordinance in the district in which it is located.

Nonconforming lot means any lot, outlot, or other parcel of land which does not meet the land area or dimension requirements of this chapter.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter derived, or amendment thereto, and that does not conform to the use regulations of the district in which it is located.

Nuisance factors means an offensive, annoying, unpleasant, or obnoxious object 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: (1) noise, (2) dust, (3) smoke, (4) odor, (5) glare, (6) fumes, (7) flashes, (8) vibration, (9) shock waves, (10) heat, (11) electronic or atomic radiation, (12) objectionable effluent, (13) noise of congregation of people, particularly at night, (14) passenger traffic, (15) invasion of non-abutting street frontage by traffic.

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

Nursery school (child care center) means a public or private school, kindergarten, or childcare facility wherein day care or day care and education, is provided for five or more minors under the age of seven years.

Occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-street parking lot means 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 three vehicles.

Open air business uses as used herein shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building.

- (1) Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
- (2) Outdoor display and sale of garages, swimming pools, and similar uses.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

Open front store means 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. The term "open front store" shall not include automobile repair stations or automobile service stations.

Open storage means all outdoor storage of any kind whatsoever.

Parking space means an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

Planning commission means the City of Pleasant Ridge Planning Commission.

Pools. Refer to "swimming pools."

Porch, enclosed means a covered projection on a building or structure containing a floor which is totally enclosed with glass, solid material, or screening and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, open means a covered projection on a building or structure containing a floor which is open except for columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Public utility means a 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, communication, telegraph, transportation, or water.

Recreational vehicle means boats, boat trailers, airplanes, dune buggies, dirt bikes, off road vehicles, snowmobiles, or racing automobiles, any vehicle equipped for camping, sleeping or living purposes or any part

thereof and any other vehicles or equipment of a type principally used for recreational purposes. The classification includes:

- (1) Boats, which shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
- (2) Folding tent trailer, which is a folding structure, mounted on wheels and designed for travel and vacation use.
- (3) Motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicles.
- (4) Pickup camper, which is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (5) Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and either licensed as a trailer or permanently identified "travel trailer" by the manufacturer or a movable portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living.
- (6) Utility trailer, which is a vehicle used to transport motorcycles, snowmobiles, go-carts or racing cars or equipment which is licensed as a trailer.

Restaurant means:

- (1) *Standard restaurant.* Any establishment whose principal business is the sale of foods, ice cream, yogurt, Italian ice, cakes, etc., or alcoholic and non-alcoholic beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
 - a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.
- (2) *Carry-out restaurant.* Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes the following characteristics:
 - a. Foods, desserts, or beverages usually served in edible containers, or in paper, plastic, or other disposable containers.
 - b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, or off the premises.
- (3) *Fast-food restaurant.* Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes the following characteristics:
 - a. Foods, desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

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- b. The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- (4) *Drive-in restaurant.* A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one or both of the following characteristics:
- a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for the customer to exit the motor vehicle.
 - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Room means for the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room, and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one, two, or three bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rubbish means the miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including ashes, tin cans, glass, scrap metals, rubber, paper, and rags.

Setback means the distance required to obtain front, side, or rear yard open space provisions of this chapter.

Sign means any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, or business and also any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. The following definitions shall apply to specific types and surface areas of signs:

- (1) *Billboard sign* shall mean a sign upon which a display is posted, installed, painted or otherwise affixed in a manner which may be readily changed and the face of which is greater than 50 square feet but no more than 300 square feet. A billboard sign is to be distinguished from a freestanding sign.
- (2) *Display area* shall mean the area that is bounded by a series of curved or straight lines that are tangent to the outer boundaries of the sign.
- (3) *Flashing lighted sign* shall mean a sign, which is illuminated, and which intermittently and repeatedly flashes on and off, or creates an illusion of a flow of lights.
- (4) *Freestanding sign* shall mean a freestanding sign completely or principally supported by and anchored directly to the ground. A freestanding sign is to be distinguished from a billboard sign.
- (5) *Marquee* or *canopy sign* shall mean a sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
- (6) *Permanent sign* means any sign which is not a temporary sign as defined herein.
- (7) *Projecting sign* shall mean any sign attached to or erected on the exterior wall or surface of any building that projects 12 inches or more from the wall or surface.
- (8) *Roof sign* shall mean any sign mounted on or over the roof of a building that is wholly or partially supported by such building.
- (9) *Sign erector* shall mean a person, firm, corporation or association permitted by the city to install, attach or erect a permissible sign under the provisions of this chapter.

(10) *Temporary sign* means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or signs not permanently embedded in the ground, or not permanently affixed to a building or structure that is permanently embedded in the ground, are considered temporary signs.

(11) *Wall sign* shall mean a sign which is in any manner affixed to or placed flat against the exterior wall or surface of a building or structure, no portion of which projects more than 12 inches from the building or structure wall.

Sign, accessory means a sign that is accessory to the principal use of the premises.

Sign, nonaccessory (off premises) means a sign that is not accessory to the principal uses of the premises.

Soil removal means the removal of any kind of soil or earth matter, including top soil, sand or other type of soil matter or combination thereof, except common household gardening and ground care.

Special land uses means uses which are reasonably compatible with the permitted primary uses and structures within a zoning district, but which require special consideration in relation to the health, safety, convenience and general welfare of the city's inhabitants.

State equalized valuation means the value shown on the city assessment roll as equalized through the process of state and county equalization.

Story means that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, half means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, girders, or any change in the width or number of exits, or any substantial change in the roof.

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

Subdivision means the division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land wherein the resultant parcels are ten acres or more in area.

Swimming pool means an artificially constructed portable or nonportable pool or container designed for swimming, wading, or bathing or any combination thereof, and not located entirely within a permanently enclosed and roofed building, and designed to hold 2,500 gallons or more of water or to have a depth of two feet or more at any point. This definition shall include all outside hot tubs, Jacuzzis, and spas.

Temporary use or building means a use or building permitted by the board of appeals to exist during periods of construction of the main building or use, or for special events.

Tents means a shelter of canvas or the like, supported by poles and fastened by cords or legs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.

Townhouses mean a multiple dwelling in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground floor entrance.

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

Wall, screening means a wall used to screen such uses as parking lots, incompatible land uses, and certain activities on a specific property. A screening wall shall be constructed of solid masonry with face brick on both sides or a hollow clay load-bearing brick with a width that exceeds five inches.

Waste matter, other means slag, stone, or broken concrete, or any combination thereof.

Yards mean the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

- (1) *Front yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of a corner lot, the front yard may be opposite either street frontage.
- (2) *Rear yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard.* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning district means a portion of the City of Pleasant Ridge within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established by this chapter.

Zoning exceptions and variances means:

- (1) The terms "exception" and "variance" shall have the following meanings:
 - a. *Exception.* An exception is a use permitted only after review of an application by the board of appeals other than the administrative official (building inspector), such review being necessary because the provisions of this chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this chapter.
 - b. *Variance.* A modification of the literal provisions of the zoning ordinance granted by the board of appeals pursuant to section 82-74.
- (2) The exceptions that are found in this chapter appear as "special approval" by city commission, legislative body, or board of appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:
 - a. They require large areas,
 - b. They are infrequent,
 - c. They sometimes create an unusual amount of traffic,
 - d. They are sometimes obnoxious or hazardous,
 - e. They are required for public safety and convenience.

Zoning inspector means the city manager of the City of Pleasant Ridge or his duly authorized agent shall serve as zoning inspector of the City of Pleasant Ridge.

(Ord. of 12-10-2019; Ord. No. 444, § 2, 2-9-2021)

Sec. 82-4. Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(Ord. of 12-10-19)

Sec. 82-5. Vested right.

Nothing in this chapter shall 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.

(Ord. of 12-10-19)

Sec. 82-6. Violations.

Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500.00 and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

(Ord. of 12-10-19)

Sec. 82-7. Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. of 12-10-19)

Sec. 82-8. Fines, imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be

guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

(Ord. of 12-10-19)

Sec. 82-9. Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. of 12-10-19)

Sec. 82-10. Relationship to other ordinances or agreements.

- (a) This chapter is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not on conflict with the provisions of this chapter.
- (b) However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern.

(Ord. of 12-10-19)

Secs. 82-11—82-38. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Division 1. Generally

Sec. 82-39. Enforcement.

The provisions of this chapter shall be administered and enforced by the zoning inspector or by such deputies of his department as the zoning inspector may delegate to enforce the provisions of this chapter.

(Ord. of 12-10-19)

Sec. 82-40. Duties of zoning inspector.

- (a) The zoning inspector shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the zoning inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this chapter.
- (b) The zoning inspector shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter derived for the purpose of carrying out the provisions of section 82-194.

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- (c) Under no circumstances is the zoning inspector permitted neither to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as zoning inspector.
 - (d) The zoning inspector shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said permit.

(Ord. of 12-10-19)

Sec. 82-41. Plot plan.

The zoning inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. of 12-10-19)

Sec. 82-42. Permits.

The following shall apply in the issuance of any permit:

- (1) *Permits not to be issued.* No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this chapter.
- (2) *Permits for new use of land.* No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (3) *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (4) *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City of Pleasant Ridge building code, housing law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- (5) *Permits for wrecking buildings.* Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or

(Supp. No. 13)

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sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.

- a. Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the building inspector for examination of the premises to determine whether or not rodent and/or insect extermination procedures are necessary.
 - b. The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the building official. Suitable provision shall be made for the disposal of materials that are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials, which in their removal would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.
 - c. Blasting and use of explosives shall be done only by a person licensed by the fire marshal to perform such work and notification shall be given to the City of Pleasant Ridge and surrounding property owners within 300 feet of the site and within five calendar days of the work.
 - d. The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The fire department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.
- (6) *Expiration of building permit.* If the work described in any building permit has not begun with 12 months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building inspector, and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the building inspector, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.
- (7) *Timing of permits.*
- a. The zoning inspector or appropriate governing body has the power to require a permit to be obtained on a promptly basis.
 - b. The zoning inspector or appropriate governing body may require construction to commence within a specified date from the date of issuance of the permit, that the construction be pursued in a diligent manner, and that the construction be completed by a specified date.

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- c. Any time periods specified in the ordinance for the start and completion of a project may be modified by the applicable body as a condition of project approval.

(Ord. of 12-10-19)

Sec. 82-43. Certificates.

No land, building, or part thereof, shall be occupied by, or for any use, unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (1) *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this chapter or for which a variance has been granted.
- (2) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (3) *Certificates including zoning.* Certificates of occupancy as required by the City of Pleasant Ridge building code for new buildings or structures, or parts thereof, or for alterations to or changes of, use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- (4) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- (5) *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the zoning inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (6) *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the same dwelling when shown on the plot plan, and when completed at the same time as such dwellings.
- (7) *Application for certificates.* Application for certificates of occupancy shall be made, in writing, to the zoning inspector on forms furnished by that department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

(Ord. of 12-10-19)

Sec. 82-44. Final inspection.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the zoning inspector immediately upon the completion of the work authorized by such permit for a final inspection.

(Ord. of 12-10-19)

Sec. 82-45. Fees.

Fees for inspection and the issuance of permits or certificates of copies thereof, required or issued under the provisions of this chapter, may be collected by the zoning inspector in advance of issuance. The amount of such fees shall be established by resolution of the City of Pleasant Ridge City Commission and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. of 12-10-19)

Sec. 82-46. Public notice.

All applicants for development approval requiring a public hearing, regardless of whether or not action to be taken is by the city commission, planning commission, or zoning board of appeals shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this section with regard to public notification.

- (1) *Responsibility.* When the provisions of this chapter or the Michigan Zoning Enabling Act require that notice be published, the city zoning inspector shall be responsible for preparing the content of the notice and the city clerk having it published in a newspaper of general circulation in the city and mailed or delivered as provided in this section.
- (2) *Content.* All mail, personal and newspaper notices for public hearings shall:
 - a. *Describe nature of the request.* Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, ordinance interpretation or other purpose.
 - b. *Location.* Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c. *When and where the request will be considered.* Indicate the date, time and place of the public hearing(s).
 - d. *Written comments.* Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. *Handicap access.* Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- (3) *Personal and mailed notice.*
 - a. *General.* When the provisions of this chapter or state law require that personal or mailed notice be provided, notice shall be provided to:
 1. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 2. Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries

of the City of Pleasant Ridge. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. All neighborhood organizations, public utility companies, railroads and other persons, which have requested to receive notice pursuant to subsection (4), of this section, "registration to receive notice by mail."
 4. Other governmental units or infrastructure agencies within one mile of the property involved in the application.
- b. *Notice by mail/affidavit.* Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The city zoning inspector shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- c. *Timing of notice.* Unless otherwise provided in the Public Act 110 of 2006, or this chapter where applicable, notice of public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than 15 days before the date the application will be considered for approval.
 2. Any other public hearing required by this chapter will be followed.
- d. *Registration to receive notice by mail.*
1. *General.* Any neighborhood organization, public utility company, railroad or any other person may register with the city zoning inspector to receive written notice of all applications for all applications for development approval within the zoning district in which they are located. The city zoning inspector shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by resolution of the city commission.
 2. *Requirements.* The requesting party must provide the city zoning inspector information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this section.

(Ord. of 12-10-19)

Sec. 82-47. City commission approval.

- (a) In cases where the city commission is empowered to approve certain use of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said commission for the proper consideration of the matter.
- (b) The city commission shall investigate the circumstance of each such case and shall notify such parties who may, in its opinion, be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

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- (c) The city commission may impose such conditions or limitations in granting approval as, in its judgment, are necessary to fulfill the spirit and purpose of this chapter.

(Ord. of 12-10-19)

Sec. 82-48. Changes and amendments.

The city commission may from time-to-time, on recommendation from the planning commission, its own initiative or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

(Ord. of 12-10-19)

Sec. 82-49. Petition for amendments.

An amendment to this chapter which is the object of a petition shall be passed only by a majority vote of the city commission, unless a larger vote, but not to exceed three-fourths vote, if required by ordinance or charter. The protest petition shall be presented to the city commission before final legislative action on the amendment, and shall be signed by one of the following:

- (1) The owners of at least 20 percent of the area of land included in the proposed change.
- (2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

For the purposes of this section publicly owned land shall be excluded in calculating the 20 percent land area requirement.

(Ord. of 12-10-19)

Sec. 82-50. Conditional rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act (MCL 125.3101 et seq.) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.*
 - (1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.
 - (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
 - (3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

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- (4) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - (5) Any use of development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - (6) Any use or development proposed as part of an offer of conditions that require variance under the terms of this chapter may only be commenced if the zoning board of appeals in accordance with the provisions of this chapter ultimately grants a variance for such use or development.
 - (7) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - (8) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.
- (c) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning, shall recommend approval, approval with recommended changes, or denial of the rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- (d) *City commission review.* After receipt of the planning commission's recommendations, the city commission shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The city commission's deliberations shall include, but not be limited to, a consideration of the factors for rezoning of this chapter. Should the city commission consider amendments to the proposed conditional rezoning advisable and if such a contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the commission shall, in accordance with section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the planning commission for a report thereon within a time specified by the city commission and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- (e) *Approval.*
- (1) If the city commission finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested zoning.
 - (2) The statement of conditions shall:
 - a. Be in a form recordable with the register of deeds of the county or, in the alternative, be accompanied by a recordable affidavit, or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the city.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.

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- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the city with the register of deeds of the county.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
- (3) Upon rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The city clerk shall maintain a listing of all lands rezoned with a statement of conditions.
 - (4) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the city with the registrar of deeds of the county. The city shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the city or to any subsequent owner of the land.
 - (5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- (f) *Compliance with conditions.*
 - (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - (2) No permit or approval shall be granted under this chapter for any uses or development that is contrary to an applicable statement of conditions.
 - (g) *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and shall be substantially complete within one year from commencement of project. This time limitation may upon written request be extended by the city if:
 - (1) It is demonstrated to the city's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The city finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
 - (h) *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (g) of this section, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act (MCL 125.3405). The reversion process shall be initiated by the city 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 thereafter be the same as applies to all other rezoning requests.

- (i) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to the subsection (h) of this section or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the register of deeds of the county that the statement of conditions is no longer in effect.
- (j) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (g) of this section or during any extension thereof granted by the city, the city shall not add to or alter the conditions in the statement of conditions.
- (k) *City right to rezone.* Nothing in the statement of conditions or in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act. No. 110 of 2006.
- (l) *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 an owner's rights under this chapter.

(Ord. of 12-10-19)

Secs. 82-51—82-69. Reserved.

Division 2. Board of Appeals; Appeals and Variances

Sec. 82-70. Creation and membership.

There is hereby created a board of zoning appeals, which shall perform its duties and exercise its powers as provided in article VI of the Michigan Zoning Enabling Act (MCL 125.3610 et seq.) and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The board shall consist of the mayor and city commission.

(Ord. of 12-10-19)

Sec. 82-71. Meetings.

All meetings of the board of appeals shall be held at the call of the chairman and at other times as the board, in its rules of procedure, may specify in accordance with the Open Meetings Act. All hearings conducted by said board shall be open to the public. The board of appeals shall adopt its own rules of procedure and keep a record of its proceedings in the office of the city clerk and shall be public record. The concurring vote of two-thirds of the members of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of an applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter. The board shall have the power to subpoena and require the attendance or witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

(Ord. of 12-10-19)

Sec. 82-72. Appeal.

- (a) An appeal may be taken to the board of appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the zoning inspector or by the planning commission. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the zoning inspector and with the board of appeals, a notice of appeal, specifying the grounds thereof. The zoning inspector shall forthwith transmit to the board; all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning inspector certifies to the board of appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by a court of record.
- (b) The board shall select a reasonable time and place for the hearing of the appeal and give due notice in accordance with section 82-46 thereof to the parties, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney or testify in writing if the transmittal is received prior to the meeting.
- (c) The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (d) No appeal shall be taken to the board of appeals from a decision of the planning commission in connection with an approved site plan unless the planning commission has first reviewed such appeal and the planning commission provides a recommendation on the variance.

(Ord. of 12-10-19)

Sec. 82-73. Fees.

The city commission may, from time to time, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. At the time the notice for appeal is filed, said fee shall be paid to the city treasurer to the credit of the general revenue fund of the City of Pleasant Ridge.

(Ord. of 12-10-19)

Sec. 82-74. Jurisdiction.

- (a) The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit, and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:
 - (1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the zoning inspector or any other administrative official in carrying out or enforcing any provisions of this chapter.
 - (2) *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where, by reason of narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exception, topographic conditions or other

(Supp. No. 13)

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conditions of such property, the strict application of the regulations enacted would result in practical difficulties to, or undue hardship upon, the owner of such property provided such relief may be granted without detriment to the public good, and without impairing the intent and purpose of this chapter. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed uses, as it may deem reasonable in furtherance of the purpose of this chapter. In granting or denying a variance, the board shall state the grounds upon which it justifies the granting or denial of a variance.

- (3) *Exceptions and special approvals.* To hear and decide in accordance with the provisions of this chapter, request for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board to pass. Any exception or special approval shall be subject to such conditions as the board may require preserving and promoting the character of the zoning district in question and otherwise promoting the purpose of this chapter, including the following:
- a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map, fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.
 - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - d. Permits such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - e. Permit modification of screening wall requirements only when such modification will not adversely affect, or be detrimental to, surrounding or adjacent development.
- (b) In consideration of all appeals and all proposed variations to this chapter, the board shall, before making any variations from the ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Pleasant Ridge. Nothing herein contained shall be construed to give or grant to the board, the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the City of Pleasant Ridge City Commission, in the manner provided by law.

(Ord. of 12-10-19)

Sec. 82-75. Orders.

In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the orders, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and, to that end, shall have all the powers of the zoning inspector from whom the appeal is taken.

(Ord. of 12-10-19)

Sec. 82-76. Notice.

The board shall make no recommendations except in a specific case. Public hearings shall be conducted when specifically required herein, or when the board deems such hearing to be advisable. Notice of public hearings shall be in accordance with article 2, division 1, section 82-46 of this chapter.

(Ord. of 12-10-19)

Sec. 82-77. Miscellaneous.

- (a) No order of the board permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (b) No order of the board permitting a use of a building or premises shall be valid for a period longer than one year unless such a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall contain in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. of 12-10-19)

Secs. 82-78—82-97. Reserved.

ARTICLE III. ZONING DISTRICTS AND MAP

Sec. 82-98. Districts established.

For the purpose of this chapter, the City of Pleasant Ridge is hereby divided into the following districts:

- (1) *Residential districts.*
 - R-1A One-Family Residential
 - R-1B One-Family Residential
 - R-1C One-Family Residential
 - R-1D One-Family Residential
 - R-2 Two Family Residential
 - RM Multiple Family Residential
- (2) *Non-residential districts.*
 - PRM Parks, Recreation and Municipal Uses
 - RO Restricted Office
 - C Commercial
 - W Workplace

(Supp. No. 13)

Created: 2021-09-21 16:17:06 [EST]

P Vehicular Parking

(Ord. of 12-10-19)

Sec. 82-99. District boundaries.

(a) The boundaries of these districts are hereby designated as shown on the zoning map which accompanies this chapter, and which map with all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described herein.

(b) The official zoning map shall be identified by the signature of the mayor of the City of Pleasant Ridge and attested by the city clerk, under the following words:

This is to certify that this is the official zoning map referred to in article III of the zoning ordinance of the City of Pleasant Ridge adopted December 10, 2019.

(c) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map after the amendment has been approved by the City of Pleasant Ridge together with an entry on the official zoning map as follows:

On (date), by official action of the City of Pleasant Ridge, the following change(s) were made (brief description with ordinance reference number).

(d) One copy of the official zoning map is to be maintained and kept up to date in the City of Pleasant Ridge clerk's office, accessible to the public and shall be final authority as to the current zoning status of lands, buildings, and other structures in the City of Pleasant Ridge.

(Ord. of 12-10-19)

Sec. 82-100. District boundaries interpreted.

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

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following city jurisdictional lines shall be construed as following jurisdictional limits;

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(5) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (4) above, the board of zoning appeals shall interpret the district boundaries.

(Ord. of 12-10-19)

Sec. 82-101. Zoning of vacated areas.

Whenever any street, alley, or other public way, within the City of Pleasant Ridge shall be vacated such street, alley, or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

(Ord. of 12-10-19)

Sec. 82-102. District requirements.

All buildings and uses in any district shall be subject to the provisions of article VI, "Supplemental district regulations."

(Ord. of 12-10-19)

Sec. 82-103. Zoning district purpose statements.

- (a) *R-1 single family districts.* The single family residential districts are established as districts which the principal use of land is for single family dwellings and are intended to be the most restrictive of the residential districts. For the single family residential districts, promoting the general purpose of this chapter, the specific intent of this article is to encourage the construction of, and the continued use of, the land for single family dwellings and to prohibit business, commercial or industrial use of the land, and to promote any other use which would not significantly interfere with development or continuation of single family dwellings in the district.
- (b) *R-2 two family residential district.* The two family residential district is established as a district in which the principal use of land is for single and two family dwellings. The general purpose of this article is to encourage the construction, conversion and continued use of the land for single family and two family dwellings and to prohibit business, commercial or industrial use of the land, and to promote any other use which would not significantly interfere with development or continuation of single family or two family dwellings in the district.
- (c) *RM multiple-family residential district.* The multiple-family residential district is intended to provide sites for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between nonresidential districts and lower density single-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise single-family community.
- (d) *RO restrictive office district.* The restricted office district is intended to provide sites for professional office structures and related uses, which will generally serve as zones of transition between nonresidential districts and lower density single family districts and do not generate large volumes of traffic congestion and parking.
- (e) *PRM parks, recreation and municipal.* The parks, recreation and municipal district is to provide areas for the placement of public facilities to serve the cultural, educational, and recreational needs of the community at large, as well as, individual neighborhoods.
- (f) *C commercial.* The commercial district is intended to provide areas for the operation of business and retail establishments that principally serve the residents of the community. Further, due to the commercial development of property along Woodward Avenue and the property constraints associated with this location, the character of business and retail establishments along Woodward Avenue should accommodate uses that require minimal off-street parking.

- (g) *W workplace*. The *W*, workplace district is intended to accommodate a mixture of uses that are increasingly attracted to legacy industrial areas in older communities. The *W*, workplace district is situated such that a range of manufacturing, assembling and fabrication operations that do not involve the processing of raw materials to be used in an industrial operation at another location, and that do not involve the use of fire, explosions, toxic or noxious matter, radiation, and other hazards, can be operated in a manner that restricts the external physical effects of the uses to the area of the district without impacting surrounding areas in a detrimental way. The district may also accommodate a range of adaptive re-uses of existing buildings to accommodate office, research, wholesale, retail, and potentially residential uses.
- (h) *P vehicular parking*. This section shall apply to the *P* district. The vehicular parking district is intended to permit the establishment of areas to be used for off-street vehicular parking of private passenger cars only, so as to benefit and serve office and commercial areas. This district is designed to afford maximum protection to adjacent residential areas by providing landscape setbacks, screening walls, and well-designed parking facilities. It is also intended that this district act as a transitional area between office and commercial areas and residential areas, thereby permitting private person as well as public agencies to provide needed off-street parking.

(Ord. of 12-10-19)

Secs. 82-104—82-132. Reserved.

ARTICLE IV. DISTRICT REGULATIONS

Sec. 82-133. Permitted uses by district.

The following table lists the permitted uses in each district.

- (1) Whenever a specific development standard is included for a particular use in the permitted uses table, any development must comply with the requirements of the referenced section or standard.
- (2) Uses that are not expressly permitted by the following table are prohibited unless a positive finding is made by the planning commission that the use which is not expressly permitted is not listed in any other zoning district, and that the use which is not expressly permitted has characteristics sufficiently similar to uses that are permitted uses or special land uses in the zoning district in question. If the planning commission determines that both of the preceding criteria are met, it shall then determine if the use is more similar to principal or special land uses.

Key: ■ Permitted Use ○ Special Land Use [blank] Use Not Permitted

USE	R-1	R-2	RM	RO	PRM	C	W	P	DEVELOPMENT STANDARDS
RESIDENTIAL USES									
Dwelling unit, attached			■				○		Each dwelling unit shall have its own direct entrance from the outside
Dwelling unit, one family detached	■	■	■						Includes site condominiums
Dwelling unit, two family		■	■						
Dwelling unit, apartment						■	○		In the C district: Only allowed on 2nd floor or above and shall meet

Created: 2021-09-21 16:17:06 [EST]

(Supp. No. 13)

									minimum floor area requirement of RM district (footnote (7) of section 82-164)	
Dwelling unit, multiple family building			○				○		Section 82-197(b)(8)	
Child care centers, nursery schools, day nurseries	○	○	○	○			○		Section 82-197(b)(2)	
Congregate housing for the elderly			○						Section 82-197(b)(5)	
Family child care home	■	■	■						Each dwelling unit shall have its own direct entrance from the outside	
PUBLIC and SEMI-PUBLIC USES										
Churches or places of worship	○	○							Section 82-197(b)(4)	
Group childcare homes	○	○		○			○		Section 82-197(b)(16)	
Publicly owned and operated libraries	■	■	■	■			■			
Recreation, indoor facilities					■		■			
Passive open space	■	■	■	■	■		■	■	■	I.e. greenways and wooded areas, memorials, gardens, and arboreta
Recreation, outdoor public parks	○	○		○	■		○		Section 82-197(b)(13)	
Schools	■	■	■	■	■		■		Primary or secondary education and not operated for profit	
Schools, trade or industrial				○			○	■		
Utility and public service buildings	○	○		○	○		○	○	Section 82-197(b)(15)	
Utility yards, electrical transformer stations and substations, gas regulator stations.							○		Section 82-197(b)(11)	
RETAIL, OFFICE and INDUSTRIAL USES										
Automobile service station or oil change establishment							○		Section 82-197(b)(1)	
Funeral homes				■			■		Including living quarters for owner	
Manufacturing and processing								■	See definition of manufacturing and processing in section 82-3	
Offices, governmental				○	○		○	■	Section 82-197(b)(14)	
Offices, medical and dental				○			○	■	Section 82-197(b)(7)	
Offices, professional				■			■	■	Section 82-197(b)(3)	
Open air business							○		Section 82-197(b)(10)	

Open storage facilities								○	Section 82-197(b)(11)
Research and testing								■	
Restaurants								○ ■	
Restaurant accessory outdoor dining area								○ ■	Section 82-197(b)(17)
Retail sales								■ ■	In a completely enclosed building
Retail sales, neighborhood with "SDM" and "SDD" sales								○ ■	Section 82-197(b)(9)
Warehousing and wholesale								■	
ACCESSORY USES									
Accessory buildings and uses incidental to a permitted use	■	■	■	■	■	■	■	■	Includes swimming pools, subject to the standards of section 82-197(b)(12)
Accessory off-street parking			■	■	■	■	■	■	Shall meet the requirements of section 82-195
Home occupation (craft/fine arts)	■	■	■						
Home occupation (business)	○	○	○						Section 82-197(b)(6)

(Ord. of 12-10-19)

Secs. 82-134—82-163. Reserved.

ARTICLE V. SCHEDULE OF REGULATIONS

Sec. 82-164. Yard and bulk requirements.

All lots, buildings, and structures shall comply with the following schedule of general yard and bulk regulations unless specifically stated otherwise in this chapter.

	R-1A	R-1B	R-1C	R-1D	R2	RM	RO	C	W	P
Minimum Lot Area (sq. ft.)	14,000	9,500	5,500	4,500	4,500	8,000	5,000	—	—	—
Minimum Lot Width (ft.)	80	65	50	40	40	80	50	—	—	—
Maximum Building Height (ft.)										
Principal Building	35 ⁽¹⁰⁾					35	35	40	60	—
Accessory Building ⁽¹⁾	15	35 ⁽¹⁰⁾	35 ⁽¹⁰⁾	30 ⁽¹⁰⁾	30 ⁽¹⁰⁾	15	15	—	—	—
		15	15	15	15					
Minimum Setback (ft.)										
Front ⁽²⁾										
Rear ⁽³⁾	(9)	(9)	(9)	(9)	(9)	30	20	10	10	10

Created: 2021-09-21 16:17:06 [EST]

(Supp. No. 13)

Side (one) ⁽⁴⁾	25	25	25	25	25	25	25	10	30	0
Side (total)	5	5	5	5	5	5	5	0	10	0
	13	13	13	13	13	13	13	0	40	0
Minimum Floor Area (sq. ft.) ⁽⁵⁾										
One story	1,700	1,300	900	750	⁽⁶⁾	⁽⁷⁾	—	800	—	—
Two stories	1,900	1,500	1,100	900	—	—	—	2,000	—	—
Three stories	—	—	—	—	—	—	—	3,500	—	—
Maximum Lot Coverage	30%	30%	35%	35%	30%	30%	40%	40%	50%	—
Neighborhood Compatibility	Refer to Footnote (8)									

Footnotes:

- (1) In all districts, one accessory buildings per zoning lot is permitted and shall not exceed a height of 15 feet or occupy an area more than 30 percent of the established rear yard or 750 square feet whichever is less. The peak roof elevation of any accessory building may not exceed the peak roof elevation of the principal structure.
- (2) In all districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.
- (3) No rear yard is required in the RO and C districts where the rear property line abuts upon a public alley.
- (4) For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot as indicated in the schedule. Each side yard shall be increased beyond the yard setbacks indicated by one foot for every ten feet or part thereof by which length of the multiple, row or terrace dwelling exceeds 40 feet in overall length along the adjoining lot line.

Garages or other accessory buildings whether the same be attached to the dwelling or not, except where the front line of the garage or accessory building extends no closer to the front line or street line than the rear main wall of the dwelling, in which case the side yard shall be not less than three feet.
- (5) The main floor area per dwelling unit shall not include areas of basement, breezeways, open porches, terraces, attached garages, attached accessory buildings or utility rooms.
- (6) The required minimum floor area for each unit of a two family dwelling shall be 850 square feet.
- (7) Required minimum floor area for each dwelling unit shall include 500 square feet for an efficiency/studio, 650 square feet for a one bedroom, 850 square feet for a two bedroom, 1,000 square feet for a three bedroom and 1,200 for a four bedroom.
- (8) New construction and modification to an existing building where the floor area of the existing building is increased by 25 percent shall comply with the provisions of section 82-166.
- (9) When an established building line exists, the minimum required front yard setback shall be the average setback of homes within 250 feet and on the same block. The front building wall of any new construction may not be set back more than five feet from the established building line. If no established building line exists, the minimum front yard setback shall be 30 feet.
- (10) Refer to section 82-167 for sky plane side yard building height requirements.

(Ord. of 12-10-19)

Sec. 82-165. General requirements.

- (a) *Minimum lot size.* Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of the ordinance from which this chapter derived shall comply with the lot size, lot coverage, and setback requirements for the district it is located in.

No yards in existence on the effective date of the ordinance from which this chapter derived, shall subsequently be reduced below, or further reduced if already less than, the minimum requirements of this chapter.

- (b) *Number of principal uses per lot.* Only one principal building shall be placed on a lot of record, and only one dwelling unit shall be permitted per lot of record in single-family residential districts.

- (c) *Projections into required yards.* Outside stairways, fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following projections shall be permitted when located in the required yards as specified:

- (1) In all yards:

- a. Awnings
- b. Approved freestanding signs, upon issuance of a permit
- c. Arbors and trellises
- d. Flagpoles
- e. Window air conditioner units
- f. Fences and walls
- g. Bay windows, window sills, cornices, eaves, overhanging eaves, and other architectural features may project into the required side yard, front or rear yard not more than 24 inches.
- h. Porches not enclosed with screens, storm windows or other materials may not extend more than eight feet into the front yard.

- (2) In rear yards. Open paved terraces and open porches may occupy required rear yard provided that the unoccupied portion of the rear yard furnishes a depth of not less than 20 feet.

- (d) *Unobstructed sight distance.* No fence, wall, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road, alley and a driveway. Fences, walls, structures, or plantings located in the unobstructed sight area described below shall not be permitted to obstruct cross-visibility between a height of 36 inches and 72 inches above the lowest point of the intersecting road(s).

Trees shall be permitted in the unobstructed sight area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any driveway or road pavement within the unobstructed sight area.

- (e) *Unobstructed sight area.* The unobstructed sight area is described as follows:

- (1) The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two lines, or

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- (2) The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

(Ord. of 12-10-19)

Sec. 82-166. Exterior design standards.

Any new construction or modification to an existing structure shall conform to the requirements of the city's exterior design standards as adopted by the city commission.

(Ord. of 12-10-19)

Sec. 82-167. Sky plane side yard building height requirement.

- (a) *Purpose.* Buildings with tall side walls may impact privacy, views or visual access to the sky on neighboring properties. The purpose of the sky plane height standards is to ensure that buildings step down towards neighboring properties in order to enhance privacy, and to preserve views and visual access to the sky on lots or parcels that are adjacent to new development.
- (b) *Scope.* This section shall apply to any new construction, addition to an existing building, or modification of an existing building, inclusive of both principal and accessory buildings. Such activities shall comply with the requirements of this section, in addition to the maximum permitted height for the zoning district. Existing buildings which do not comply with the sky plane setback requirement may be maintained so long as the nonconformity is not increased. Alterations which reduce but do not eliminate the nonconformity are permitted.

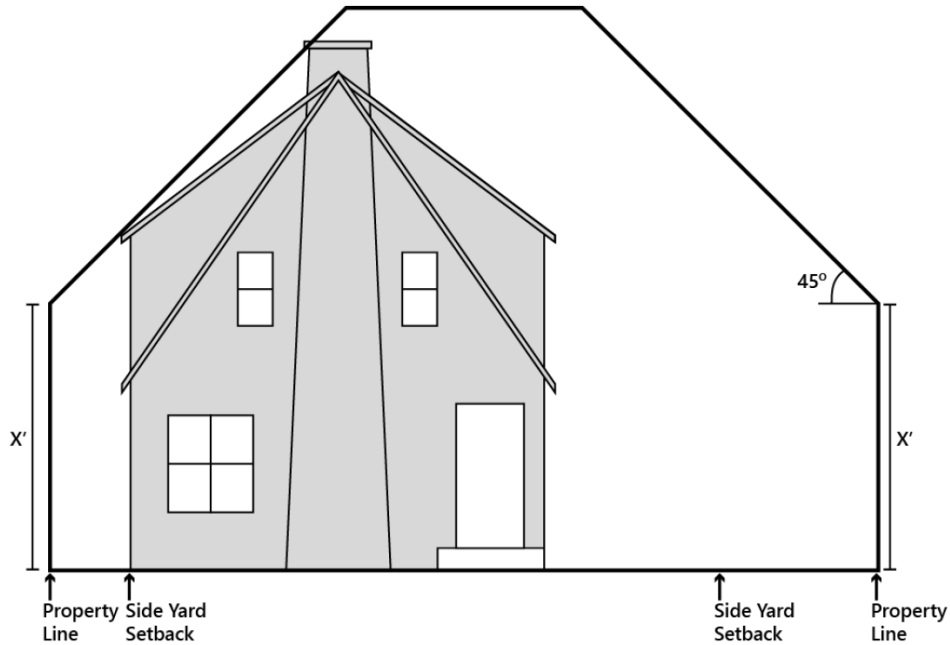


Figure 1. The sky plane begins at a point above the side yard property line and then angles inwards towards the center of the lot at a 45 degree angle until the sky plane meets the maximum building height or intersects with the sky plane that extends inwards from the lot line on the opposite side of the lot or parcel. In the above illustration, X equals either 10 or 17 feet.

(c) **Measurement standards.**

- (1) Any proposed addition, reconstruction, or new construction shall not penetrate the sky plane.
- (2) The sky plane for portions of a lot that are adjacent to an existing house or within ten feet of the rear building wall of an adjacent house (measured at a 90 degree angle from the back of the existing adjacent house), the sky plane shall be measured at a 45 degree angle from a point 17 feet above the existing grade along the side yard property line or the top of wall elevation of the existing house plus two feet, whichever is lower. For portions of a lot that are not located adjacent to or within ten feet of an existing adjacent house, the sky plane shall be measured at a 45 degree angle from a point ten feet above the existing grade along the side property line.

(d) **Encroachments.** Permitted encroachments into the sky plane include:

- (1) Roof overhangs or eaves for the primary roof, provided that the overhang or eaves do not project more than 30 inches horizontally beyond the sky plane.
- (2) A rooftop solar system.
- (3) The gable end of a sloping roof form, provided that:
 - a. The roof ridge of the gable end does not extend more than eight feet beyond the sky plane, including any roof overhang.
 - b. The portion of the gable end that extends beyond the sky plane has a maximum width of 40 feet, including any roof overhang.
- (4) Dormers, provided that:
 - a. The highest point of any dormer is at or below the height of the primary roof ridge.

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- b. The portion of any dormer that extends beyond the sky plane limit has a maximum width of eight feet, including any roof overhang.
 - c. The maximum height of any dormer is six feet or less, as measured from the surface of the roof on which it is located to the top of the dormer roof.
 - d. The combined width of all dormers does not exceed 50 percent of the length of the roof on which they are located.
 - e. The space between dormers is not less than one-half the width of the adjacent dormer or the average of the two if they are different sizes, whichever is greater.
- (5) Chimneys.
 - (6) Insubstantial encroachments that are small and do not substantially increase the bulk of the building, including antennae, small architectural details, sculptural elements, decorations, etc.

(Ord. of 12-10-19)

Secs. 82-168—82-185. Reserved.

ARTICLE VI. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 82-186. Location restricted.

Pet shops shall be permitted only in commercial areas in the city. Animal shelters shall be permitted only in areas zoned M. Dog pounds shall be permitted only on city property at the department of public works complex.

(Ord. of 12-10-19)

Sec. 82-187. Location.

Dog kennels may be maintained and operated in the M zoning district.

(Ord. of 12-10-19)

Sec. 82-188. Building area required.

- (a) No kennel shall be operated with less than 2,000 square feet of closed building available and used for dogs.
- (b) If more than four dogs are maintained or kept in a kennel, the ground area required under subsection (a) of this section shall be increased by 400 square feet for each addition of a dog over six months of age.

(Ord. of 12-10-19)

Sec. 82-189. Requirements for construction near residential property.

All kennels which are located within 1,000 feet of any dwelling house or within 1,000 feet of any property known as residential property under this chapter, shall have provided a completely enclosed building within which such dogs shall be confined. Such enclosed building shall be constructed or maintained as nearly soundproof as may be through ordinary building construction.

(Supp. No. 13)

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(Ord. of 12-10-19)

Sec. 82-190. Maintenance of dogs in separate compartments; exceptions.

All kennel dogs shall be fed, maintained, and housed in separate compartments and separate runways so that each dog may not come in physical contact with the other dogs, except when breeding is taking place and further excepted in case of mother and young.

(Ord. of 12-10-19)

Sec. 82-191. Sanitation.

All compartments and runways in kennels shall be completely and entirely cleaned of all refuse matter at least twice daily.

(Ord. of 12-10-19)

Sec. 82-192. Control of dogs required.

No dog kept in a kennel shall be permitted off such premises except on a leash or in a crate under safe control.

(Ord. of 12-10-19)

Sec. 82-193. Accessory uses.

In residential districts, accessory buildings, except as otherwise permitted in other sections, shall be subject to the following regulations.

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings. An attached private garage shall be considered part of the main building and not an accessory building.
- (2) Accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than three feet to any side or rear lot line.
- (3) An accessory building shall not exceed one story or 15 feet in height, and may not occupy more than 30 percent of a required rear yard, plus 40 percent of any non-required rear yard; provided that in no instance shall the accessory building exceed the ground floor area of the main building or 750 square feet whichever is less.
- (4) An accessory building shall be located behind the rear building line and no closer than ten feet to the principal building on the lot except when structurally attached to the main building, and except in multiple family dwellings, parking area location in the form of covered bays may be permitted in the rear of the main buildings if the location is approved by the board of zoning appeals.
- (5) When an accessory building is located on a corner lot, the side lot of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
- (6) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

(Supp. No. 13)

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- (7) Accessory buildings shall be limited to one per zoning lot.
 - (8) An attached garage shall not extend beyond the front building façade and shall not occupy or be wider than 30 percent of the front building façade. The front building façade is defined as those portions of a facade, which face and are most closely parallel to the front property line.
 - (9) Residential occupancy of an accessory building is prohibited. Any accessory structure that contains a combination of services that would allow it to be used as an accessory dwelling unit requires approval as an accessory dwelling unit. A combination of services (which may include water, sewer, gas, and/or electric) which would make an accessory building easily convertible to habitable space, as determined by the zoning inspector, is prohibited.
 - (10) Air conditioners and power generators. Refrigeration or cooling equipment (used for central air conditioning purposes) or power generators (used as a source of interim power) installed outside of a dwelling or main building shall be:
 - a. Screened from view from a public right-of-way with approved fencing or landscaping.
 - b. Located in the rear yard of the dwelling or main building, and no closer to the side property line than the principal structure. The city manager may authorize installation in a side yard behind the front building line if site conditions make it impossible to install in a rear yard, or upon the receipt of notarized written approval of such installation from the owner of the adjacent neighboring property. If a side yard installation is allowed under this section, air conditioner compressors or generator units shall be set back at least two feet from any property line.
 - c. In compliance with the sound emission standards as set forth in section 34-52(14).
 - d. In the case of corner lots, the city manager may authorize installation toward the side lot line adjacent to the street in instances where site conditions make it impossible to install in a rear yard.

(Ord. of 12-10-19)

Sec. 82-194. Nonconforming uses.

- (a) *Intent.* It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed.
 - (1) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments.
 - (2) Such uses are declared by this chapter, to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformity's 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.
 - (3) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.
 - (4) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter derived, 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 building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- (b) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter derived. This provision shall apply even though such lot fails to meet requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the zoning board of appeals.
- (c) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of the ordinance from which this chapter derived, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) 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 the ordinance from which this chapter derived;
 - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter derived;
 - (3) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land must conform to the regulations specified by this chapter for the district in which such land is located.
- (d) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter derived that could not be built under the terms of this chapter by reason of restriction 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 provisions:
- (1) No such structure may be enlarged, or altered in a way which increases its nonconformity.
 - (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- (e) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter derived, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the 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 district in which it is located.

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- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter derived, but no such use shall be extended to occupy any land outside such building.
 - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - (4) If such nonconforming use of the combination of land and structure(s) ceases for a period of more than six months, any subsequent use of such land and structure combination shall conform to the regulations specified by this chapter for the district in which such land is located.
 - (5) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter, shall not be increased.
- (g) *Restoration/strengthening of unsafe building.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
- (h) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
- (i) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this chapter.

(Ord. of 12-10-19)

Sec. 82-195. Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this chapter. Off-street parking shall not be permitted within a front yard setback or a side yard setback unless otherwise provided in paragraph 6 of this section.
- (2) Outdoor parking of commercial vehicles is prohibited in residential districts, with the following exceptions:
 - a. A commercial vehicle pick-up truck, as defined in section 82-3; or
 - b. A commercial vehicle passenger/cargo-style van as defined in section 82-3.
- (3) Parking for vehicles in the amount specified in this section shall be provided on the same parcel as the principal use or on a separate parcel within 300 feet of the principal building, on the same side of Woodward Avenue, if zoned for the same uses as allowed on the property of the principal use.

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- (4) If two or more buildings or land uses are under common ownership, or if said ownership is not common and the respective owners thereof have acquired recordable easements appurtenant for off-street parking, said buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
 - (5) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the zoning board of appeals may grant an exception.
 - (6) Residential off-street parking spaces shall consist of a parking bay, driveway, garage approach or garage, or combination thereof, and shall be located on the premises they are intended to serve and constructed from asphalt, concrete, concrete pavers or brick pavers. The parking spaces shall not be located in the front yard setback or required front yard except on paved access drives or driveways having access to a public street or alley.

If the premises has a garage or accessory building that is used to park or store motor vehicles, the driveway or access drive shall be located on the same side yard as the garage or accessory building and shall be no wider than the width of the garage or accessory building.

- (7) Any area once designated as required off-street parking shall never be changed to any other use unless, and until, equal facilities are provided elsewhere.
- (8) Off-street parking existing at the effective date of the ordinance from which this chapter derived, in connection with the operation of any existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (9) Bicycle parking.
 - a. *Purpose.* It is the desire of the City of Pleasant Ridge to reduce the number of parking spaces within the commercial district by allowing a reduction in total spaces by supplementing said spaces with bicycle rack parking. The regulations and requirements are designed to promote and encourage the safety and general welfare of the community by:
 1. Promoting an alternative and energy efficient mode of transportation.
 2. Encouraging a healthy lifestyle by promoting and accommodating the use of bicycles.
 3. Providing adequate and safe facilities for the temporary placement of bicycles.
 - b. *Definition.* A bicycle rack means a device or apparatus that permits a bicycle to be supported in an upright position, prevents a bicycle from being tipped over and permits the bicycle to be temporarily secured or locked to the rack.
 - c. *Requirements.*
 1. Parking requirements in the commercial district may be reduced by one space for every six bicycle parking spaces provided the following criteria are met:
 - (i) No more than 20 percent of the required parking spaces may be reduced (rounded to the nearest whole number.)
 - (ii) Adequate on-street or public parking exists within 300 linear feet of the primary entrance of the main building.
 - (iii) The intensity of the use and its parking requirements shall not substantially adversely impact surrounding uses.
 - (iv) There is no negative impact to existing or planned traffic circulation patterns.

- (v) Bicycle parking racks shall be properly maintained by the owner of the business up to and including replacement of the bicycle stand/rack if deemed necessary by the city's zoning inspector.
 - (vi) Location of a bike rack must be approved by the zoning inspector or planning commission if a site plan review is required.
2. The bicycle rack shall be of a type and model specified by the City of Pleasant Ridge consistent with the model, make, color and style of bike rack installed on other public improvement projects and in other public places.
 3. The bicycle rack shall be located in a convenient, accessible, and visible place where it does not interfere with pedestrian or vehicular circulation.
- (10) Commercial buildings within 300 feet of a municipal parking lot may reduce the amount of required off-street parking provided under this section by subtracting from their total required off-street parking one parking space for each 750 gross square feet of floor area. All other commercial buildings may reduce the amount of required off-street parking provided under this section by subtracting from their total required off-street parking one parking space for each 1,500 gross square feet of floor area.
 - (11) The storage of merchandise, motor vehicles for sale, trucks, recreational vehicles or the repair of vehicles in areas designated for parking, including the maneuvering lane, is prohibited.
 - (12) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the planning commission considers is similar in type.
 - (13) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space. In instances where usable floor area is not known at the time of the site plan submittal, 80 percent of the total floor area shall be used for usable floor area for parking computations.
 - (14) For the purpose of computing the number of parking spaces required, the definition of "usable floor area" shall govern.
 - (15) The minimum number of off-street parking spaces, by type of use, shall be determined in accordance with the following schedule:

Off-Street Parking Requirements

Use	Required Parking Spaces
RESIDENTIAL	
(1) Convalescent Homes	1 space per 6 beds
(2) Multiple Family Dwellings	1.5 spaces per dwelling unit
(3) Single Family Dwellings	2 spaces per dwelling unit
(4) Two Family Dwelling	1.5 spaces per dwelling unit
(5) Townhouse Dwellings	2 spaces per dwelling unit
COMMERCIAL	
(6) Auto Washes—Self Serve	1 space per bay
(7) Branch Banks and Similar Financial Institutions	1 space per 150 sq. ft. of floor area
(8) Barber, Beauty Shops	1 space per 100 sq. ft. of floor area
(9) Furniture, Home Furnishings and Appliance Stores	1 space per 600 sq. ft. of floor area
(10) Automobile Services (Combined Totals)	
a. Gas	
b. Repair Service	1 space per side of pump island

c. Retail Service d. Collision Service e. Stacking for lubrication stall, rack, or pit	2 spaces per stall 1 space per 200 sq. ft. of floor area 1 space per 200 sq. ft. of floor area 2 spaces for each
(11) Mortuaries and Funeral Homes	10 spaces per chapel or parlor room
(12) Restaurants (Standard)	1 space per 100 sq. ft. of floor area
(13) Retail Stores Not Elsewhere Listed	1 space per 200 sq. ft. of floor area
(14) Storage and Warehousing (not including Outlets)	1 space per 2,000 sq. ft. of floor area
(15) Adult Entertainment Facilities (Combined Totals) a. Retail areas such as book store, video store, retail, and novelty items b. Theater or performing area	1 space per 100 sq. ft. of floor area 1 space per 3 seats
OFFICE	
(16) Business or Professional	1 space per 250 sq. ft. floor area
(17) Dental Offices	1 space per 150 sq. ft. floor area
(18) Physician and Allied Health Office a. Family practice and/or general practice b. Obstetricians c. Specialty (internal, cardiology, etc.) d. Psychiatrists and Psychologists e. Others not listed	1 space per 75 sq. ft. of floor area 1 space per 100 sq. ft. of floor area 1 space per 150 sq. ft. of floor area 1 space per 150 sq. ft. of floor area 1 space per 150 sq. ft. of floor area
EDUCATIONAL/INSTITUTIONAL	
(19) Churches	1 space per 3 seats or 1 space per 6 feet of pew
(20) Elementary and Junior High Schools	3 spaces per classroom
(21) High School	5 spaces per classroom
MANUFACTURING AND RESEARCH	
(22) Manufacturing and Research Establishments	1 space per 1,500 sq. ft. of floor area + 1 space per 200 sq. ft. of floor area used for general office
(23) Business Offices for Commercial and Industrial Firms	1 space per 400 sq. ft. of floor area
(24) Other Uses Not Listed	Parking requirements will be determined by the Planning Commission

(16) Off-street parking space and lot layout, standards, construction, and maintenance for R-2, RM, RO, PRM, C, M, and P zoning districts. Whenever the off-street parking requirements in the section above, require the building of an off-street parking facility, or the addition of parking spaces to an existing parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the zoning inspector after site plan approval. Applications for a permit shall be submitted to the building department in such form as may be determined by the zoning inspector and shall be accompanied by site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

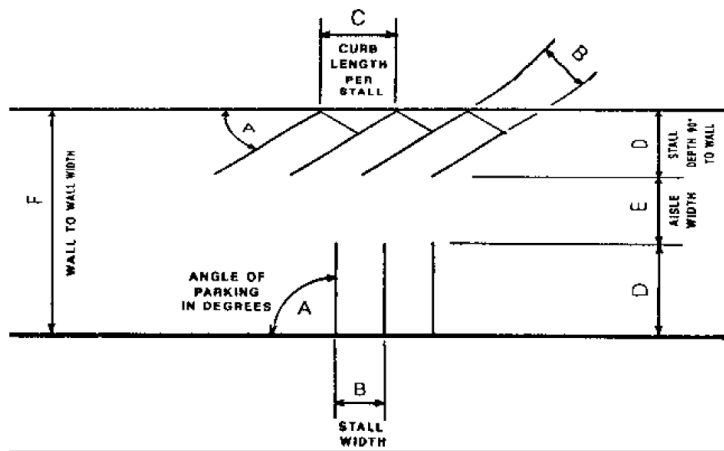
- b. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

A Angle of Parking	B Stall Width (1)	C Curb Length per Stall	D Stall Depth 90° to Wall (2)	E Aisle Width (3)	F Wall to Wall Width
0	9 feet	18 feet	9 feet	12 feet	
45	9 feet	12 feet, 7 inches	19 feet, 5 inches	12 feet	51 feet
60	9 feet	10 feet, 4 inches	20 feet, 5 inches	16 feet	57 feet
75	9 feet	9 feet, 3 inches	20 feet	23 feet	63 feet
90	9 feet	9 feet	18 feet	26 feet	62 feet

Footnotes:

1. Stall width shall be increased by one foot for those spaces which are adjacent to a fence, wall or enclosure. Handicapped spaces shall be consistent with ADA Standards.
 2. Stalls which allow for vehicle overhang (next to curbs) can be reduced in depth by two feet.
 3. In lots that are designed for both regular and small cars, the regular size aisle width shall be used.
- c. All spaces shall provide adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
 - d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
 - e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
 - f. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property and any single-family residential district.

Illustration - Stall and Aisle Standards



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- g. Whenever a parking area is located in a block which is adjacent to Woodward Avenue, the accessways shall be located as follows:
 - 1. Through the principal user's property where the same fronts onto Woodward Avenue.
 - 2. By means of a side street or alley where 50 percent or more of the abutting uses are non-residential in nature. Non-residential uses shall be defined as parking lots, public buildings or property, commercial and industrial zoned property.
 - h. Off-street parking areas shall provide screening in the following manner:
 - 1. *Rear yards.* A screening wall shall be seven feet in height. If the rear yard is across an alley from residential zoned or occupied property the screening wall shall be located on the residential side of the alley within the public right-of-way. Where a rear yard screening wall extends into an adjoining front yard setback the screening wall shall be reduced to 36 inches in height above top of paving.
 - 2. *Side yards.* Any portion of the parking facility that abuts a side street shall be screened by a screen wall four feet in height above top of paving. All land between said wall and the side yard property line or street right-of-way shall be kept free from refuse and debris and shall be landscaped in conformity with the Woodward Avenue design plan adopted by the City of Pleasant Ridge.
 - 3. *Front yards.* Any portion of the parking facility that abuts the front yard shall be screened by a screen wall 36 inches in height above top of paving. All land between said wall and the front property line or street right-of-way shall be kept free from refuse and debris and shall be landscaped in conformity with the Woodward Avenue design plan adopted by the City of Pleasant Ridge. All screening walls shall be maintained by the owner of record.
 - i. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the city engineer. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 - j. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within, and directed onto, the parking area only.
 - k. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
 - l. The zoning board of appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
 - m. All parking spaces shall be striped with paint, and such striping shall be at least four inches in width. The striping shall be maintained at all times.
 - n. Where one-way drives for access abut buildings, the minimum width shall be 20 feet.
 - o. No signs shall be erected on the paved parking area except for one directional sign at each point of ingress and egress which may also bear some designation of the purpose of the lot. Such signs shall not exceed two square feet in area. Within the lot, certain regulatory signs not exceeding four square feet may be placed, provided that they are placed inconspicuously at low levels inside parking areas and on or adjacent to the required screening. All signs shall conform to

minimum standards pursuant to the current revised "Michigan Manual of Uniform Traffic Control Devices."

- p. Off-street parking areas shall be landscaped as follows:
1. In off-street parking areas containing greater than 20 spaces, an area equal to at least five percent of the total parking area shall be used for interior lot landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area through the even distribution of the landscaped effort across the total off-street parking area, rather than to concentrate all efforts in one location.
 2. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
 3. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
 4. A minimum of one deciduous tree shall be planted in each landscaped area.
 5. The parking interior landscaping area shall be curbed and shall contain grass, ground cover, four-inch deep wood chips, or four-inch deep crushed stone.

(17) Recreation vehicles or utility vehicles parking in residential districts.

- a. One year after adoption of the ordinance from which this chapter derived, outdoor parking or outdoor storage of recreation vehicles not exceeding the following dimensions shall be limited to one vehicle per residential lot.
 1. The height of the recreation vehicle shall not exceed six feet.
 2. The length of the recreation vehicle shall not exceed 20 feet.
 3. The width of the recreation vehicle shall not exceed eight feet.
- b. Any boat, trailer and recreational vehicle may be parked on any residential street or within a residentially zoned district for up to 48 hours of each calendar week for the sole purpose of loading or unloading. However, such vehicle shall be parked in a manner so as not to obstruct vision or impede vehicular or pedestrian traffic.

(Ord. of 12-10-19)

Sec. 82-196. Signs.

- (a) *Findings.* 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. It is also determined that the appearance of the city is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that the proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this chapter is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the regulations contained in this chapter are the minimum amount of regulation necessary to achieve its purposes. It is also determined that the restrictions in this chapter on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purpose.
- (b) *Purpose.* The purpose of this chapter is to permit such signs as will advance these findings and purposes and will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse

or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety; and further, to regulate such permitted signs in such a way as to create land use patterns compatible with other major land use objectives, to promote and preserve the aesthetic character of the city, and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the city.

(c) *Sign removal for failure to obtain permit.*

- (1) It shall be unlawful for any person to erect, alter, relocate, reassemble or post any sign governed by the provisions of this chapter within the city without first having obtained a permit therefore from the city, and making payment of any fee required by this article.
- (2) Failure to obtain a permit under this article or to pay a required fee shall subject a sign to removal under the provisions of this chapter.

(d) *Exceptions.* This section shall not apply to any temporary sign. Temporary signs are regulated by chapter 54.

(e) *Application; insurance; use change.*

- (1) *Application.* An application for a permit under this article shall be made on a form provided by the city, and shall contain or have attached thereto the following information:
 - a. Name, address and telephone number of the applicant.
 - b. A brief description of the type of proposed sign.
 - c. Location of building, structure, or lot to which the sign is to be attached or erected.
 - d. Name and address of the person, firm, corporation, or association erecting or attaching the sign.
 - e. Written consent of the owner of the property on which any sign is to be located.
 - f. A drawing or sketch of the proposed sign, indicating specific dimensions, plans and specifications of the material to be used in its construction, as well as the method of construction and attachment:
 1. If the sign is to be electrically illuminated, name, address and electrician's license number or the electrician who is to connect the wiring to the supply line, an approved underwriters' laboratory label number for the sign, and electrical permit number.
 2. If the sign is to be constructed with or attached by plastic materials, manufacturer's trade name and the common name of the plastic material and a certification either that the plastic material is noncombustible or that the plastic material has been tested by a recognized testing laboratory and rated as an "approved noncombustible plastic."
- (2) *Insurance.*
 - a. *Insurance certificates.* Before a permit is issued for the erection of a sign, the sign erector shall submit for filing with the city clerk a certificate of insurance, with a hold harmless agreement made out to the city for public liability and property damage in the amounts set forth by the city commission from time to time for damage to any person or property due to actions of himself or any of his agents or employees. Such certificate shall be reviewed and approved by the city manager before the issuance of a permit.
 - b. *Lapsing of insurance.* If at any time, the insurance of any sign erector is permitted to lapse, the permit shall automatically be revoked.
 - c. *Notification of change.* A sign erector shall notify the city of any change in address and, if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.

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- (3) *Use change.*
- a. *Use change.* Any sign which has been erected for a particular purpose shall not have its use changed without first making a new application and having a permit issued therefore pursuant to the provisions of this article.
 - b. *Servicing and maintenance.* The provisions of this section shall not apply to the ordinary servicing or repainting of existing signs, altering of sign messages, cleaning of a sign, nor to the changing of advertising on a sign specifically designed for periodic change of message without change in sign structure, such as a bulletin board or similar type sign.
- (f) *Fee.* A fee shall be paid for the issuance of sign erection permits in accordance with a fee schedule which shall be adopted and amended from time to time by the city commission. Such schedule of fees shall be designed to reimburse the city all of its direct costs incurred in the inspection and regulation of signs and issuance of permits.
- (g) *Approval; issuance.* The application for a permit under this article, together with all plans and specifications in connection therewith, shall be approved by the zoning inspector. Such approval shall not be given unless and until such application shall comply with all of the provisions of this article. If such application complies with this article, a permit to erect, alter, relocate, reassemble or post the sign shall be issued for a period not to exceed 90 days.
- (h) *Sign to bear permit number.* Every sign permit shall bear a number, which number shall be inscribed upon a suitable metal tag and fastened to the sign in a conspicuous location, and the sign hanger shall have a valid permit in his possession at the time the sign is being placed or erected.
- (i) *General prohibitions.*
- (1) Any sign not expressly permitted herein is prohibited.
 - (2) It shall be unlawful for any sign in any district to be attached to a door, window casing or tree or for any sign to obstruct any fire escape or building entrance, passageway or window or to be located a distance the horizontal projection of which is less than ten feet from any fire hydrant, traffic light, or on any pole or column on public property, or to be erected in any location where by reason of traffic conditions, fire or other hazard, it would imperil public safety or interfere with the duties of the police or fire departments. Signs shall not be attached to any utility pole or be located within any public right-of-way.
 - (3) All signs shall be securely and adequately fastened and anchored. Single strand wires, wood plugs or other structurally unsafe materials are prohibited in the erection or maintenance of any sign.
 - (4) It shall be unlawful to own, possess, or construct an accessory sign unless such sign shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the building code or other ordinances of the city.
- (j) *Permitted accessory signs.* The following types of signs (illuminated or non-illuminated) are permitted in the following districts:
- (1) *Billboards.* Permitted in District M with a minimum setback of 100 feet of any sidewalk or public highway, and a minimum distance of 150 feet of any residential or business building, and at a minimum distance from adjoining property of no less than twice height of the billboard; and at a maximum distance from the ground to the highest point of the sign of no more than 25 feet. The above notwithstanding, billboards are permitted in District M if they are roof signs and otherwise comply with the provisions regarding roof signs.

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- (2) *Freestanding signs.* Permitted in District RO, C and M with no more than one sign per business frontage (where a business is located on a corner lot, or has direct access to two or more streets, or a street or alley, all regulations shall apply to each of the frontages) up to 300 feet, and two signs for frontage between 300 and 600 feet, and three signs for frontage in excess of 700 feet, except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage:
- a. Maximum area of sign: 50 square feet.
 - b. Maximum height of sign: 25 feet at minimum setback line and one foot per each one foot additional setback up to 35 feet maximum, except that in no event shall the sign be taller than two feet above the roof line of the building.
 - c. Location of sign. Signs shall not extend over the public right-of way, and shall conform to the setback requirements for structures in the applicable districts.
- (3) *Projecting signs.* Permitted in Districts RO, C and M, with a maximum of one per eligible advertiser, except that no accessory projecting sign is permitted if an accessory freestanding or roof sign exists on the same frontage, nor is an accessory projecting sign allowed by an upper level business. Projecting signs shall be limited in area as follows:
- a. Vertical or horizontal projecting sign may not project above the roof line of the building and may be a maximum of 40 square feet each side.
 - b. Maximum height and projection: nine feet minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than five feet from the face of the building to which it is attached.
 - c. Location of sign: not to extend over any public right-of-way.
 - d. Maximum weight and required means of attachments. Projecting signs exceeding ten square feet in area or 50 pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. Such signs shall be attached to masonry walls with galvanized expansion bolts of an appropriate diameter, shall be fixed in the wall by means of bolts, extending through the wall, shall contain proper size metal washer or plate on the inside wall and shall comply otherwise herewith. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.
- (4) *Roof signs.* Permitted in District M subject to the following:
- a. No roof sign shall be constructed nearer any edge of the roof of the building on which it is located than a distance equal to the distance between the roof of the building and the top of the sign.
 - b. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of the sign shall bear directly upon masonry walls and intermediate stall columns in the building. No roof sign shall be supported or anchored to the framework of a building.
 - c. The square feet area of any side of a roof sign shall not exceed 25 percent of the square foot area of the roof upon which it is located or the wall from which it is hung or attached, nor more than 300 square feet.
 - d. No roof signs shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of the roof to any other part thereof, or interfere with openings in the roof and shall otherwise comply herewith.

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- e. All roof signs and any supporting structures shall be designated and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the building code or other ordinance of the city.
- (5) *Wall signs.* Permitted in Districts RO, C, and M, with no maximum number.
- a. Maximum area of sign: 15 percent of building facade area upon which the sign is placed, not to exceed 200 square feet maximum (maximum area of signs to include the sum of the building facade area of all wall signs per frontage).
 - b. Maximum height and location: Signs shall not extend beyond the top or ends of the wall surface on which they are placed, nor project more than 12 inches from building facade.
- (k) *Permanent signs permitted in all districts.* Permanent signs specified in this section are permitted in addition to the signs permitted in the respective use districts, but are subject to the conditions and limitations set forth herein. Permits are unnecessary unless required by the particular subsection.
- (1) *House or building address.* Any sign which sets forth the house or building address, provided that the individual characters of the signs do not exceed 18 inches in height.
 - (2) *Integral signs.* Names of buildings, dates of construction, commemorative tablets and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.
 - (3) *Public signs.* Signs of a public, noncommercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and all signs erected by or on order of a public officer in the performance of a public duty.
 - (4) *Institutional bulletin boards.* One per eligible advertiser, but no such sign shall exceed neither a height of six feet nor an area of 24 square feet. A permit is required.
 - (5) *Private traffic direction signs and related signs.* Signs directing traffic movements onto a premises or within a premises, when such sign are located on the premises, shall conform in size and location to the Michigan Manual of Uniform Traffic Control Devices. Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs and the like. Horizontal directional signs on and flush with paved areas shall also conform the standards of the Michigan Manual of Uniform Traffic Control Devices.
 - (6) *Time and temperature.* No such sign shall exceed the height of the building to which it is accessory, nor an area of 40 square feet. A permit is required.
 - (7) *Underground public utility warning signs.* Standard types of warning signs marking the routes of underground public utility pipes, conduits and cables.
- (l) *Prohibited signs.* The following signs shall not be permitted, erected, or maintained in any district, notwithstanding any other provision of this chapter:
- (1) Signs that incorporate in any manner any flashing or moving lights.
 - (2) Banners, pennants, spinners, and streamers except as permitted section above.
 - (3) String lights used in connection with commercial premises for commercial purposes, other than holiday decorations.
 - (4) Any sign which has any visible moving parts, visible revolving parts or visible mechanical movements or any description, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsation's, or by action of normal wind currents, but automatic time and temperature signs with a cycle time or not less than five seconds are permissible.

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- (5) Any sign or sign structure which:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
 - (6) Any sign, which by reason of its size, location, content, coloring or manner illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.
 - (7) Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 - (8) Signs which make use of words such as "stop," "look," "danger," or any characters or shapes generally used as public safety symbols, or other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
 - (9) Any sign unlawfully installed, erected or maintained.
 - (10) Any sign now or hereafter existing, which no longer advertises a bona fide business, conducted, or a product sold on the premises unless such sign is in District M.
 - (11) Any sign painted upon the wall of a building.
- (m) *Miscellaneous requirements.*
- (1) *Hours of illumination.* Illumination of all outdoor lighted advertising signs shall be terminated and discontinued each night between the hours of 11:00 p.m. and 6:00 a.m., unless the place of business where such signs are located is open during such hours for business and such signs are adequately shielded against all premises used or zoned for residential purposes.
 - (2) *Periodic painting.* The owner of any sign regulated by this section shall be required to have such sign properly painted at least once every two years all parts and supports of the sign, unless the same are galvanized or otherwise treated to prevent rust, or constructed of a material which, by its nature, shows no deterioration.
 - (3) *Dangerous or unsafe signs prohibited.* No sign shall be maintained or permitted in the city which the zoning inspector determines is dangerous or unsafe.
- (n) *Nonconforming signs.*
- (1) *Intent.* It is the legislative intent to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this section is a valid objective of the police power, but it is also the legislative intent that such elimination of nonconforming signs shall be brought about over a period of time and in such a manner as to avoid the invasion of vested rights of owners of nonconforming signs and the infliction of unnecessary hardship. The provisions of this section shall be construed to that end.
 - (2) *Maintenance of nonconforming signs.* Signs rendered nonconforming by the provisions of this section shall be maintained in a condition of good repair until removed pursuant to the provisions of this section, but no such nonconforming sign shall:
 - a. Be changed to another nonconforming sign.
 - b. Have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is a changeable copy panel, bulletin board sign, or substantially similar type of sign specifically designed for periodic change of sign message.

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- c. Be structurally altered so as to prolong the life of the sign, or changed in shape, size, type or design.
 - d. Continue to be used or allowed to remain in place after the activity, business or usage to which it relates has been discontinued for 60 days or longer.
 - e. Be re-established after its removal, or repaired or replaced after damage or destruction if the expenses of repair exceeds 50 percent of the cost of replacement.

(Ord. of 12-10-2019; Ord. No. 444, § 2, 2-9-2021)

Sec. 82-197. Special land uses.

- (a) *Generally.* The formulation and enactment of this section is based upon the division of the city into districts in each of which may be permitted specific uses which are mutually compatible and special land uses. Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this section shall be in addition to others required elsewhere in this chapter and at the same time provide to the city and the developer some latitude to address site issues in an innovative manner.
 - (1) *Authority to grant permits.* The planning commission as hereinafter provided shall have the authority to approve, deny, or approve with conditions as specified in subsection (5) of this section.
 - (2) *Application.* Application for any special land use permit permissible under the provision of this chapter shall be made to the planning commission through the city clerk by filing an official special land use permit application form and submitting a site plan in accordance with section 82-198.
 - (3) *Public hearing for special land uses.* After a preliminary review of the site plan and an application for a special land use permit, the planning commission shall hold a hearing on the site plan and special land use permit in accord with section 82-46.
 - a. Describe the nature of the request;
 - b. Indicate the property which is the subject of the request;
 - c. State when, where and at what time the public hearing on the request will be considered; and
 - d. Indicate when and where written comments will be received concerning the request.
 - (4) *Required standards and findings for making determinations.* The planning commission shall review the particular circumstances of the special land use request under consideration in accordance with the requirements of section 82-198, site plan review, and shall approve the special land use request only upon approval of the site plan and finding of compliance with the following standards:
 - a. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b. The use shall not inappropriately change the essential character of the surrounding area.
 - c. The establishment of the special land use will not impede the normal and orderly development and improvements of the surrounding property for uses permitted in the district.
 - d. The use shall not interfere with the general enjoyment of adjacent property.

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- e. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also is in keeping with the natural environment of the site.
 - f. The use shall not be hazardous to adjacent properties, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
 - g. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
 - h. Adequate utilities, access roads, drainage, parking, lighting, storage, refuse removal, easements, play areas, open space, landscaping and snow removal and all necessary facilities as determined by the city have been or are being provided.
 - i. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
 - j. The use shall not place demands on public services and facilities in excess of current capacity.
 - k. The use shall meet the provisions of the zoning district provisions in which said special land use is located and other applicable standards contained in provisions of this or other applicable ordinances or laws.

- (5) *Determination and imposition of conditions.* A review of an application and site plan requesting a special land use permit shall be made by the planning commission in accordance with the procedures and standards specified in this chapter. If a submitted application and site plan does not meet the requirements of the ordinance, they shall not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes.

If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this chapter will apply to the proposed special land use, the planning commission shall not grant a special land use permit. The planning commission may impose conditions with the approval of a special land use permit application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the zoning inspector.

These conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- (6) *Approval, granting of permit.* Upon holding a public hearing and the finding that the requirements of this chapter have been satisfactorily met by the applicant, the planning commission shall within 30 days approve, disapprove, or approve with conditions the special land use permit. Approval and issuance of a special land use permit by the planning commission shall signify prior approval of the application and site plan, therefore including any modifications and any conditions imposed where necessary to comply with this chapter. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such.

The decision to approve or deny a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to ensure compliance with the ordinance, and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to ordinance requirements receives the mutual agreement of the landowner and the planning commission and is documented as such. When the planning commission gives final approval, a special land use permit shall be issued to the applicant. The planning commission shall forward a copy of the permit to the applicant, clerk, zoning inspector, and the city commission. The zoning inspector shall not issue a zoning compliance permit until he has received a copy of the special land use permit approved by the planning commission.

- (7) *Voiding of special land use permit.* Any special land use permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use is commenced within 210 days and completed within 575 days of the date of issuance. The planning commission may give extension of these time limits if conditions can be shown to justify an extension. A violation of requirement, condition, or safeguard shall be considered a violation of this chapter and grounds for the planning commission to terminate and cancel such special land use permit.
- (8) *Appeal.* The property owner may appeal any decision by the planning commission granting or denying a special land use permit to the city commission. The appeal may be taken by any person, firm or corporation and must be in writing and filed with the city clerk within seven days of any decision of the planning commission. The city commission shall schedule an appeal hearing within 21 days of receipt of any appeal, with notice as provided in subsection (3) of this section.

(b) *Requirements for specific uses.*

- (1) *Automobile service stations and oil change establishments.*
- a. Minimum lot area shall be 15,000 square feet for an automobile service station, repair garage or maintenance garage such as oil change and engine tune-up businesses, 20,000 square feet for a gasoline/convenience store facility, and 30,000 square feet for a gasoline/convenience facility with a car wash operation.
 - b. Minimum lot width shall be not less than 120 feet.
 - c. An automobile service station building shall be located not less than 40 feet from any right-of-way line and not less than 25 feet from any side or rear lot line abutting residentially zoned property or alley.
 - d. Ingress and egress drives shall not be more than 30 feet in width.
 - e. No more than one curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street.
 - f. No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the planning commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 - g. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings, in such areas where public roadways meet the same standard.

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- h. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
 - i. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.
 - j. When adjoining residentially zoned property or across an alley from residential property, a seven-foot high screen wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the residential side of alley lot line if consistent with adjacent commercial screening walls. All screening walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the planning commission.
 - k. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six-foot brick wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five days. Any stored items may not be stacked higher than the perimeter screen fence.
 - l. The sale of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
 - m. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
 - n. Only one free-standing sign shall be permitted, not exceeding 150 square feet in area per [sign].
 - o. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this chapter.
- (2) *Child care center, nursery schools, day nurseries.*
- a. Nursery schools and day nurseries for children of preschool age shall provide a lot area of not less than 700 square feet for each child enrolled therein.
 - b. For each child cared for, there shall be provided, equipped and maintained, on the premises, a minimum of 150 square feet of usable outdoor play area (minimum total area of 5,000 square feet per facility).
 - c. The outdoor play area shall be suitably fenced and screened by a heavily planted green belt from any abutting residential uses.
- (3) *Corporate, business, and professional offices.*
- a. New buildings shall be situated on the site to minimize its impact on adjoining residential property. Factors that determine an impact, include but are not limited to, building height, type and appearance of exterior building materials, location and placement of off-street parking lots, screening and landscaping, access, and hours of operation.
 - b. Hours of operation shall be limited to 7:30 a.m. to 9:00 p.m. unless an extension of hours is approved by the zoning board of appeals.
 - c. When adjoining residentially zoned property or across an alley from residential property, a six-foot brick wall shall be erected and maintained along the connecting interior lot line, or if

separated by an alley, then along the residential side of alley lot line. All brick walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the planning commission.

- d. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- (4) *Churches.*
- a. Minimum lot width shall be 150 feet.
 - b. Minimum lot area shall be one acre.
 - c. Off-street parking shall be prohibited within the front and side yard setback areas as required in article V, schedule of regulations and within 15 feet of the rear property line.
- (5) *Congregate housing for the elderly:* not to exceed a height of two stories, when the following conditions are met:
- a. All housing for the elderly shall be provided as a planned development consisting of at least one acre and may provide for the following:
 - 1. Cottage type dwellings and/or apartment type dwelling units.
 - 2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - b. All dwellings shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).
 - c. The maximum extent of development shall not exceed 15 dwelling units per acre.
 - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 30 percent of the total site exclusive of any dedicated public right-of-way.
- (6) *Home occupations:* an accessory use of a dwelling unit for gainful employment which:
- a. Is clearly incidental and subordinate to the use of the dwelling unit as a residence. Examples of home occupations are tailoring, sculpturing, writing, telephone answering, lapidary work, computer programming, and instruction in a craft or fine art. Examples of those occupations not permitted are beauty parlors, repair shops, nursery schools, dancing studios, kennels, or private clubs.
 - b. Are carried on solely within the main dwelling unit and does not alter or change the exterior character or appearance of the dwelling;
 - c. Is located in a residential district; and
 - d. Does not generate traffic, parking, or utility usage in excess of what is normal for the residential neighborhood, and does not result in the outside storage or display of any product.
- (7) *Medical and dental offices.*
- a. Primary medical care shall include family practice, obstetrical care, and internal medicine. Emergency care services shall be prohibited.
 - b. Laboratories and diagnostic facilities may include non-evasive diagnostic procedures except magnetic image resonance procedures.
- (8) *Multiple-family dwellings.*

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- a. The entire area of the site shall be treated to service the residents of the multiple-dwelling units located thereon, and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main buildings. Uses considered herein as accessory uses include: swimming pools, cabanas, parking, recreation areas, off-street parking areas, and other similar uses.
 - b. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The planning commission may recommend physical features be provided which will ensure harmony in these relationships.
 - c. The site plan shall be so planned as to provide ingress and egress directly onto a major or secondary thoroughfare, except when the planning commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.
 - d. Access drives, parking areas and maneuvering lanes shall be so located to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. The planning commission in reviewing the site plan shall consider the following requirements:
 1. Drives, maneuvering lanes and open parking spaces shall be a distance of at least 15 feet from any residential building wall or portion thereof with a window and/or door penetration at the ground floor level.
 2. The required parking spaces shall be well related to the building they are intended to serve.
 3. The planning commission shall review the floor plans of each building to ensure convenient pedestrian flow between dwelling units, parking areas, and outdoor living areas.
- (9) *Neighborhood specialty food store.*
- a. The outdoor storage of goods or materials shall be prohibited.
 - b. Warehousing or indoor storage of goods or materials beyond that normally incidental to the above permitted uses shall be prohibited.
 - c. Hours of operation shall be between 8:00 a.m. and midnight.
 - d. Store signage shall be limited to that provided through the ordinance from which this chapter derived. Signs advertising products or promotions are prohibited from display on store windows or walls having exposure to public rights-of-way or residential property.
 - e. Off-street parking shall comply with retail store parking requirements.
 - f. At least 60 percent of the useable floor area shall be used for the sale of non-beverage (unlicensed or licensed) items.
 - g. The store gross floor area shall not exceed 2,000 square feet.
- (10) *Open-air business.* In the case of sales of cut trees intended to be displayed during the Christmas season, a temporary permit shall be obtained from the building inspector which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31, and no trees shall be stored or displayed nearer the street than the front property line, furthermore, that off-street parking shall be provided in accordance with the regulations for open air business uses. The zoning inspector shall require a performance bond or other surety in an amount not to exceed the cost of removing all articles covered under the temporary permit. The performance bond will be given to City of Pleasant Ridge prior to the issuance of the temporary permit.

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- (11) *Open storage facilities.* That portion of the land used for open storage facilities for materials or equipment use in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R-1, R-2, RM, RO Districts, and on any front yard abutting a public thoroughfare. In M Districts, the planning commission on the basis of usage may determine the extent of such a wall. Such a wall shall not be less than six feet in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of article XIII, "general provisions."
- (12) *Swimming pools.* Private pools, above or below grade, shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
- a. There shall be a distance of not less than six feet, between the adjoining property line and the outside of the pool wall.
 - b. There shall be a distance of not less than six feet, between the outside pool wall and side and/or rear lot line and any accessory building.
 - c. No swimming pool shall be located in the front yard area.
 - d. There shall be a horizontal distance of not less than ten feet from any overhead lines.
 - e. Swimming pools as any other accessory structures shall be located at least one foot away from any easement.
 - f. The swimming pool area or yard in which the swimming pool is located shall be enclosed by a fence with a minimum height of four feet.
- (13) *Publicly owned and operated parks.* Publicly owned and operated parks, parkways, and recreation facilities when developed in accordance with the city's recreation plan, as may be amended.
- (14) *State and federal government offices.* Occupancy shall be limited to governmental offices. Governmental uses that require overnight parking, generate service deliveries by semi-trucks, or provide emergency services are prohibited.
- (15) *Utility and public service buildings.*
- a. Storage yards not permitted.
 - b. All buildings shall be compatible in appearance and design with the development of the area and with zoning classifications in which they are located, and are not physically larger than other buildings in such areas.
- (16) *Group childcare home.*
- a. Group childcare homes shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 1. Another licensed group child care home.
 2. A licensed adult foster care small or large group home
 3. A facility offering substance abuse treatment and rehabilitation services to seven or more people, which is licensed by the State of Michigan.
 4. A community correction center, resident home, halfway house or other similar facility, which houses an inmate population under the jurisdiction of the department of corrections.
 - b. All outdoor play areas shall be enclosed with fencing, a minimum of four feet high.

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- c. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group childcare home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
 - d. At least one off-street parking space shall be provided for each non-family employee of the group childcare home in addition to the parking normally required for the residence. A driveway may be used for this purpose.
 - e. Hours of operation shall not exceed 16 hours in a 24-hour period.
- (17) *Accessory outdoor dining areas.* Accessory outdoor dining areas are permitted by right when accessory to a permitted or special land use subject to the following:
- a. Outdoor dining may be permitted as an accessory to another permitted dining use, and shall at no time be used for retail or display or sales.
 - b. Outdoor dining requests shall require site plan review by the planning commission in compliance with article VI, section 82-198, site plan review, impact assessment and must also comply with the provision of chapter 18, businesses, article II, licenses, division 1, accessory outdoor dining areas, of the Pleasant Ridge City Code.

Once initial approval has been granted by the planning commission, it shall be valid for one year and may be renewed annually by the zoning inspector, provided that it continues to comply with the original planning commission approval. The zoning inspector may defer decision to the planning commission; if they feel additional review is needed due to existing or reoccurring violations, or the existence of other unforeseen conditions.
 - c. Outdoor dining is permitted between April 15 and October 31. All furniture and fixtures must be removed immediately after October 31.
 - d. Outdoor dining areas shall not be the primary seating of the restaurant.
 - e. Outdoor dining areas 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) along the sidewalk so as not to interfere with pedestrian traffic.
 - f. Chairs and tables shall be of quality durable material such as metal or wood.
 - g. Waste receptacles shall be provided in instances where wait staff does not clear all tables.
 - h. Outdoor dining areas shall be required to be enclosed in instances where there is wait staff or alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable material approved by the planning commission.
 - i. Outdoor dining that extends into areas located within the public right-of-way shall require approval by city commission. Such variance requests may be permitted in the commercial (C) zoning district only, and shall adhere to the following:
 - 1. Commercial general liability insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000.00 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and noncontributing with this insurance, and shall include an endorsement providing for a 30-day advance written notice of cancellation or non-renewal to be sent to the zoning inspector.

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2. A license agreement in a form deemed acceptable to the city attorney's office shall be required.
 3. An elevated, ADA compliant platform may be erected on a street adjacent to an eating establishment to create an outdoor dining area if the planning commission determines there is sufficient space available for this purpose given parking and traffic conditions. Such platform shall be constructed according to the following:
 - (i) Platforms shall be enclosed by a metal railing, wood railing or other suitable material approved by the planning commission. Railing height must be at least 42 inches in height.
 - (ii) All platforms must be removed no later than November 7 and may not be stored outdoors during the winter months.
 - (iii) Platform edges closest to the travel portion of the roadway shall include reflective surfaces or other elements to draw attention to motorists.

(Ord. of 12-10-19)

Sec. 82-198. Site plan review.

The provisions of this section require site plan review and approval of all development proposals listed below. The intent of this section is to provide for consultation and cooperation between the developer and the City of Pleasant Ridge so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this chapter.

- (1) *Site plan review in use districts required.* A site plan shall be submitted to the city planning commission for approval of any use in RM, RO, C, M and P zoning districts, and all special uses in all districts shall be required in the following situations:
 - a. Any use or development for which the submission of a site plan is required by any provision of this chapter.
 - b. Any development, except single-family platted residential, for which off-street parking areas are provided as required in this chapter.
 - c. Any change of use in a nonresidential district (Districts RM, RO, C, and M), lying contiguous to or across a street from a single-family residential district and/or use that affects internal traffic circulation or requires an increase in off-street parking.
 - d. Any use except single-family residential which lies contiguous to a major thoroughfare or collector street that affects internal traffic circulation or requires an increase in off-street parking.
 - e. All special land uses permissible on appeal in single-family districts such as, but not limited to: churches, schools, public facilities, and similar uses.
 - f. All site condo and condominium subdivisions developed pursuant to the Condominium Act (MCLA 559.101 et seq.).
 - g. All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure and which do not fall under the requirements of the Subdivision Control Act of 1967 as amended (MCLA 560.101 et seq.).
 - h. Change in the zoning classification of the parcel.

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- i. Increase in floor space of an existing building that requires an increase in off-street parking to satisfy the zoning requirements.
 - j. Any site change that affects internal traffic circulation of the property or affects traffic circulation for properties surrounding the property.
- (2) *Application for site plan review.* An application for site plan review shall be submitted to the city planning commission. The detailed site plan presented for consideration shall contain all information required in this chapter.
- a. Each submittal for site plan review shall be accompanied by an application and site plan in the quantities specified in subsection (5) below. The application shall, at a minimum, include the following information:
 - 1. The applicant's name, address, and phone number in full.
 - 2. Proof of property ownership, and whether there are any options on the property, or any liens against it.
 - 3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 - 5. The address and or parcel number of the property.
 - 6. Name and address of the developer (if different from the applicant).
 - 7. Name and address of the engineer, architect and/or land surveyor.
 - 8. Project title.
 - 9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the ordinance.
 - 10. A vicinity map drawn at a scale of one inch = 200 feet with north point indicated.
 - 11. The gross and net acreage of all parcels in the project.
 - 12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
 - 13. Project completion schedule/development phases.
 - 14. Written statements and/or engineering documentation that addresses project influences on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
 - b. The site plan shall consist of an accurate, reproducible drawing at a scale of one inch = 20 feet or less, showing the site and all land within 150 feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:
 - 1. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
 - 2. Existing topographic elevations and proposed grades, at a maximum of 50 feet intervals sufficient to determine the direction of drainage flows.

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3. Location and type of significant existing vegetation as determined by a registered landscape architect.
 4. Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainageways.
 5. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
 6. Proposed location of accessory structures, buildings and uses, including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
 7. Location of existing public roads, rights-of-way and private easements of record and abutting streets.
 8. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
 9. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
 10. Location, size, and characteristics of all loading and unloading areas.
 11. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
 12. Location of water supply lines and/or wells, including fire hydrants and shutoff valves, and the location and design of storm sewers, retention or detention ponds, wastewater lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
 13. Location of all other utilities on the site including, but not limited to, natural gas, electric, cable TV, telephone and steam.
 14. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
 15. Location, size and specifications of all signs and advertising features.
 16. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
 17. Location and specifications for all fences, walls, and other screening features with cross sections.
 18. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
 19. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
 20. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 21. Identification of any significant site amenities or unique natural features.

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22. Identification of any significant views onto or from the site to or from adjoining areas.
 23. North arrow, scale and date of original submittal and last revision.
 24. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

(3) *Site plan review and approval authorized.*

- a. The planning commission as specified in this section, shall review and approve, review and conditionally approve per article VI, section 82-198(7), or review and deny all site plans submitted under this section. Each site plan shall comply with the "standards for granting a site plan approval" as described in subsection (6) of this chapter. Each action taken with reference to site plan review shall be duly recorded in the official record of action in the minutes of the planning commission. Those site plans which require planning commission review will then be submitted to the planning commission for action along with the recommendation of the city manager or representative as to conformity or nonconformity with ordinance requirements and what revisions or conditions, if any, would be necessary in order to be in conformance. Prior to any final decision, the planning commission may seek the recommendations of the City of Pleasant Ridge building inspector, public work department, planning consultant, engineer, fire department, police department, the Oakland County Road Commission, Oakland County Health Department, Oakland County Drain Commission, the Michigan Department of Transportation, and the Michigan Department of Natural Resources where applicable.
- b. All site plans shall be acted upon within 60 days of receipt by the City of Pleasant Ridge Planning Commission of a complete application and site plan meeting the requirements of subsection (2) above. Following approval of a site plan, the petitioner shall apply for the appropriate City of Pleasant Ridge, county and/or state permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.
- c. Any building seeking LEED (leadership in energy and environmental design) green building rating system certification shall be acted upon within 30 days of receipt by the City of Pleasant Ridge Planning Commission of a complete application and site plan meeting the requirements of subsection (2) above. Following approval of a site plan, the petitioner shall apply for the appropriate LEED certification, and City of Pleasant Ridge, county and/or state permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.
- d. Upon notification of LEED certification and submittal of same to the city, the owner of the building shall receive the following permit fee reimbursement:

Silver = five percent

Gold = ten percent

Platinum = 15 percent

(4) *Procedures for submission and review of application.*

- a. *Submission requirement.* The applicant shall complete and submit the required number of copies of an application for site plan approval, site plans, and other information where applicable. Compliance with the requirements of the zoning ordinance is mandatory. The applicant or his/her representative must be present at each scheduled review or the matter will be tabled for a maximum of two consecutive meetings due to lack of representation. The procedure for processing major project site plans includes three phases: conceptual review via a pre-application conference, preliminary site plan review, and final site plan review.

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- b. *Pre-application conference.* During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the city manager, representative of the planning commission and such other City of Pleasant Ridge representatives as appropriate. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the board of appeals for a variance. There is no charge or fee to the applicant for this meeting.
 - c. *Preliminary site plan review.* The second phase is called preliminary site plan approval. At this step a preliminary site plan meeting the submittal requirements of this chapter is reviewed by the planning commission, and the changes necessary, if any, for final site plan approval are indicated in writing to the applicant. A public hearing pursuant to the requirements of section 82-198(5)c, below is held.
 - d. *Final site plan review.* Final site plan approval shall be by the planning commission if requested by the applicant. The approving body or official shall indicate in writing that all requirements of the ordinance including those of other reviewing agencies within the City of Pleasant Ridge have been met including any conditions that may be necessary. Where the applicant is dependent upon the grant of any variances by the zoning board of appeals, said favorable action by the zoning board of appeals is necessary before final site plan approval can be granted. An approved site plan shall include a note referencing the case number and date of all variances granted.
- (5) *Distribution copies and action alternatives.* Where site plan review is required by this chapter, an applicant for site plan approval shall complete and submit the number of copies required below of a site plan review package, which shall consist of a copy of the site plan application, and checklist, site plan, and other information were applicable. The application for site plan review package must be obtained from the city manager. Application fees as found in the City of Pleasant Ridge fee resolution must be paid when the application is submitted and sufficient escrow accounts must be established to cover the projected review costs. The applicant is asked to keep one copy for his/her records. The following site plan review packages shall be submitted for review at least 30 days prior to the next regularly scheduled meeting of the planning commission.
- a. The original and 12 copies for the City of Pleasant Ridge Planning Commission and city departments.
 - b. If required, the applicant shall take one additional copy of the site plan review package to the following agencies: one package to the Oakland County Road Commission; one package to the Oakland County Drain Commission; and one package to the Oakland County Health Department. Upon delivery of the site plan review package, the applicant shall obtain a receipt from the agencies as proof of delivery or a stamped, signed site plan indicating no comment. Comments from each agency, if any, should be returned to the city manager. Without these copies, the site plan will not be processed.
 - c. An application for site plan review will be placed on the agenda of a meeting of the planning commission for discussion and action only after receipt of comments from the state, county, and/or City of Pleasant Ridge agencies, unless the site plan has been in possession of the reviewing agencies for 30 days without review and/or comment. The planning commission shall hold a public hearing, one notice of which shall be published not less than five nor more than 15 days prior to the public hearing date in a newspaper of general circulation in the city and sent by first class mail to the owners of the property for which site plan approval is being considered, to

the owners of record of all real property, to the occupants of all structures located within 300 feet of the boundaries of the property in question and the planning commission. The notice shall:

1. Describe the nature of the site plan request.
 2. Adequately describe the property in question.
 3. State the date, time, and place of the public hearing.
 4. Indicate when and where written comments concerning the request will be received.
- d. The planning commission will consider all applications for site plan review submitted to it for approval, revision, or disapproval at a scheduled meeting:
1. Upon determination of the planning commission that a site plan is in compliance with the zoning ordinance and other plans or regulations, it shall be so indicated on the site plan.
 2. Upon determination of the planning commission that a site plan is in compliance, except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner shall resubmit the site plan to the planning commission for final site plan review.
 3. If extensive revisions to the site plan are necessary to comply with the zoning ordinance, and other applicable plans and regulations, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case, "disapproval" shall be written on the plan and reasons for disapproval indicated in the planning commission's resolution.
- e. When a site plan is reviewed and approved or disapproved by the planning commission and all steps completed, three copies of the site plan, including any conditions of approval, will be marked by the planning commission for the following distribution:
1. One copy returned to the applicant signed by the chairperson of the planning commission.
 2. One copy forwarded to the city manager for filing.
 3. One copy to the city clerk for filing.
- f. Upon final site plan approval by the planning commission, a building permit may be obtained subject to review and approval of the engineering plans by the City of Pleasant Ridge Engineer.
- g. Failure to initiate construction of an approved site plan within 365 days and annually thereafter of approval shall require the applicant to appear before the planning commission and demonstrate why the approval should not be revoked. After a hearing the planning commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:
1. An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;
 2. Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;
 3. A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;
 4. Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

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- h. Thirty days prior to expiration of an approved site plan, an applicant may make application for a one-year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. The applicant shall present his/her case in person or by representative at the next meeting of the planning commission.
 - i. Revocation of an approved site plan shall be communicated in writing by certified mail to the applicant. The building inspector shall also be notified to withhold any building permit until a new site plan is approved.
 - j. Any subsequent submittal shall be processed as a new request with new fees, except for minor amendments pursuant to section 82-198(10) below.
- (6) *Standards for granting site plan approval.* Each site plan shall conform to all applicable provisions of this zoning ordinance and the standards listed below:
- a. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
 - b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
 - c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - d. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - e. All new buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides, unless approved by the fire marshal.
 - f. Every structure or dwelling unit shall have access to public street, walkway or other area dedicated to common use.
 - g. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
 - h. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural materials no less than six feet in height.
 - i. Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
 - j. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the comprehensive plan.
 - k. All streets shall be developed in accordance with the subdivision control ordinance and the county road commission specifications.

(7) *Conditional approval.*

- a. The planning commission may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to a public works department, county drain commission, county road commission, state highway commission or natural resources department. They may do so when such conditions:
 - 1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
 - 2. Would protect the natural environment and conserve natural resources and energy,
 - 3. Would ensure compatibility with adjacent uses of land, and,
 - 4. Would promote the use of land in a socially and economically desirable manner.
- b. The planning commission may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements and may collect a performance guarantee consistent with the requirements of subsection (9) to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:
 - 1. That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;
 - 2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

(8) *Conformity to approved site plan required.* Following final approval of a site plan by the planning commission, the applicant shall construct the site plan in complete conformity with the approved plan. Failure to do so is a violation of the ordinance from which this chapter derived and subject to the sanctions of section 82-6.

(9) *Performance guarantee required.* In the interest of insuring compliance with the zoning ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the City of Pleasant Ridge and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the planning commission shall require the applicant to deposit a performance guarantee for site improvements as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including, but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- a. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of site improvements to be made as determined by the applicant and verified by the City of Pleasant Ridge City Manager.
- b. Where the planning commission requires a performance guarantee, said performance guarantee shall be deposited with the city treasurer prior to the issuance of a building permit by the building inspector for the development and use of the land. Upon the deposit of the performance guarantee, the City of Pleasant Ridge shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account for the applicant.

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- c. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
 - d. In the event the performance guarantee deposited is a cash deposit or certified check, the City of Pleasant Ridge shall rebate to the applicant 50 percent of the deposited funds plus any interest earned thereon when 60 percent of the required improvements are completed as confirmed by the building inspector and the remaining 50 percent of the deposited funds when 100 percent of the required improvements are completed as confirmed by the building inspector. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the zoning ordinance standards and the specifications of the approved site plan.
 - e. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City of Pleasant Ridge, the City of Pleasant Ridge shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City of Pleasant Ridge to complete the improvements for which it was posted, the applicant shall be required to pay the City of Pleasant Ridge the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the City of Pleasant Ridge use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the City of Pleasant Ridge administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City of Pleasant Ridge to ensure completion of an improvement associated with the proposed use prior to the City of Pleasant Ridge conditional approval, the applicant shall not be required to deposit with the City of Pleasant Ridge performance guarantee for that specific improvement and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City of Pleasant Ridge regarding the performance guarantee.

(10) *Amendments to approved site plans.*

- a. Amendments to an approved site plan may be made by the planning commission provided that such changes conform to the zoning ordinance and the landowner agrees. Minor changes to an approved site plan may be approved by the city manager after construction has begun provided no such change results in any of the following:
 - 1. A significant change in the use or character of the development.
 - 2. An increase in overall coverage of structures.
 - 3. A significant increase in the intensity of use.
 - 4. A reduction in required open space.
 - 5. A reduction in required off-street parking and loading.
 - 6. A reduction in required pavement widths or utility pipe sizes.
 - 7. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- b. No fees shall be required for the following minor amendments:

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1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, or shortening of building canopies.
 2. Changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided.
 3. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below ordinance requirements.
 4. Moving of ingress and egress drives a distance of not more than ten feet if required by the appropriate state, county or other local road authority with jurisdiction.
 5. Substituting landscape plan species provided a landscape architect certifies the substituted species is similar in nature and screening effects.
 6. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 7. Increase peripheral yards.
 8. Changing the location of an exterior building wall or location not more than ten feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.
- c. If the city manager finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder, the building inspector, and the planning commission in writing that site plan approval has been suspended pending approval by the planning commission, as applicable, of the proposed amendment. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order shall be issued by the building inspector for that portion of the project that is not in compliance with the ordinance. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the ordinance requirements, or of restarting the site plan review process. When the issue has been resolved, the city manager shall send a written notice to the permit holder, the building inspector, and the planning commission that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

(11) *Appeals of final site plans.*

- a. Any applicant aggrieved by a decision of the planning commission in granting or denying approval of a final site plan may appeal the decision to the zoning board of appeals. The appeal must be filed within 30 days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.
- b. The zoning board of appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The zoning board of appeals shall approve the final site plan if the requirements of this section and other applicable ordinance requirements are met. The zoning board of appeals shall make written findings in support of its opinion on the appeal.

- (12) *Waiver.* Either on request of the applicant or on request of the planning commission, one or more of the requirements set out under this section may be waived on the ground that such requirement(s) is inappropriate, irrelevant, or unnecessary in connection with the matter at hand.

(Ord. of 12-10-19)

Sec. 82-199. Unlawful buildings, structures, site designs, and uses.

A building, structure, or other use, which did not lawfully exist at the time of adoption of this chapter, shall not become or be made lawful solely by reason of the adoption of this chapter. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this chapter, such building shall be deemed an unlawful structure and a nuisance and be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating any such nuisance shall become a lien upon the land.

(Ord. of 12-10-19)

Sec. 82-200. Voting places.

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

(Ord. of 12-10-19)

Sec. 82-201. Siting and screening of trash dumpsters.

Dumpsters may be permitted or required as accessory to any use, other than single family residential uses, subject to the following conditions:

- (1) *Location.* Dumpsters shall be located on a concrete pad in a rear or side yard, provided any such dumpster shall not encroach on required parking area, is clearly accessible to servicing vehicles. Dumpsters shall be located as far as practicable from any adjoining residential district or use but shall in no instance be located within ten feet of any residential property line or district.
- (2) *Screening.* Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent wall not less than six feet in height or at least two feet above the enclosed dumpster, whichever is higher. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
- (3) *Site plan requirements.* The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the planning commission.

(Ord. of 12-10-19)

Sec. 82-202. Essential services.

- (a) Essential services shall be permitted as authorized and regulated by federal, state, and local ordinances and laws, it being the intention hereof to exempt such essential services from those regulations governing area, height, placement, and use of land in the city which would not be practical or feasible to comply with. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities.
- (b) Although exempt from certain regulations, proposals for construction of essential services shall be subject to site plan review, it being the intention of the city to achieve efficient use of land and alleviate adverse impact

(Supp. No. 13)

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on nearby uses or land. Essential services shall comply with all applicable regulations that do not affect the basic design or nature of operation of said services.

(Ord. of 12-10-19)

Sec. 82-203. Satellite dish antenna.

Satellite antennas shall be permitted in all districts as an accessory use to a principal building.

- (1) *Definitions.*
 - a. Satellite television antenna is an apparatus capable to receiving communications from a transmitter or a transmitter relay located in a planetary orbit.
 - b. Usable satellite signal is a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.
- (2) *Procedure.* The mounting of satellite antennas, greater than 39 inches in diameter, attached directly to any building located in all zoning districts and the location or placement of satellite antennas on any property located in a residential district is prohibited, unless a site plan thereof is approved by the planning commission and subject to compliance with the standards contained in section 82-198, site plan review.
- (3) *Limitation.* Only one satellite antenna per lot shall be permitted.
- (4) *Grounding.* All such antennas shall be bonded to a grounding rod. No antenna shall be installed on a portable or movable structure.
- (5) *Code enforcement.* All satellite antennas and the construction and installation thereof shall conform to the city building code and electrical code.
- (6) *Restrictions.* No satellite antenna shall be:
 - a. Located in any front open space or side yard open space;
 - b. Constructed closer to a lot line than five feet including its base;
 - c. Linked physically to or with any structure which is not on the same lot;
 - d. In excess of an overall diameter of 12 feet or an overall height of ten feet above the highest point of a roof;
 - e. Supported by structural supports other than corrosion-resistant metal;
 - f. Wired to a receiver, except by wires located at least four inches beneath the ground in a rigid conduit or other wiring configuration approved under the city's building and/or electrical code.
 - g. Located within any required parking area.
- (7) *Roofs.* Satellite antennas are prohibited on the roof of any garage or residential dwelling in residential zoned districts. Roof-mounted satellite antennas are permitted in all commercial zoned districts. Roof-mounted antennas attached to a commercial building shall not extend more than four feet above the highest point of a roof, and shall not be located closer to the edge of the roof than the height of the antenna. Satellite dish antennas shall be mounted directly upon the roof of a principal building and shall not be mounted upon appurtenances such as chimneys, towers, poles or spires.
- (8) *Wind load.* All such antennas shall be designed to meet wind load standards of the city building and/or electrical code.

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- (9) *Screening.* All satellite antennas shall be screened from view of adjacent properties or public rights-of-way by a berm, wall, evergreen plantings, camouflage device or a combination thereof.
 - (10) *Glare.* The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight.
 - (11) *[Applicability.]* The provisions of this section shall be applicable except as may be limited by federal law.

(Ord. of 12-10-19)

Sec. 82-204. Solar panels.

Solar panels shall be permitted in all districts as a special use subject to the following:

- (1) Ground mounted solar energy systems shall meet the location and setback requirements applicable to detached accessory buildings (see section 82-193).
- (2) Roof mounted solar energy equipment shall be permitted in principal and accessory buildings provided that the panels or solar collector surface does not increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- (3) Solar energy collectors shall be designed to either:
 - a. Faithfully replicate the appearance of standard roofing materials, or
 - b. Minimize glare and be uniform in color. Frames (internal or external) shall be the same color as the collector surface. All panels shall have an anti-reflective coating.

(Ord. of 12-10-19)

Sec. 82-205. Geothermal exchange systems.

No geothermal exchange system shall be constructed or modified in the City of Pleasant Ridge, except in accordance with these regulations.

- (1) *Application for registration.* Application for registration for a geothermal exchange system shall be in writing and in such form that shall be prescribed by the City of Pleasant Ridge.
 - a. Every application shall be signed by the geothermal exchange system contractor.
 - b. The application shall be accompanied by a plan showing the location of all existing structures on the applicant's property and on neighboring properties, if they are within 200 feet of the proposed geothermal exchange systems.
 - c. Prior to the approval of the registration, the City of Pleasant Ridge, at its discretion, may require additional information, and/or inspect the property and neighboring properties.
- (2) *Plan review and inspection fee.* A fee of \$100.00 payable to the City of Pleasant Ridge shall accompany each application for the registration of a geothermal exchange system. This fee shall not be refundable in the event that an individual decides not to construct or modify the geothermal exchange system.
- (3) *Approval of registration.* If upon receipt of the application and fee the City of Pleasant Ridge finds that the requirements of this chapter have been satisfied, the registration shall be issued.
 - a. The registration is valid for a period of 12 months from the date of issuance.

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- b. If construction or modification of the geothermal exchange system has not started within this period, the registration is void.
- (4) *Modification.* Any modification from the submitted plan approved with the registration application must be submitted to the City of Pleasant Ridge in writing before construction begins.

(Ord. of 12-10-19)

Sec. 82-206. Flag poles.

Flagpoles shall be permitted as an accessory use in all districts subject to the following:

- (1) The height of a flagpole shall not exceed the maximum permitted height of the zoning district in which they are located.
- (2) Flagpoles shall follow the setback requirements of the district in which they are located.

(Ord. of 12-10-19)

Sec. 82-207. Outdoor works of art.

- (a) *Purpose.* The regulations of this section establish a public review process for the approval of outdoor works of art and will ensure that such works of art are constructed, situated and installed in a manner that protects the public safety.
- (b) *Applicability.* This section shall apply to any work of art, which is to be installed in an outdoor location, and which will be visible from a public street or from another property. Customary holiday decorations and lighting shall not be subject to the provisions of this section.
- (c) *Building permit requirement.* Except artwork, which is composed exclusively of landscaping, every outdoor work of art shall be classified as a "structure" under the zoning code and shall be subject to building permit requirements applicable to structures pursuant to the City of Pleasant Ridge codified ordinances.
- (d) *Art work in residential districts.* In residential zoning districts, an outdoor work of art which is not more than four feet in height and three feet in width or which is not more than six feet in height and two feet in width shall not be subject to the provisions of this section, but shall be subject to all otherwise applicable sections of City of Pleasant Ridge codified ordinances. The setback shall be the front yard setback or one-half the distance of the main dwelling and the front property line, whichever is greater. For a corner lot the side yard setback abutting the street shall have a setback equal to the front yard setback requirements for properties along the side street.
- (e) *Issuance of building permit.* The building official shall issue a permit for an outdoor work of art only, after approval by the city planning commission, if such approval is required, and only after determining that the work of art will not create safety hazards and that it meets all applicable provisions of the building, fire and zoning codes.

(Ord. of 12-10-19)