

ARTICLE 1
Short Title, Purpose, and Scope

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Chapter 1 Generally

1.101 Short title.

This ordinance shall be known and cited as the “City of Pontiac Zoning Ordinance,” and shall be referred to herein as “this ordinance.”

1.102 Conflicting Provisions Repealed.

All ordinances, parts of ordinances and amendments thereto, and provisions contained in Ordinance No. 944 as amended, the “Building Zone Ordinance,” which were adopted prior to the adoption of the amendments to Ordinance No. 944 hereinabove set forth, and which are inconsistent with such amendments, are hereby repealed.

1.103 Severance Clause.

This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

1.104 Severability.

Any clause, sentence, or provision of this ordinance shall be considered severable from the balance of this ordinance, and if any clause, sentence or provision shall or any reason be adjudged by any court or competent jurisdiction to be invalid, for any reason, such jurisdiction to be invalid, for any reason, such judgment shall not affect, impair, or invalidate the remainder of this ordinance.

1.105 Effective Date.

This ordinance shall be effective February 2, 2012.

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**Chapter 1
Generally**

2.101 Classification of Districts.

The city is divided into zoning districts as follows:

Table 1. Zoning Districts

Abbreviation General Zoning Districts		Special Purpose Abbreviation Zoning Districts ¹	
R-1	One-Family Dwelling District	PURD	Planned Unit Residential District
R-1A	Medium Lot One-Family Dwelling District	R-4	Multiple-Family Elevator Apartment District
R-1B	Large Lot One-Family Dwelling District	R-5	Manufactured Housing District
R-2	Two-Family Dwelling District	R-O	Recreation-Open Space District
R-3	Multiple-Family Dwelling District	C-C	Civic Center District
C-O	Residential Office District	P-1	Parking District
C-1	Local Business/Residential Mixed Use District	G-O-T	Governmental, Office, Technology District
C-2	Downtown Mixed Use District	MUD	Mixed Use District
C-3	Corridor Mixed Use District	TC	Town Center District
C-4	Shopping Center Business District	SP	Special Purpose District
M-1	Limited Industrial District	MMOD	Medical Marihuana Overlay Districts
M-2	General Industrial District		
IP-1	Industrial Park District		

¹ Refer to Article 3 for use and development standards for special purpose zoning districts.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.102 Required Conformity to District Regulations.

Except as otherwise provided in this ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, or altered, except in conformity

with the regulations herein specified for the zoning district in which the structure or land is located.

2.103 District Boundaries Shown on Zoning Map.

The boundaries of such districts are hereby established as shown on the zoning map, which accompanies this ordinance. The zoning map with all notations, references, and other information shown thereon shall be as much a part of this ordinance as if fully described herein. The zoning map shall be certified as the official copy by the city clerk and shall be kept on display in the building official's office. This official zoning map, which may be a single sheet or composed of several map sheets, is the only official copy of the zoning map and information shown thereon supersedes and takes precedence over any reproductions appearing in any publication of the Zoning Ordinance distributed for the convenience of the public or appearing elsewhere. Maps and descriptions accompanying enacted amendments shall be displayed adjacent to the official copy until such time as the official copy is corrected. When so ordered by resolutions of the city commission, the official copy shall be corrected to show all amendments and the accuracy and completeness of such corrections shall be certified thereon by the city clerk.

2.104 Interpretation of Zoning Map.

Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying this ordinance, there is uncertainty, contradictions, or conflict as to the intended location of any district boundary as shown thereon, interpretation concerning the exact location of the district boundary line shall be determined by the zoning board of appeals.

The board, in arriving at a decision on these matters, shall apply the following standards:

- A. District boundary lines are intended to follow centerlines of alleys or streets, rights-of-way, water courses, or lot of record lines, or be parallel or perpendicular thereto, unless such district boundary lines are obviously otherwise indicated as shown on the zoning map.
- B. Where district boundaries are so indicated that they approximately follow lot of record lines, such lines shall be construed to be such boundaries.
- C. In un-subdivided property, or where a district boundary divides a lot of record, the location of any such boundary shall be determined by the use of the map scale shown thereon unless the location of the boundary is indicated by dimensions shown on the zoning map.

2.105 Conflicting Regulations.

Where this ordinance imposes greater regulations, restrictions, or limitations by its provisions than are imposed or required by existing laws or ordinances, regulations, restrictions or limitations, the provisions of this Ordinance shall control.

2.106 Nonresidential Mixed with Residential Prohibited.

Except where specifically provided for in this ordinance, such as districts in which both residential uses and nonresidential uses are permitted or where a home occupation exists, nonresidential and residential uses on the same lot or in the same building are prohibited.

2.107 Construction Field Office.

A temporary portable field office or other portable construction related facility as an incidental use on the same site in conjunction with a construction project shall be permitted to exist during periods of construction subject to a site plan showing its location and approved by the Office of Land Use and Strategic Planning and complying with stipulations as specified under Article 6, Chapter 2.

Chapter 2 Permitted Uses by District

2.201 Permitted Uses and Uses Allowed by Special Exception.

In order to avoid intrusion of undesirable uses and to foster all possible benefits for a continued high quality environment, all residential and nonresidential land and structure uses have been classified into permitted uses and uses allowed by special exception permit. Permitted uses include those which require a minimum of limitations; but those uses presenting potential injurious effect upon residential and other property, unless authorized under specific imposed conditions, are controlled through the issuance of special exception permits. Uses requiring a planning commission special exception permit are permitted or prohibited in accordance with the procedure and regulations set forth in Article 6, Chapter 3.

2.202 Prohibited Uses and Uses Not Expressly Permitted.

A. **Prohibited Uses.** Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited.

B. **Uses Not Expressly Permitted** in a zoning district are prohibited unless a positive finding is made by the planning commission that both of the following criteria are met:

1. The use which is not expressly permitted is not listed in any other zoning district.
2. The use which is not expressly permitted has characteristics sufficiently similar to uses that are permitted principal uses or special exception uses in the zoning district in question.
3. If both of the above considerations are met, the use may be permitted as a principal or special exception use as determined by the Planning Commission.

2.203 Permitted Uses by District.

A. **Uses Permitted in Each District.** Table 2 lists the permitted uses in each district. Refer to Article 7, Chapter 2 on page 7-5 for definitions of all uses listed in the following Table 2.

B. **Development Standards Applicable to Uses.** Whenever a specific development standard is included for a particular use in Table 2, any development must comply with the requirements of the referenced section. All development standards are listed in Article 2, Chapter 5.

C. **Footnotes.** Refer to the footnotes to the table of permitted uses in Section [2.205](#). Footnotes applicable to each zoning district or category of zoning district are listed in parentheses in the heading of Table 2.

D. **Special Purpose Zoning Districts Not Listed in Table 2.** Refer to Article 3 for the uses and development standards applicable in the special purpose zoning districts. Special purpose zoning districts are not listed in Table 2, and include the PURD Planned Unit Residential District, R-5 Manufactured Housing District, R-O Recreation-Open Space District, P-1 Parking District, G-O-T Government Office Technology District, C-C Civic Center District, MUD – Mixed Use District, TC Town Center District, and SP Special Purpose District.

2.204 Zoning District Design Standards.

The following Table 2 lists the uses that may be permitted in each zoning district; provided, that the development also meets the design and building standards set forth for each district in Chapters 3 through 6 of this ordinance, along with all other development standards contained in this ordinance. For instance, while multiple family apartment buildings may be permitted in various zoning districts, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district, and are further intended to prevent contextually inappropriate development from occurring within the City.

Table 2. Uses Permitted by District

USE	Residential Districts (A)		Mixed Use Districts				Industrial Districts			DEVELOPMENT STANDARD		
	R-1 (B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1		M-2	IP-1
Residential Uses												
Mixed Use Building – residential with non-residential			o	o	■	■	■					Section 2.501
Boarding or Lodging House			o	o								Section 2.502
Multiple Family Manor House (3-4 units)		o	■	o								Section 2.503
Multiple Family Apartment Building (3+ units)			■		o	■						Section 2.504
One Family Dwelling Unit	■	■	■	■								Section 2.505
State Licensed Residential Facility (6 or fewer clients)	■	■	■	■								Section 2.506

State Licensed Residential Facility (7 or more clients)			o	o	o													Section 2.506					
Townhouse (3+ units)			o	■	o	o	o											Section 2.507					
Two Family Dwelling Unit			■	■														Section 2.505					
Commercial, Office, and Service Uses																							
Automobile Service (Commercial)						o		o	o	■	■							Section 2.509					
Bakery or Confectionary			o		■	■	■	■										Section 2.510					
Bank or Financial Institution			o		■	■	■	■															
Bar, Tavern, or Alcohol Service Establishment					■	■	■	■															
Business Service Establishment					■	■	■	■															
Child Care Center or Day Care Center			o	o	o	■	o	■	■									Section 2.511					
Funeral Home or Mortuary					■	■	■																
Gallery or Studio			o	■	■	■	■	■	■	■	■												
Lodging Uses																							
<i>Bed & Breakfast</i>	o	o	o	o	o	o	■											Section 2.512					
<i>Inn</i>				o	o	■	■	■															
<i>Hotel</i>						■	■	■															
Learning Center			o	■	■	■	■	■	■														
Medical Clinic					o	■	o																
Medical Marihuana Grower (D)																	•	•	•	Section 2.545			
Medical Marihuana Processor (D)																			•	•	•	Section 2.546	
Medical Marihuana Provisioning Centers (D)							*	•	•*	*										•	•	Section 2.547	
Medical Marihuana Safety Compliance Facility (D)							*	•	•*	*										•*	•*	•	Section 2.548

Medical Marihuana Secure Transporter (D)				*	•	•*	*	•*	•*	•	Section 2.549
Office	○	■	■	■	■	■					
Pawn Shops		○	○	○	○						Section 2.513
Personal Service Establishment	○	■	■	■	■	■					
Pet Boarding Facility			■		■	■	■	■	■	■	Section 2.532
Place of Assembly (<50 persons at maximum occ.)	○	○	■	■	■	■	■	■			Occupancy determined by fire code
Place of Assembly (51+ persons at maximum occ.)			○	■	■	■	■	■			
Restaurant	○	○	■	■	■	■					Only on A or B Street
Retail Sales											
<i>Small indoor – up to 5,000 sq. ft.</i>	○		■	■	■	■					
<i>Medium indoor – 5,001 – 75,000 sq. ft.</i>			■	■	■	■					
<i>Large indoor – no area limit</i>							■				
<i>Unlimited outdoor</i>						○	○	■	■		Section 2.514
Retail Sales (packaged alcoholic beverages)				○	○	○	○				Section 2.515
Sexually Oriented Businesses								○	○	○	Section 2.508
Workshop/Showroom			○	■	■			■	■	■	Section 2.516
Industrial Uses											
Automobile Service (Industrial)						○		■	■	○	
Heliport								○	○		
Manufacturing, Fabrication and Processing											
<i>Light</i>						■		■	■	■	Section 2.517
<i>General</i>								○	■	○	Section 2.517
<i>Heavy</i>									○		Section 2.518

Mini-Warehouse								o	■	■			Section 2.519
Movie and Television Production Facility						■		o	■	■	■		
Outdoor Storage or Outdoor Yard (major)									o	o	o		Section 2.520
Recycling Center									o	■			
Recycling Plant or Scrap Processing											o		
Research Facility (general)									■	■	■		
Research Facility (major)									o	■	o		
Salvage Yards/Resource Recovery Facilities/Junk Yards											o		
Service and Repair (industrial)									■	■	■		
Terminal, Public Transportation	o	o	o	o	■	■	■	■	■	■	■		
Terminal, Freight									■	■	o		
Wholesale Storage/Distribution													
<i>Nontoxic, nonhazardous materials</i>									■	■	■	■	
<i>Toxic or hazardous materials</i>									o	■	o		
Community, Education and Institution uses													
Assisted Living Facility		o	o	o	■	■	■						Section 2.521
Cemetery or Crematorium	o	o	o		o		o		o	o	o		Section 2.522
Community Center Building	■	■	■										
Community Service Facility		o	o	o	o		o		■	■			Section 2.523
Cultural or Municipal Use	o	o	■	■	■	■	■	■	■	■	■		
Hospital						■	■						

Nursing Home	o	o	o	■	■	■														Section 2.521
Private Club, Fraternal Organization, or Lodge Hall							o	o	■	■										Only permitted along A or B street
Public Parking Lot/Structure									o	o	o									
Religious Institution	o	o	o	■	■	■	■	■	■	■	■									Section 2.524
School, College or University	o	o	o	o	o	o	o													Only permitted along A or B street
School, Primary or Secondary	o	o	o	o	■	■	■													
School, Vocational					■	■	■	■				■	■	■						
Utility (minor)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Utility (major)	o	o	o	o	o	o	o	o	o	■	■	■								
Recreation Uses																				
Golf Course	o	o	o																	
Private Recreation																				
<i>Small Indoor</i>										■	■	■			■	■	o			
<i>Large Indoor</i>										o	o	o	o		■	■	o			
<i>Small Outdoor</i>	o	o	o	o											■	■	o			Section 2.525
<i>Large Outdoor</i>										o	o	■	o		■	■	o			Section 2.526
Park or Recreation Facility	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Animal and Agriculture Uses																				
Agriculture, Urban	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	Section 2.527
Bee Keeping	■	■	■																	Section 2.528
Community Gardens	■	■	■																	Section 2.529
Greenhouse or Nursery										o		■			■	■	■			Section 2.530
Kennels															■	■	■			Section 2.531
Veterinary Hospital or Clinic										■		■			■	■				Section 2.533
Accessory, Temporary, and Other Uses																				
Accessory Building or Structure	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	Section 2.205.C
Boarders or Roomers (up to 2 per	■	■	■	■																Section 2.534

d.u.)											
Drive-Through Facility (accessory to any principal use)					o	o	o	■			Section 2.535
Helipad						o	o		o	o	o
Home Occupation	■	■	■	■	■	■	■				Section 2.536
Mobile Food Vehicle Vendor	o	o	o	■	■	■	■	■	■	■	Section 2.544
Outdoor Retail Sales (accessory to a permitted use)					o	o	■	■	■	■	Section 2.537
Outdoor Retail Sales (temporary or seasonal)				■	■	■	■	■	■	■	Section 2.538
Outdoor Sidewalk or Patio Dining (accessory to a permitted use)			o	o	■	■	■	■			Section 2.539
Outdoor Storage (accessory to a permitted use)				o	o	o	■	■	■	■	Section 2.540
Sustainable Energy Generation											
<i>Small Wind Energy System</i>	■	■	■	■	■	■	■	■	■	■	Section 2.541
<i>Utility Wind Energy System</i>									o		Section 2.541
<i>Solar Energy System</i>	■	■	■	■	■	■	■	■	■	■	Section 2.541
Temporary and Special Events	■	■	■	■	■	■	■	■	■	■	Section 2.542
Temporary Construction Facilities	■	■	■	■	■	■	■	■	■	■	
Wireless Telecommunication Facilities	o	o	o	o	o	o	o	o	■	■	Section 2.543

(Ord. No. 2316, § 1, 3-17-14; Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.205 Footnotes to the Table of Permitted Uses.

A. **Commercial, Office, and Service Uses in Residential Districts.** Commercial, office and

service uses that are permitted in the R-1, R-2, or R-3 district may be permitted following special exception approval. Commercial uses shall only be permitted in a building with the front facade located within 60 feet of an A or B street. The front facade and entrance to the building shall be oriented towards the A or B street.

B. **R-1 Districts.** The list of permitted uses for the R-1 district applies to the R-1, R-1A, and R-1B zoning districts.

C. **Accessory Buildings and Structures.**

1. Accessory Building standards are listed in the zoning district development standards, Section [2.304](#) through Section [2.314](#).

2. Accessory Structure standards are listed in Article 4, Chapter 1.

D. Not more than five medical marihuana provisioning center facilities are to be located in any one of the three medical marihuana overlay districts (MMOD), described in Section 3.1106.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

**Chapter 3
Dimension and Development Standards for Zoning Districts**

2.301 Summary of Dimension Standards.

The following Table 3 summarizes the dimension requirements for lots and buildings in each zoning district within the City. In many cases there are exceptions to the dimension standards for specific situations or uses in each zoning district. Those exceptions are detailed in the section for each zoning district later in this chapter. In case of any conflict between the following Table 3 and the dimension standards in Section 2.304 through Section 2.314, the requirements in Table 3 shall prevail.

Superscript text in parentheses in any cell in the following Table 3 is a reference to one of the footnotes following the table.

Note that the process for determining which dimensional standards apply to a lot are to 1) check the zoning map to see if the lot is a small front setback lot or a standard lot, 2) choose a private frontage that is permitted for the type of lot by Section 2.403, 3) apply the dimensional standards for that private frontage type from the following Table 3.

Table 3. Dimension Standards

Zoning District	Minimum Lot Dimensions			Minimum Setback: Common Yard or Front Parking Private Frontage (ft.) (A, B)				Minimum Setback: Stoop, Courtyard, or Streetfront Private Frontage (ft.) (A, B)				Maximum Building Height (C)		Other Regulations
	Interior Width (ft.)	Corner Width (ft.)	Area (sq. ft.)	Front (D)	Side (street) (E)	Side (interior)	Rear	Front (D)	Side (street) (E)	Side (interior)	Rear	In Feet	In Stories	
R-1 (F)	60 ft.	75 ft.	7,200	25 (G)	5	5 (K)	30	15	5	5 (K)	30	35	2.5	Section 2.304
R-1A (F)	80 ft. (H)	95 ft. (H)	9,6200 (H)	25 (G)	10	10	30	15	10	10	30	35	2.5	Section 2.304
R-1B (F)	100 ft. (H)	115 ft. (H)	16,000 (H)	25 (G)	10	10	30	15	10	10	30	35	2.5	Section 2.304
R-2 (L)	See Section 2.305			25 (G)	15	5 (K)	30	5-10 (I, J)	5-15 (I, J)	5	30	35	2.5	Section 2.305
R-3	See Section 2.306			25 (G)	15	5	30	5-10 (I, J)	5-15 (I, J)	5	30	35 (M)	--	Section 2.306
C-O (O)	See Section 2.307			25 (G)	15	5 (M)	30	5-10 (I, J)	5-15 (I, J)	5 (M)	30	35	2.5	Section 2.307
C-1	20	20	2,000	8	10	0 (Q)	20	0-10 (I, J)	5-15 (I, J)	0 (Q)	20	35 (P)	--	Section 2.308
C-2	20	20	2,000	10 (R)	5	5	10	0-5 (I, J)	0-5 (I, J)	0	10	-- (S)	-- (S)	Section 2.309

C-3	60	60	6,000	10	10	0 (T)	20	0-10 (I, J)	5-15 (I, J)	0 (T)	20	35 (P)	--	Section 2.310
C-4	150	150	60,000	15	15	10	20	15	15	10	20	35	--	Section 2.311
M-1	100	100	13,000	15	15	14 (M)	10 (U)	0-15 (I, J)	5-15 (I, J)	14 (M)	10 (U)	45	3	Section 2.312
M-2	200	200	125,000	40	25 (U)	15 (U)	10 (U)	20	15 (U)	15 (U)	10 (U)	45	3	Section 2.313
IP-1	--	--	--	25	25 (V)	20 (W)	20 (W)	15	15 (V)	20 (W)	20 (W)	45	3	Section 2.314
R-4	Refer to Article 3, Chapter 2													
R-5	Refer to Article 3, Chapter 3													
PURD	Refer to Article 3, Chapter 1													
R-O	Refer to Article 3, Chapter 4													
C-C	Refer to Article 3, Chapter 5													
G-O-T	Refer to Article 3, Chapter 6													
MUD	Refer to Article 3, Chapter 7													
TC	Refer to Article 3, Chapter 8													
SP	Refer to Article 3, Chapter 9													

Footnotes to Table 3:

- A. **Private Frontage Standards.** Refer to Article 2, Chapter 4 for private frontage standards.
- B. **Projections into Required Open Space.** The following projections into required open space are permitted:
 - 1. Sills, belt course, cornices, eaves, gutters, chimneys, or pilasters projection not more than 14 inches into any required open space;
 - 2. Fire escapes, stairways, and carports which are open and unenclosed may project not more than four feet into any required open spaces, but in no case shall such projection be closer than five feet to any lot line.
- C. **Exceptions to Height Limits.** The height limits of this ordinance may be modified in its application to church spires, belfries, cupolas, penthouses, domes, water towers, observation towers power transmission towers, radio towers, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenances pertaining to and necessary to or customarily incidental to the permitted uses of the district in which they are located. In case a question arises as to the necessity or degree of incidentalness or length of custom, the building official shall refer the question to the board appeals for its ruling.

D. **Landscape Treatment of Required Front Open Space.** The ground of all required front open space shall be used only for the purpose of entrance or exit driveways, landscape plant materials, and parking areas in a front parking private frontage layout.

E. **Corner Lot Abutting an Interior Lot Along its Rear Property Line.** Any corner lot having on its side street an abutting interior lot shall have a minimum required setback from the side street equal to the minimum required front setback the adjacent interior lot, except that this provision may not reduce the buildable width of any lot of record to less than twenty-five (25) feet.

F. **Minimum Floor Area Per Dwelling Unit.** Dwelling units shall have the following minimum floor areas:

1. In the R-1 District: 1,200 square feet.
2. In the R-1A and R-1B Districts: 1,500 square feet.
3. In the R-2 District: 1,000 square feet for a one or two family unit; 600 square feet for a manor house or townhouse unit.
4. In the R-3 District: 800 square feet for a one or two family unit; 600 square feet for a townhouse or multiple family unit.

G. **Established Building Pattern.** For a lot in a residential district, where the average of the front setback for all adjacent lots located within 100 feet and on which there are existing buildings is greater than the required setback specified in the zoning district, a required setback shall be provided on the lot equal to this greater average depth but not to exceed 40 feet. Where such average of the front setback is less than the minimum required front setback, the required setback may be reduced to this lesser average depth, but in no case to less than 15 feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified in the zoning district.

H. **Open Space Preservation.** Cluster development may be permitted as a special exception use in the R-1A and R-1B districts. In a cluster development the minimum lot width may be reduced to 65 feet for interior lots and 80 feet for corner lots, and the minimum lot area may be reduced to 7,800 square feet in the R-1A district or 8,450 square feet in the R-1B district, provided that the overall density not exceed one unit for each 9,600 square feet of gross site area in the R-1A district or one unit for each 16,000 square feet of gross site area in the R-1B district and that the balance of the property is held in common by owners of the individual lots located within said residential development, as natural or recreational open space.

I. **Build-To Zone.** The setback range in the above table represents a build to zone, within which the front facade of the building must be located. The percentage of the front facade that must be located within the build-to zone is determined by the private frontage layout. Refer to Article 2, Chapter 4 for private frontage layout standards.

J. **Existing Buildings** that are set back farther than a maximum front setback requirement and thus

are not located within a build-to zone shall be considered conforming for the purposes of this ordinance. However, any building improvements or expansions should increase the site's conformity with the front setback standards to the greatest extent possible.

- K. **Buildings Without Attached Garages.** The sum of the two side yard setbacks shall be a minimum of 14 feet for principal buildings without attached garages.
- L. **Residential Buildings Per Lot.** Only one one-family, two-family or manor house may occupy a lot or site condominium unit in the R-2 District.
- M. **Maximum Height on Small Front Setback Lots in the R-3 District.** The maximum building height on small front setback lots shall be the greater of the maximum height listed in Table 3 or 33% of the width of the right-of-way of the front street abutting the lot, whichever is greater.
- N. **Sum of Side Yards.** The sum of the two side yard setbacks shall be a minimum of 25 feet in the C-O district, and 30 feet in the M-1 District.
- O. **Setback Between Buildings on Lots With More Than One Principal Building.** Buildings shall be set back at least 20 feet from each other on lots that contain more than one principal building. No more than one one-family or two-family dwelling may be located on a lot or site condominium unit.
- P. **Maximum Height on Small Front Setback Lots in the C-1 and C-3 Districts.** The maximum building height on small front setback lots shall be the greater of the maximum height listed in Table 3 or 50% of the width of the right-of-way of the front street abutting the lot, whichever is greater.
- Q. **Side Yard in a C-1 District Abutting a Residential District.** A 20 foot minimum side yard setback shall be required from any property line abutting a R-1, R-2, R-3, or R-5 zoning district.
- R. **Buildings along Woodward Avenue.** Buildings located on sites with frontage on Woodward Avenue shall have a minimum setback of 15 feet.
- S. **Height Limits Adjacent to Residential Districts.** The maximum building height for buildings on a lot adjacent to any R-1, R-2, R-3, or R-5 district shall be equal to the setback of the building from the residential property boundary.
- T. **Side Yard in a C-3 District Abutting a Residential District.** A 10 foot minimum side yard setback shall be required from any property line abutting a R-1, R-2, R-3, or R-5 zoning district.
- U. **Setback From Residential District.** A minimum setback shall be provided from any R-1, R-2, R-3, or R-5 district boundary. The minimum setback is 20 feet in the M-1 district and 60 feet in the M-2 district.
- V. **Setback From Type-A Side Street.** Any corner lot abutting an A street as shown on the Zoning Map shall have a minimum 50 foot side street setback.
- W. **Setback From Residential District.** A minimum setback of 50 feet is required from any property line abutting a R-1, R-2, or R-3 district unless the abutting property consists of a railroad

right-of-way or waterway, in which case only the standard setback for the IP-1 District shall be required.

2.302 Encumbering Land Required to Satisfy Regulations.

No portion of a lot used in connection with a building, structure, or use, and necessary for compliance with the area, height, bulk, and placement regulations of this ordinance shall through sale or otherwise again be used as a part of the lot required in connection with any other building or structure or use; nor shall a portion of a lot be sold or conveyed in a way that will leave a remaining parcel that cannot meet the area, height, bulk, and placement regulation of this ordinance, except as provided by Section 6.506 of this ordinance.

2.303 Clear Vision Areas.

No fence, wall, sign face, structure, or landscape 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 and a driveway. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and eight feet above the lowest point of the intersecting road(s).

A. Clear Vision Area. The triangular clear vision area is described as follows (see Figure 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 the third side being a line connecting these two sides, or
- The area formed at the corner intersection of a public right of way and a driveway, the two sides of the triangular area being 10 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.

Trees may be permitted in

Figure 1. Clear Vision Area

- the clear vision area provided that limbs and foliage are trimmed so that they do not block visibility or otherwise create a traffic hazard.
- Landscaping**, except turf grass or ground cover, shall not be located closer than
- three feet from the edge of any driveway or road within the clear vision area.
- Stoop, Courtyard, and Streetfront Private Frontage Lots Exempted.** The clear vision requirements shall not apply to principal structures located on a lot having a lesser front or street-side setback than required by the clear vision area requirements.

2.304 R-1, R-1A, R-1B One Family Dwelling Districts.

A. Intent. The regulations of the R-1, R-1A, and R-1B one family residential districts are intended to encourage a suitable environment for families typically with children. To this end, uses are limited to one family dwelling unit structures and certain compatible uses that create a neighborhood environment. In keeping with the intent, development is restricted to a moderately low density. While the uses permitted in the residential districts, the dimensional standards vary between the districts to provide a range of one-family living environments within the City. Commercial and other uses that tend to be incompatible with the intent of the one family residential districts are prohibited.

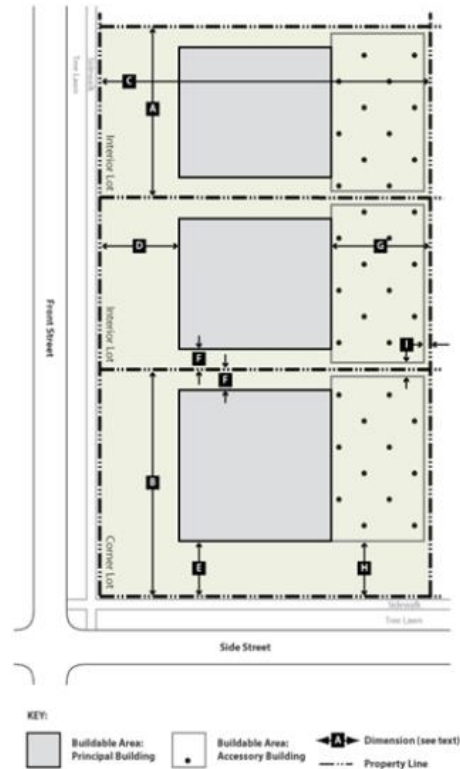
B. Dimension and Design Standards. The following table lists the dimension and design standards applicable in the R-1, R-1A, and R-1B districts. All dimensions are in feet and are minimum requirements, unless otherwise noted. The R-1 District Diagram illustrates the requirements of the following table.

C. Permitted and Special Exception Uses. Refer to Table 2 for permitted and special exception uses in the R-1 district.

LOT REQUIREMENT	DIAGRAM KEY	R-1	R-1A	R-1B
Minimum Lot Width (interior lot)	A	60 ft.	80 ft.	100 ft.
Minimum Lot Width (corner lot)	B	75 ft.	95 ft.	115 ft.
Minimum Lot Area (sq. ft.)	(A or B)*C	7,200	9,600	16,000

SETBACK REQUIREMENT:				
PRINCIPAL BUILDING by FRONTAGE TYPE	DIAGRAM KEY	R-1	R-1A	R-1B
Front	D	25	25	25
Side (street)	E	5	10	10
Side (interior)	F	5	10	10
Rear	G	30	30	30
PERMITTED PRIVATE FRONTAGES				
Refer to Section 2.403				
MINIMUM FLOOR AREA PER D.U.				
	R-1	R-1A & R-1B		
Minimum Required Floor Area (in sq. ft.)	1,200	1,500 (one-story d.u.)		
MAXIMUM BUILDING HEIGHT				
	R-1	R-1A & R-1B		
In Feet	35	35		
Stories	2.5	2.5		

R-1 One Family Dwelling District



D. **Required Street Frontage.** All buildings constructed within the R-1 districts shall be located on lots having, at minimum, 15 feet of frontage on a public or private right-of-way or permanent, unobstructed easement-of-record of at least a 60 foot width, improved as would be a public right-of-way pursuant to Sections 106-102 and 106-127 of City Code.

E. **Exceptions.**

1. Lots With Rear or Side Access. For one-family dwellings, the minimum required lot width may be reduced by 10', and the minimum lot area may be reduced by 1,200 square feet where no driveway is provided within the front or side yards and adequate vehicular access is provided to the rear yard of said lot via either a paved public alley or a side street.
2. Off-Street Parking Lots in the R-1 District. Off-street parking lots that serve a nonresidential use permitted in the R-1 districts and that are located adjacent to properties either zoned for or occupied by residential uses shall be setback 10' from said residential properties, unless a lesser setback is approved by the City Planning Commission during Site Plan Review.

F. **Accessory Structures.**

1. Height. Accessory buildings shall not exceed fifteen feet (15') in building height, measured midway between roof peak and eaves. Living space that is part of the principal structure and is located above an attached accessory building is subject to the height requirement applicable to

the principal building.

2. **Area.** The aggregate area of accessory buildings on any lot shall not exceed fifteen percent (15%) of the total lot area, the floor area of the first floor of the principal dwelling, or 800 square feet in R-1/900 square feet in R-1A and R-1B districts, whichever is least.

3. **Setbacks.**

a. *Attached accessory buildings* are considered part of the principal structure and shall meet the minimum setback requirements applicable to the principal structure.

b. *Detached accessory buildings* may not be constructed or located in any required front or side yard, but may be located within the rear yard (see the accessory building buildable area shown on the R-1 district diagram on the preceding page). Detached accessory buildings shall be set back not less than three feet (3') from any lot line (see item I in the R-1 district diagram on the preceding page) except that detached accessory buildings on corner lots shall comply with the side street setback applicable to a principal building on the lot (see item H in the R-1 district diagram on the preceding page), and on any through lot no part of any accessory building shall be nearer the rear lot line than the required setback of the principal building.

4. **Maximum Number of Accessory Structures.** The maximum number of accessory structures located on any residentially zoned lot shall not exceed two structures and the allowable square footage outlined in subsection (F)(2) of this section.

(Ord. No. 2291, § 1(A), 6-27-13)

2.305 R-2 Two Family Dwelling District.

A. **Intent.** The regulations of this district are intended to provide a suitable residential environment for families living in higher density single-family, two-family, manor house or townhouse dwellings. This District may serve as a transition between the R-1 Districts and major thoroughfares and/or non-residential development. Uses are limited to detached and attached residential dwellings together with certain other uses such as elementary schools, parks, and playgrounds create a neighborhood environment. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses which tend to be incompatible with the intent are prohibited.

B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the R-2 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The R-2 District Diagram illustrates the requirements of the following table.

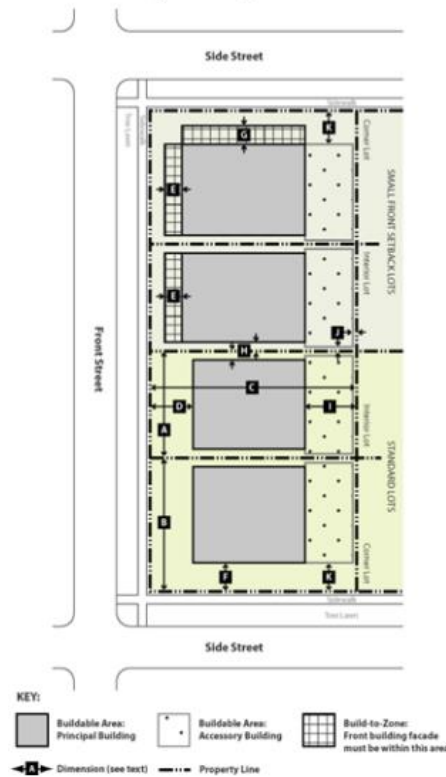
C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the R-2 district.

LOT REQUIREMENT	DIAGRAM ONE KEY	TWO FAMILY, MANOR
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REQUIREMENT		KEY	FAMILY	HOUSE, TOWNHOUSE
Minimum Lot Width (interior lot)	A	60 ft.	90 ft.	
Minimum Lot Width (corner lot)	B	75 ft.	105 ft.	
Minimum Lot Area (sq. ft.)	(A or B)*C	7,200 sq. ft.	10,800 sq. ft.	
SETBACK REQUIREMENT: PRINCIPAL BUILDING by FRONTAGE TYPE				
		DIAGRAM KEY	SETBACK	
Front				
<i>common yard or front parking:</i>	D	25 ft. min.		
<i>stoop, courtyard, or streetfront:</i>	E	5 ft. min, 10 ft. max.		
Side (street)				
<i>common yard or front parking:</i>	F	15 ft. min.		
<i>stoop, courtyard, or streetfront:</i>	G	5 ft. min, 15 ft. max.		
Side (interior) frontages:	All	H	5 ft. min.	
Rear frontages:	All	I	30 ft. min.	
PERMITTED PRIVATE FRONTAGES				
Refer to Section 2.403				
MINIMUM FLOOR AREA PER D.U.		ONE or TWO FAMILY UNIT	MANOR HOUSE or TOWNHOUSE UNIT	
Minimum Required Floor Area (in sq. ft.)		1,000	600	

MAXIMUM BUILDING HEIGHT	REQUIREMENT
Height Limit in Feet	35
Height Limit in Stories	2.5

R-2 Two-Family Dwelling District



D. **Required Street Frontage.** All buildings constructed within the R-2 districts shall be located on lots having, at minimum, 15 feet of frontage on a public or private right-of-way or permanent, unobstructed easement-of-record of at least a 60 foot width, improved as would be a public right-of-way pursuant to Sections 106-102 and 106-127 of City Code.

E. **Exceptions.**

1. Lots With Rear or Side Access. The minimum required lot width may be reduced by 10', and the minimum lot area may be reduced by 1,200 square feet where no driveway is provided within the front or side yards and adequate vehicular access is provided to the rear yard of said lot via either a paved public alley or a side street.
2. Off-Street Parking Lots in the R-2 District. Off-street parking lots located adjacent to properties either zoned for or occupied by residential uses shall be setback 10' from said residential properties, unless a lesser setback is approved by the City Planning Commission during Site Plan Review.

F. Accessory Buildings.

1. Height. Accessory buildings shall not exceed fifteen feet (15') in building height, measured midway between roof peak and eaves. Living space that is part of the principal structure and is located above an attached accessory building is subject to the height requirement applicable to the principal building.
2. Area. The aggregate area of accessory buildings on any lot shall not exceed the littlest of fifteen percent (15%) of the total lot area, the floor area of the first floor of the principal dwelling, or 660 square feet per dwelling unit, whichever is least.
3. Setbacks.
 - a. *Attached accessory buildings* are considered part of the principal structure and shall meet the minimum setback requirements applicable to the principal structure.
 - b. *Detached accessory buildings* may not be constructed or located in any required front or side yard, but may be located within the rear yard (see the accessory building buildable area shown on the R-2 district diagram on the preceding page). Detached accessory buildings shall be set back not less than three feet (3') from any lot line (see item J in the R-2 district diagram on the preceding page) except that detached accessory buildings on corner lots shall comply with the side street setback applicable to a principal building on a standard lot (see item K in the R-2 district diagram on the preceding page), and on any through lot no part of any accessory building shall be nearer the rear lot line than the required setback of the principal building.
4. Maximum Number of Accessory Structures. The maximum number of accessory structures located on any residentially zoned lot shall not exceed two structures and the allowable square footage outlined in subsection (F)(2) of this section.

(Ord. No. 2291, § 1(B), 6-27-13)

2.306 R-3 Multiple Family Dwelling District.

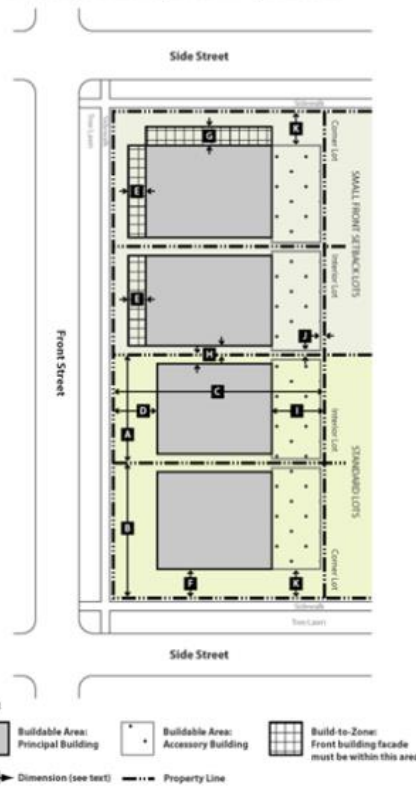
- A. **Intent.** The regulations of this district are intended to provide a suitable residential environment for families living in single-family, two-family, townhouse and multiple-family dwellings. This District may serve as a transition between the R-1 or R-2 Districts and major thoroughfares and/or non-residential development. Uses are limited to residential uses, uses such as elementary schools, parks, and playgrounds that create a neighborhood environment, and limited commercial uses that provide service and convenience to the residents of the R-3 district.
- B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the R-3 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The R-3 District Diagram illustrates the requirements of the following table.
- C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the R-3 district. Commercial uses may be on the same lot or in the same building as the

principal residential use. Commercial uses shall only be permitted in a building that is located within 60 feet of an A or B street right-of-way, with the front facade of the building facing and being visible and accessible from the A or B street.

LOT REQUIREMENT	DIAGRAM KEY	ONE FAMILY	USES OTHER THAN ONE FAMILY
Minimum Lot Width (interior lot)	A	50 ft.	80 ft.
Minimum Lot Width (corner lot)	B	65 ft.	95 ft.
Minimum Lot Area (sq. ft.)	(A or B)*C	6,000	9,600 + 2,000 per dwelling unit in excess of 2
SETBACK REQUIREMENT: PRINCIPAL BUILDING by FRONTAGE TYPE			
FRONTAGE TYPE	DIAGRAM KEY	SETBACK	
Front			
<i>common yard or front parking:</i>	D	25 ft. min.	
<i>stoop, courtyard, or streetfront:</i>	E	5 ft. min, 10 ft. max.	
Side (street)			
<i>common yard or front parking:</i>	F	15 ft. min.	
<i>stoop, courtyard, or streetfront:</i>	G	5 ft. min, 15 ft. max.	
Side (interior) frontages:	All	H	5 ft. min.
Rear frontages:	All	I	30 ft. min.
Between Principal			20 ft. min

Buildings		
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
ONE or TOWNHOUSE MINIMUM FLOOR TWO AREA PER D.U. FAMILY UNIT or MULTIPLE FAMILY		
Minimum Required Floor Area (in sq. ft.)	800	600
MAXIMUM BUILDING HEIGHT		
Height Limit in Feet	35 ft.	33% of planned ROW width

R-3 Multiple Family Dwelling District



D. **Required Street Frontage.** All buildings constructed within the R-3 districts shall be located on lots having, at minimum, 15 feet of frontage on a public or private right-of-way or permanent, unobstructed easement-of-record of at least a 60 foot width, improved as would be a public right-of-way pursuant to Sections 106-102 and 106-127 of City Code.

E. **Exceptions.**

1. Lots With Rear or Side Access. The minimum required lot width may be reduced by 10', and the minimum lot area may be reduced by 1,200 square feet where no driveway is provided within the front or side yards and adequate vehicular access is provided to the rear yard of said lot via either a paved public alley or a side street.
2. Off-Street Parking Lots in the R-3 District. Off-street parking lots located adjacent to properties either zoned for or occupied by residential uses shall be setback 10' from said residential properties, unless a lesser setback is approved by the Planning Commission.

F. **Accessory Buildings.**

1. Height. Accessory buildings shall not exceed fifteen feet (15') in building height, measured midway between roof peak and eaves. Living space that is part of the principal structure and is located above an attached accessory building is subject to the height requirement applicable to the principal building.
2. Area. The aggregate area of accessory buildings on any lot shall not exceed fifteen percent (15%) of the total lot area, the floor area of the first floor of the principal dwelling, or 660 square feet per dwelling unit, whichever is least.
3. Setbacks.
 - a. *Attached accessory buildings* are considered part of the principal structure and shall meet the minimum setback requirements applicable to the principal structure.
 - b. *Detached accessory buildings* may not be constructed or located in any required front or side yard, but may be located within the rear yard (see the accessory building buildable area shown on the R-3 district diagram on the preceding page). Detached accessory buildings shall be set back not less than three feet (3') from any lot line (see item J in the R-3 district diagram on the preceding page) except that detached accessory buildings on corner lots shall comply with the side street setback applicable to a principal building on a standard lot (see item K in the R-3 district diagram on the preceding page), and on any through lot no part of any accessory building shall be nearer the rear lot line than the required setback of the principal building.
4. Maximum Number of Accessory Structures. The maximum number of accessory structures located on any residentially zoned lot shall not exceed two structures and the allowable square footage outlined in subsection (F)(2) of this section.

(Ord. No. 2291, § 1(C), 6-27-13)

2.307 C-O Residential Office District.

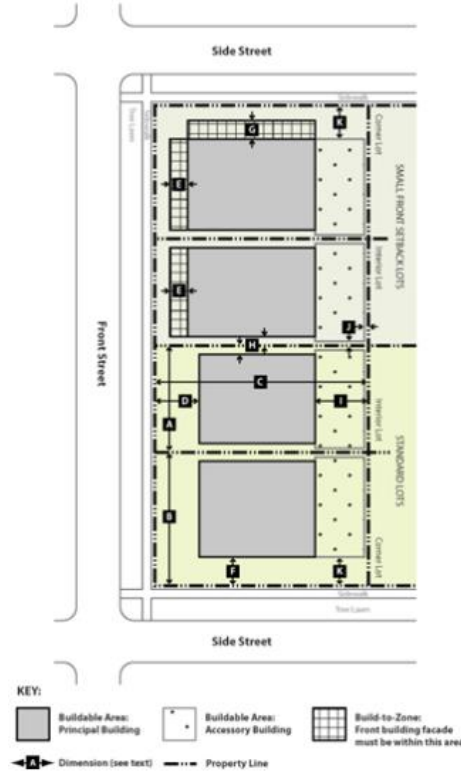
A. **Intent.** The regulations of this district are intended to preserve the physical character of existing developed areas that are suited to accommodate a range of residential uses and low-intensity office uses. Other uses such as schools, churches, health care facilities, parks, and playgrounds which are desirable in that their presence contributes to the mixed-use character of the neighborhood are also appropriate. While the overall character of the C-O district is single family residential, other residential occupancies such as two-family, townhouse and manor apartment dwellings, elderly housing and bed & breakfast establishments may be appropriate where the specific occupancy is found to compatible within the single-family residential/low intensity office environment. This District may serve as a transition between the R-1 Districts and major thoroughfares and/or more intensive development. In keeping with the moderate density character of this district, parking is to be accommodated in the rear yard, and commercial and other uses that tend to be incompatible with the intent are prohibited.

B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the C-O district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The C-O District Diagram illustrates the requirements of the following table.

LOT REQUIREMENT	DIAGRAM KEY	ONE FAMILY	USES OTHER THAN ONE FAMILY
Minimum Lot Width (interior lot)	A	60 ft.	90 ft.
Minimum Lot Width (corner lot)	B	75 ft.	105 ft.
Minimum Lot Area (sq. ft.)	(A or B)*C	7,200	10,800
SETBACK REQUIREMENT: PRINCIPAL BUILDING by FRONTAGE TYPE		DIAGRAM KEY	SETBACK
Front			
<i>common yard or front parking:</i>		E	25 ft.
<i>stoop, courtyard, or streetfront:</i>			5 ft. min, 10 ft. max.
Side (street)			
<i>common yard or front parking:</i>		G	15 ft.

<i>stoop, courtyard, or streetfront:</i>		5 ft. min, 15 ft. max.
Side (interior)	<i>All lots:</i> H	5 ft. min.
Rear	<i>All lots:</i> I	30 ft. min.
Between Principal Buildings		20 ft. min.
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MINIMUM FLOOR AREA PER D.U.	ONE or TWO FAMILY UNIT	TOWNHOUSE or MULTIPLE FAMILY
Minimum Required Floor Area (in sq. ft.)	800	600
MAXIMUM BUILDING HEIGHT	STANDARD LOT	SMALL FRONT SETBACK LOT
Height Limit in Feet	35 ft.	35 ft.

C-O Residential Office District



C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the C-O district. Commercial uses, places of assembly, and religious institutions may only be located along A or B streets.

D. **Building Appearance.** Each building shall be similar in appearance to conventionally constructed homes typically found in the surrounding neighborhood and/or in the C-O district, and shall comply with the development standards of Section [2.505](#).

E. **Required Street Frontage.** All buildings constructed within the C-O districts shall be located on lots having, at minimum, 15 feet of frontage on a public or private right-of-way or permanent, unobstructed easement-of-record of at least a 60 foot width, improved as would be a public right-of-way pursuant to Sections 106-102 and 106-127 of City Code.

F. **Exceptions.**

1. Lots With Rear or Side Access. The minimum required lot width may be reduced by 10', and the minimum lot area may be reduced by 1,200 square feet where no driveway is provided within the front or side yards and adequate vehicular access is provided to the rear yard of said lot via either a paved public alley of at least a 20' width or a side street.
2. Off-Street Parking Lots in the C-O District. Off-street parking lots located adjacent to properties either zoned for or occupied by residential uses shall be setback 10' from said residential properties, unless a lesser setback is approved by the Planning Commission.

G. Accessory Buildings.

1. Height. Accessory buildings shall not exceed fifteen feet (15') in building height, measured midway between roof peak and eaves. Living space that is part of the principal structure and is located above an attached accessory building is subject to the height requirement applicable to the principal building.
2. Area. The aggregate area of accessory buildings on any lot shall not exceed the littlest of fifteen percent (15%) of the total lot area, the floor area of the first floor of the principal dwelling, or 660 square feet per dwelling unit, whichever is least.
3. Setbacks.
 - a. *Attached accessory buildings* are considered part of the principal structure and shall meet the minimum setback requirements applicable to the principal structure.
 - b. *Detached accessory buildings* may not be constructed or located in any required front or side yard, but may be located within the rear yard (see the accessory building buildable area shown on the C-O district diagram on the preceding page). Detached accessory buildings shall be set back not less than three feet (3') from any lot line (see item J in the C-O district diagram on the preceding page) except that detached accessory buildings on corner lots shall comply with the side street setback applicable to a principal building on a standard lot (see item K in the C-O district diagram on the preceding page), and on any through lot no part of any accessory building shall be nearer the rear lot line than the required setback of the principal building.

H. Commercial Vehicle Storage.

1. Overnight outdoor parking of up to 3 passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less and up to 2 vehicles with a gross vehicle weight rating of 6,001 – 10,000 pounds that are owned by a business entity occupying an identifiable leasable space within the principal building(s) located upon the same lot is permitted by right.
2. The storage of any vehicle over 10,000 pounds gross vehicle weight may be permitted following special exception permit approval.
3. The outdoor storage of any commercial vehicle(s) shall be restricted to a paved area located within the rear yard.

2.308 C-1 Local Business/Residential Mixed Use District.

A. Intent. A mixed use district designed to accommodate housing units for smaller households and to provide services that cater to the needs of the surrounding residential neighborhood. Businesses which might tend to be a nuisance to the immediate surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to protect and enhance the value of abutting or surrounding residential land. To these ends, the regulations to establish standards comparable to the

standards for residential districts resulting in similar area, height, and placement regulations.

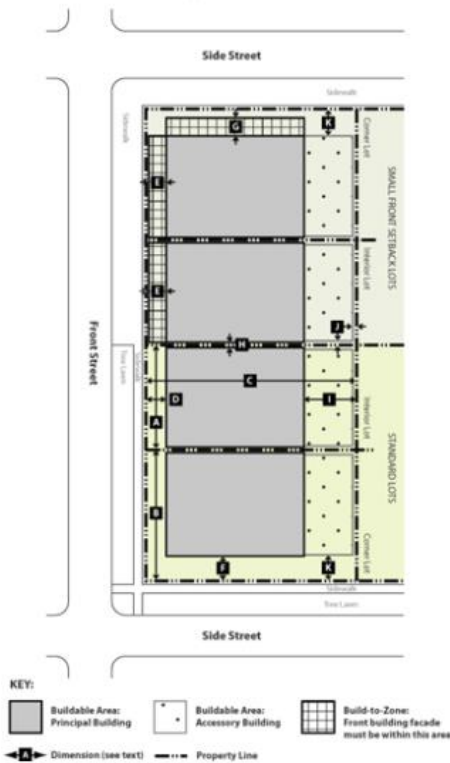
B. Dimension and Design Standards. The following table lists the dimension and design standards applicable in the C-1 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The C-1 District Diagram illustrates the requirements of the following table.

C. Permitted and Special Exception Uses. Refer to Table 2 for permitted and special exception uses in the C-1 district.

LOT STANDARD	DIAGRAM KEY	REQUIREMENT
Minimum Lot Width	A	20
Minimum Lot Area (sq. ft.)	A*C	2,000
SETBACK REQUIREMENT:		
PRINCIPAL BUILDING by FRONTAGE TYPE	DIAGRAM KEY	SETBACK
Front		
<i>common yard or front parking:</i>	D	8 ft. min.
<i>stoop, courtyard, or streetfront:</i>	E	0 ft. min, 10 ft. max.
Side (street)		
<i>common yard or front parking:</i>	F	10 ft. min.
<i>stoop, courtyard, or streetfront:</i>	G	5 ft. min, 15 ft. max.
Side (interior)	All lots:	H 0 ft. min.
Rear	All lots:	I 20 ft. min.
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MINIMUM FLOOR ALL RESIDENTIAL DWELLING		

AREA PER D.U.	UNITS	
Minimum Required Floor Area (in sq. ft.)	No minimum floor area requirement	
MAXIMUM BUILDING HEIGHT	STANDARD LOT	SMALL FRONT SETBACK LOT
Height Limit in Feet	35 ft.	50% of planned ROW width

C-1 Local Business/Residential District



2.309 C-2 Downtown Mixed Use District.

A. **Intent.** This district consists of higher density mixed use development that accommodates a variety of uses, including retail, office, residential, and entertainment uses, and civic and institutional uses of regional importance. This district has a historic character and is built at a walkable scale that creates pedestrian activity. The uses located in this district are enhanced by their centrality of location, ease of access to major transportation routes, and proximity to similar and complementary uses. This district is suitable for any use except for uses that require large tracts of land, uses that

require large outdoor components, uses that generate large volumes of truck traffic, or uses that do not support or contribute to an active pedestrian environment. The regulations applicable in this district are intended to support incremental development within the district that respects and enhances the existing built fabric. Uses that cater to or require high degrees of automobile access are not permitted in this district.

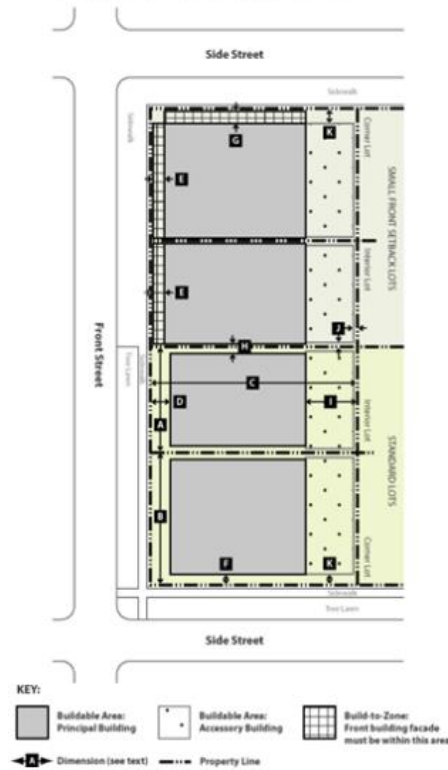
B. Dimension and Design Standards. The following table lists the dimension and design standards applicable in the C-2 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The C-2 District Diagram illustrates the requirements of the following table.

C. Permitted and Special Exception Uses. Refer to Table 2 for permitted and special exception uses in the C-2 district.

LOT STANDARD	DIAGRAM KEY	REQUIREMENT
Minimum Lot Width	A	30
Minimum Lot Area (sq. ft.)	A*C	3,000
SETBACK REQUIREMENT:		
PRINCIPAL BUILDING by FRONTAGE TYPE	DIAGRAM KEY	SETBACK
Front		
<i>common yard or front parking:</i>	D	10 ft. min.
<i>stoop, courtyard, or streetfront:</i>	E	0 ft. min, 5 ft. max.
Side (street)		
<i>common yard or front parking:</i>	F	5 ft. min.
<i>stoop, courtyard, or streetfront:</i>	G	0 ft. min, 5 ft. max.
Side (interior)		
<i>common yard or front parking:</i>	H	5 ft. min.
<i>stoop, courtyard, or streetfront:</i>		0 ft. min.
Rear	<i>All lots</i>	I
		10 ft. min.

PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MINIMUM FLOOR AREA PER D.U.	ALL RESIDENTIAL DWELLING UNITS	
Minimum Required Floor Area (in sq. ft.)	No minimum floor area requirement	
MAXIMUM BUILDING HEIGHT	STANDARD SMALL FRONT LOT	SETBACK LOT
Height Limit in Feet	No limit	No limit

C-2 Downtown Mixed Use District



2.310 C-3 Corridor Commercial Mixed Use District.

A. **Intent.** This district is designed to provide for a mixture of uses that are appropriate along

thoroughfare and collector streets that have moderate to large traffic volumes. A wide range of uses are appropriate within this context, including retail and service commercial, office, and low-impact light industrial uses. It is expected that most customers of establishments in this district will travel via automobile, and as there is little essential interdependence of activities, each establishment typically will have its own automobile parking area. Good traffic accessibility is essential to this district, particularly for trucks and other freight carriers. Some permitted uses in this district generate significant automobile and/or truck traffic.

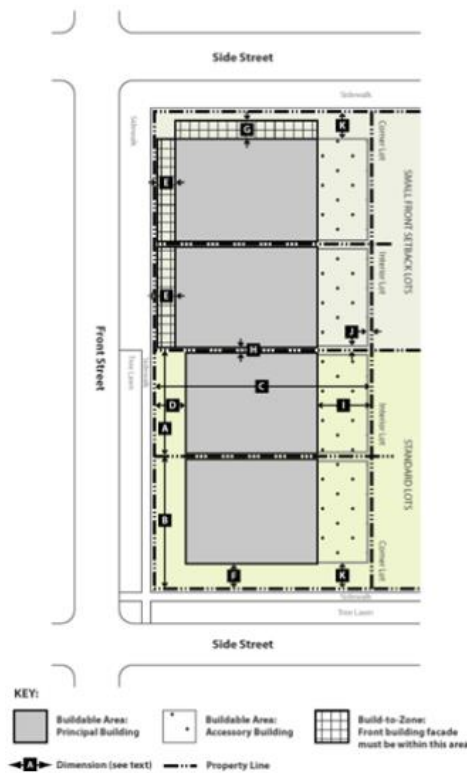
B. Dimension and Design Standards. The following table lists the dimension and design standards applicable in the C-3 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The C-3 District Diagram illustrates the requirements of the following table.

C. Permitted and Special Exception Uses. Refer to Table 2 for permitted and special exception uses in the C-3 district.

LOT STANDARD	DIAGRAM KEY	REQUIREMENT
Minimum Lot Width	A	60
Minimum Lot Area (sq. ft.)	A*C	6,000
SETBACK REQUIREMENT:		
PRINCIPAL BUILDING by FRONTAGE TYPE	DIAGRAM KEY	SETBACK
Front		
<i>common yard or front parking:</i>	D	10 ft. min.
<i>stoop, courtyard, or streetfront:</i>	E	0 ft. min, 10 ft. max.
Side (street)		
<i>common yard or front parking:</i>	F	10 ft. min.
<i>stoop, courtyard, or streetfront:</i>	G	5 ft. min, 15 ft. max.
Side (interior)	All lots:	H
		0 ft. min.
Rear	All	I
		20 ft. min.

<i>lots:</i>		
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MINIMUM FLOOR AREA PER D.U. ALL RESIDENTIAL DWELLING UNITS		
Minimum Required Floor Area (in sq. ft.)	No minimum floor area requirement	
MAXIMUM BUILDING HEIGHT STANDARD SMALL FRONT LOT SETBACK LOT		
Height Limit in Feet	35 ft.	40% of planned ROW width

C-3 Corridor Commercial Mixed Use District



2.311 C-4 Suburban Business District.

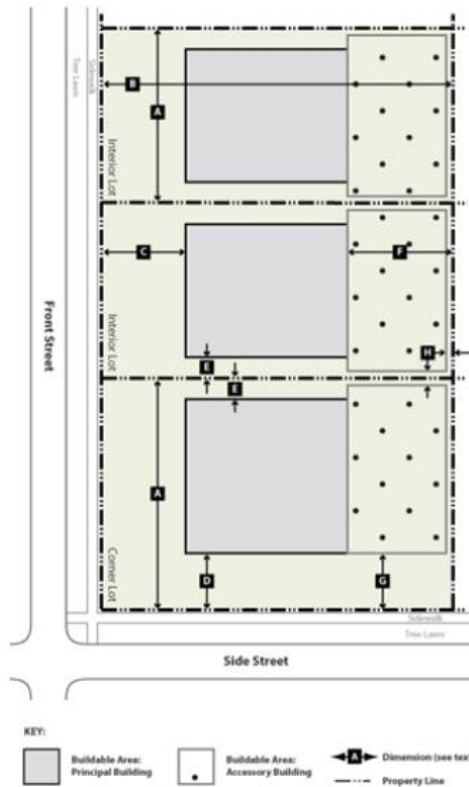
A. **Intent.** This district is designed to accommodate community and regional scale shopping centers and automobile-oriented commercial development that draw customers from the City as well as surrounding communities. These commercial uses require large parking lots because nearly all patrons of the uses permitted in this district arrive by automobile. These districts rely upon and generate large traffic volumes and are appropriately located along major thoroughfares.

B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the C-4 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The C-4 District Diagram illustrates the requirements of the following table.

C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the C-4 district.

LOT STANDARD	DIAGRAM KEY	REQUIREMENT
Minimum Lot Width	A	150
Minimum Lot Area (sq. ft.)	A*B	60,000
SETBACK REQUIREMENT:		
PRINCIPAL BUILDING by FRONTAGE TYPE	DIAGRAM KEY	SETBACK
Front (minimum)	C	15 ft.
Side (street)	D	15 ft.
Side (interior)	E	10 ft.
Rear	F	20 ft.
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MAXIMUM BUILDING HEIGHT		REQUIREMENT
In Feet		35
Stories		2

C-4 Suburban Business District



2.312 M-1 Limited Industrial District.

A. **Intent.** The intent of this district is to provide suitable location for small to moderate size industrial uses. This district provides for manufacturing beyond simple assembly. The further intent is to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, promote economic stability, facilitate continued use of older industrial buildings to prevent blight and deterioration, to prevent encroachment by non- industrial uses, and to facilitate efficient traffic movement. It is intended that the performance standards of Article 4, Chapter 7 will be highly effective in regulating uses in this district. The land conducive to the intent of this district is highly limited in availability and is, therefore, primarily restricted to industrial use in the interest of the community’s tax base and economic growth and development.

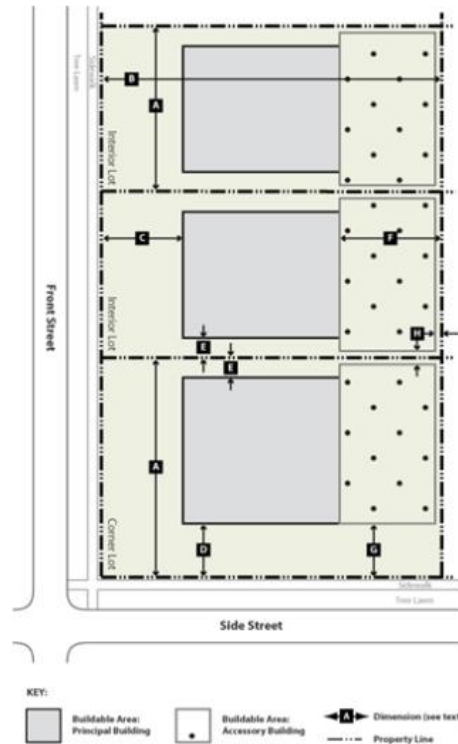
B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the M-1 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The M-1 District Diagram illustrates the requirements of the following table.

C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the M-1 district.

LOT STANDARD	DIAGRAM KEY	REQUIREMENT
Minimum Lot	A	100 ft.

Width		
Minimum Lot Area (sq. ft.)	A*B	13,000
SETBACK REQUIREMENT:		
PRINCIPAL BUILDING by FRONTAGE TYPE	DIAGRAM KEY	SETBACK
Front		
<i>common yard or front parking:</i>	C	15 ft. min.
<i>stoop, courtyard, or streetfront:</i>		0 ft. min, 15 ft. max.
Side (street)		
<i>common yard or front parking:</i>	D	15 ft. min.
<i>stoop, courtyard, or streetfront:</i>		5 ft. min, 15 ft. max.
Side (interior)	<i>All lots:</i>	E 14 ft. min.
Rear	<i>All lots:</i>	F 10 ft. min.
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MAXIMUM BUILDING HEIGHT REQUIREMENT		
In Feet		45 ft.
Stories		3

M-1 Limited Industrial District



2.313 M-2 General Industrial District.

A. **Intent.** The intent of this district is to provide suitable and applicable regulations for large industrial complexes and other activities not covered elsewhere. As in the M-1 district, it is intended that performance standards will be highly effective in regulating use in this district and it is intended that the control of certain obnoxious uses will be accomplished by the regulation that they are prohibited uses unless, in the opinion of the planning commission, adequate conditions exist or can be imposed that will make such uses compatible with the purpose of this ordinance.

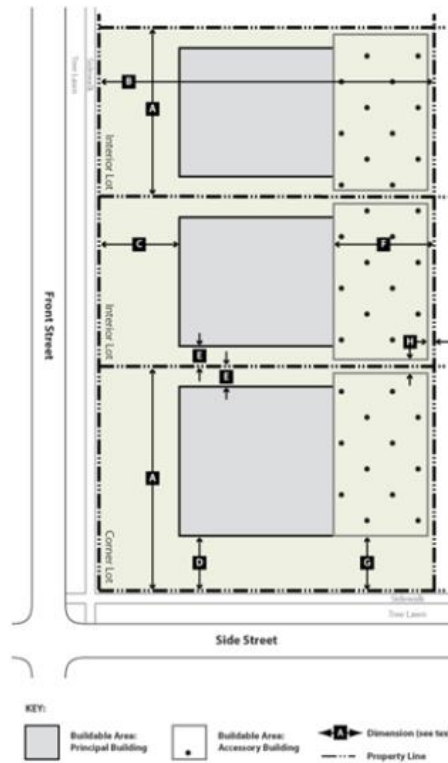
B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the M-2 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The M-2 District Diagram illustrates the requirements of the following table.

LOT STANDARD	DIAGRAM	
	KEY	REQUIREMENT
Minimum Lot Width	A	200 ft.
Minimum Lot Area (sq. ft.)	A*B	125,000
SETBACK REQUIREMENT:		

PRINCIPAL BUILDING by FRONTAGE			
TYPE	DIAGRAM KEY	SETBACK	
Front			
<i>common yard or front parking:</i>	C	40 ft. min.	
<i>stoop, courtyard, or streetfront:</i>		20 ft. min.	
Side (street)			
<i>common yard or front parking:</i>	D	25 ft. min.	
<i>stoop, courtyard, or streetfront:</i>		15 ft. min.	
Side (interior)	<i>All lots:</i>	E	15 ft. min.
Rear	<i>All lots:</i>	F	10 ft. min.
PERMITTED PRIVATE FRONTAGES			
Refer to Section 2.403			
MAXIMUM BUILDING HEIGHT		REQUIREMENT	
In Feet		45	
Stories		3	

C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the M-2 district.

M-2 General Industrial District



2.314 IP-1 Industrial Park District.

A. **Intent.** The IP-1 industrial park districts are designed so as to primarily accommodate wholesale activities and light industrial operations whose external physical effects, in the form of nuisance factors, are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The IP-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

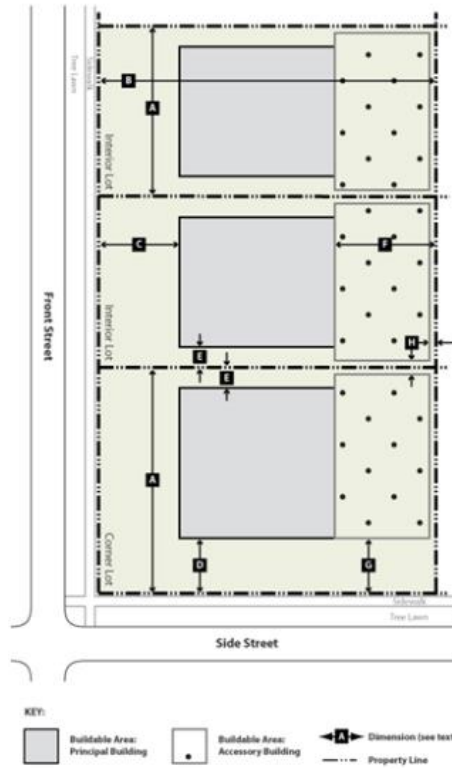
B. **Dimension and Design Standards.** The following table lists the dimension and design standards applicable in the IP-1 district. All dimensions are in feet and are minimum requirements, unless otherwise noted. The IP-1 District Diagram illustrates the requirements of the following table.

C. **Permitted and Special Exception Uses.** Refer to Table 2 for permitted and special exception uses in the IP-1 district.

LOT STANDARD	DIAGRAM	
	KEY	REQUIREMENT
Minimum Lot Width	A	No minimum

Minimum Lot Area (sq. ft.)	A*B	No minimum
SETBACK REQUIREMENT:		
PRINCIPAL BUILDING by FRONTAGE		
DIAGRAM TYPE	KEY	SETBACK
Front		
<i>common yard or front parking:</i>	C	25 ft. min.
<i>stoop, courtyard, or streetfront:</i>		15 ft. min.
Side (street)		
<i>common yard or front parking:</i>	D	25 ft. min.
<i>stoop, courtyard, or streetfront:</i>		15 ft. min.
Side (interior)	All lots:	E 20 ft. min.
Rear	All lots:	F 20 ft. min.
PERMITTED PRIVATE FRONTAGES		
Refer to Section 2.403		
MAXIMUM BUILDING HEIGHT REQUIREMENT		
In Feet		45
Stories		3

IP-1 Industrial Park District



Chapter 4 Private Frontage Design Standards

2.401 Purpose and Applicability.

A. **Purpose.** This chapter identifies standards for private frontages. The private frontage is the area on a lot between the front or side street facade of the building and the right of way line. This area is located on a private lot and is privately constructed, owned and maintained, but the design and treatment of the private frontage area is of public importance because it helps shape the public realm of the street. The public realm of the street defines the character of the City.

B. **Applicability.**

1. Compliance With Frontage Types Required. Every building and site in the City shall be designed according to one of the following frontage types. Frontage types that are permitted or may be permitted following special exception review by the Planning Commission are identified in Section [2.403](#).
2. Community, education and institution uses have unique characteristics, and therefore are not required to comply with the private frontage requirements.
3. Existing Buildings. Improvements to existing buildings must comply with the following standards to the greatest extent feasible. However, in order to encourage and facilitate the reuse and improvement of existing buildings the reviewing authority may waive any standards which would place an undue burden on the property owner, commensurate with the scale of the building improvement or reuse project.

C. **How to Use This Chapter.** All lots in the City are designated as standard lots or small front setback lots on the Zoning Map. The private frontage or frontages that are permitted on a lot or may be permitted following special exception use approval are identified for each zoning district in Section [2.403](#). The process for determining the private frontage development standards applicable to a lot is as follows:

1. Determine if the lot is a standard lot or a small front setback lot, and what zoning district the lot is located in. This information is shown on the Zoning Map.
2. Determine which private frontages are permitted in the Zoning District as shown in the dimension and design standards table for each zoning district in Section [2.403](#).
3. Choose the type of private frontage from the available options (when more than one frontage type is permitted or may be permitted the property owner may choose which private frontage standards to develop under).
4. Develop or redevelop the property according to the dimension and development standards for the Zoning District (see Article 2, Chapter 3), any development standards for the specific use (see Article 2, Chapter 5) and the private frontage standards of this Chapter.
5. In the case of any conflicts between the development standards for the Zoning District, the

development standards for the specific use, and the private frontage standards of this Chapter, the order of preference for the standards shall be 1) development standards for the specific use, then 2) private frontage standards, then 3) zoning district dimension and development standards.

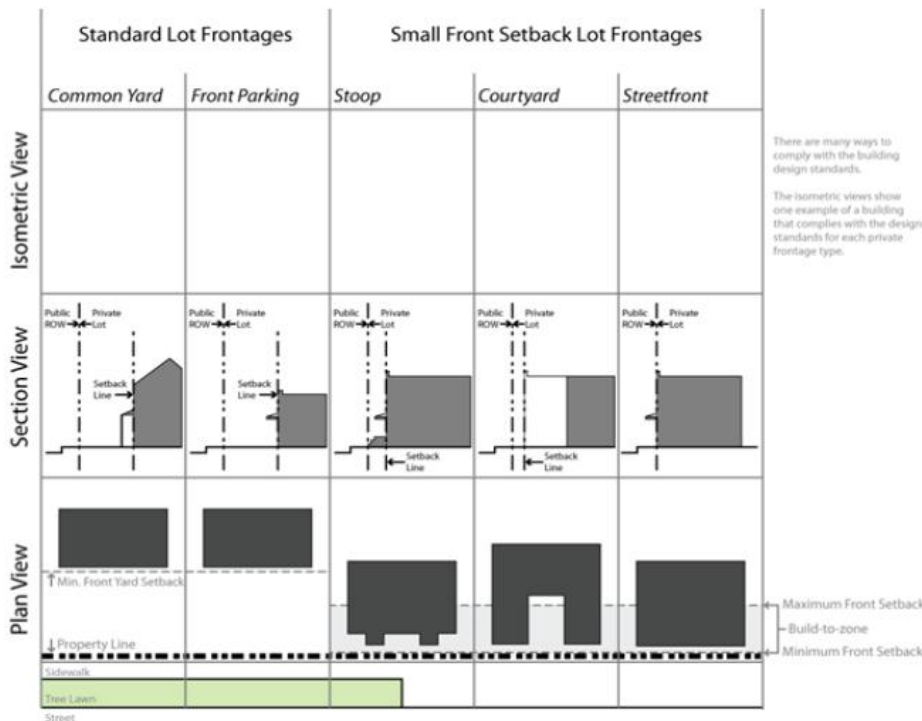
D. **Definitions.** Refer to Section [7.401](#) for definitions of terms used in this Chapter.

2.402 Private Frontage Summaries.

A. **Description of Private Frontage Types.** Refer to Figure 2 for a graphic representation of the following summaries.

1. **Front Parking.** This frontage type has a large front yard setback with parking located between the building and the street. This frontage type is most suitable for automobile-oriented nonresidential development located along major thoroughfares with high traffic volumes, and does not contribute to a walkable, pedestrian friendly environment.
2. **Common Yard.** This frontage has a large front yard setback where the front yard is landscaped. Parking is located in side or rear yards. This frontage type is most common for single family residential development, although it is also suitable for nonresidential development when uses do not rely upon a high volume of daily traffic and highly visible parking spaces that turn over frequently.
3. **Stoop.** This frontage has a small front yard setback where the first floor is elevated above the grade level of the sidewalk to create privacy for the windows. Units or building subdivisions are entered directly from the exterior of the building. This frontage type is often used for ground-floor residential uses, although it can also be used for certain commercial uses such as outdoor cafes that are elevated above the sidewalk level.
4. **Courtyard.** This frontage allows a portion of the front building wall to be set back from the front lot line. The forecourt area is suitable for vehicle drop-offs or landscaped open space. This frontage type is suitable for both residential and non-residential uses.
5. **Streetfront.** This frontage requires the front building wall to be located at or very close to the front property line with building entrances at sidewalk grade. This frontage type is suitable for first floor retail or service uses, and will have a high level of transparency on the front facade. This frontage type contributes to a walkable, pedestrian friendly environment, so pedestrian amenities such as awnings that overlap the sidewalk are encouraged. Parking is located in side or rear yards.

Figure 2. Summary of Private Frontages



2.403 Permitted Private Frontage Layouts.

The following table lists the private frontage layouts that are or may be permitted in each Zoning District. The private frontage layouts specify how the area between the building and the street shall be designed. Superscript text in parentheses in any cell in the following Table 4 is a reference to one of the footnotes following the table.

Table 4. Permitted Private Frontage Layouts by Zoning District

Key:	■ Permitted By Right	○ May Be Permitted Following Special Exception Approval	[blank] Layout Not Permitted
PRIVATE FRONTAGE LAYOUT (A)	Residential Districts	Mixed Use Districts	Industrial Districts
	R-1 R-2 R-3	C-O C-1 C-2 C-3 C-4	M-1 M-2 IP-1
	DEVELOPMENT STANDARDS		
	Standard Lots (as shown on Zoning Map)		
Common Yard	■ ■ ■ ■ ■ ■ ■ ■ ■ ■		Section 2.404
Front Parking		○ ○ (B) (B) ■ ○ (C)	Section 2.405
Stoop		○ ○	Section 2.406
Courtyard		○ ○ ○	Section 2.407
Streetfront		○ ○ ○	Section 2.408
	Small Front Setback Lots (as shown on Zoning Map)		
Common Yard	■ ■ ■		Section 2.404

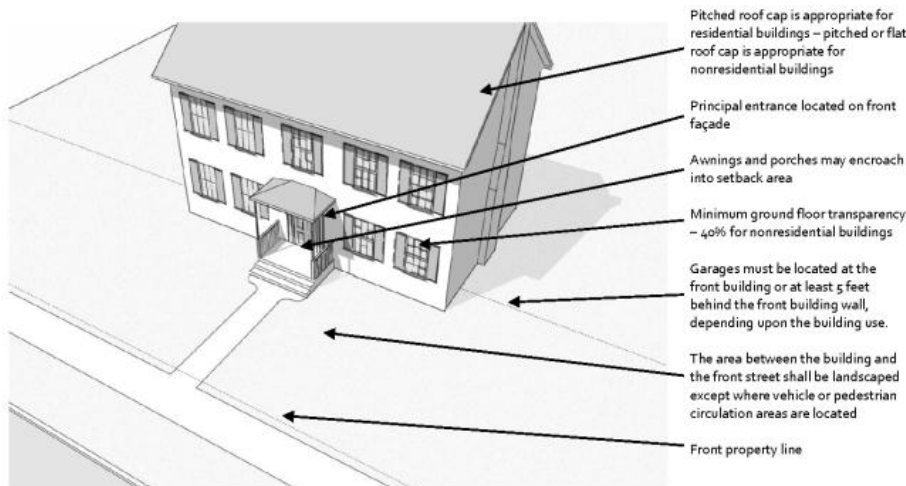
Front Parking					■			Section 2.405
Stoop	■	■	■	○	○	○	(D)	Section 2.406
Courtyard		■		■	○		(D)	Section 2.407
Streetfront		○	○	■	■	■		Section 2.408

Footnotes to Table 4:

- A. **Community, Education, and Institution Uses** listed in Table 2. Uses Permitted by District are exempt from the private frontage requirements and need only comply with the setback requirements for the zoning district in which they are located.
- B. **Front Parking Layouts on Standard Lots in R-3 and C-O Districts** may only be permitted for nonresidential uses on standard lots fronting upon an A or B street.
- C. **Standard Lots Fronting Upon Woodward Avenue.** A front parking layout may only be permitted for standard lots with frontage upon Woodward Avenue in the C-2 district.
- D. **Frontage Only Permitted Along B or C Streets** on small front setback lots in the C-2 district.

2.404 Common Yard.

Figure 3. Common Yard Private Frontage Illustrative Example



The above Figure 3 shows a residential building. Non-residential buildings will be designed differently and have a different appearance. The above Figure 3 shows one example of development that complies with the requirements of this Section, and is for illustrative purposes only. The above figure is not a binding regulation. Refer to the following text for applicable regulations.

A. Site Design Standards.

1. Setbacks and Building Height. Setback and building height requirements are established by

zoning district. Refer to the zoning district requirements in Article 2, Chapter 3.

2. Parking.

a. All parking spaces, including those in garages, shall be located behind the front building wall of the principal building closest to the front street.

EXCEPTIONS: Driveway spaces for residential dwelling units may be located in a front yard. In the M-1, M-2 and IP-1 districts, the Planning Commission may approve non-required parking spaces for visitors to be located in the front yard of a common yard private frontage, provided that such parking is set back at least 20 feet from the front property line.

b. Driveways should access side streets for sites with side street access. Driveways that access front streets are discouraged where side street access is available.

c. Cross-access between non-residential parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.

d. Vehicle maneuvering areas may be located in between the building and the front street.

3. Front Yard Landscaping. The area between the building and the front street shall be landscaped except where vehicle or pedestrian circulation areas are located.

4. Encroachments. Patios, unenclosed porches, decks, or balconies attached to a dwelling may project up to 8 feet into a required front yard, but in no case may be closer than fifteen feet (15') to any right-of-way or similar easement.

B. Residential Building Design Standards.

1. One and two family dwellings shall comply with following standards:

a. *Aesthetic Quality.* One-family and two-family dwellings shall be aesthetically compatible in design and appearance to conventionally constructed homes in the surrounding neighborhood. To that end, each dwelling shall be similar in appearance to conventionally constructed homes typically found in the surrounding neighborhood and/or this Zoning District, in at least the following respects:

- i. massing and related roof lines of the building ;
- ii. arrangement of windows and doors;
- iii. steps and/or porches which provide access to exterior doors;
- iv. color and texture of siding material; and v. roof pitch (5:12 minimum).

b. *Roof Overhang.* The dwelling shall have either a roof overhang of not less than six inches (6") on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwelling. The dwelling

shall contain no additions or rooms or other areas which are not constructed with materials similar to the original structure in appearance and quality of workmanship.

c. *Garage Proportion of Front facade.* The width of front-loaded garage doors may not exceed 50% of the total width of the front building facade.

d. *Modular or Prefabricated Dwelling Structures* shall also comply with the following requirements:

i. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the City of Pontiac's Housing and Building Code. A prefabricated dwelling structure shall be installed in accordance to manufacturer's specifications.

ii. The dwelling shall not have exposed wheels, towing mechanism, undercarriage, or chassis.

iii. The dwelling shall be connected to all required utilities.

iv. The dwelling will have steps and/or porches which provide access to exterior doors, and which are comparable to steps and/or porches of conventionally constructed homes typically found in the surrounding neighborhood or zoning district in which it is to be located.

v. The dwelling contains no additions or rooms or other areas which are not constructed with materials similar to the original structure in appearance and quality of workmanship.

The foregoing standards shall not apply to a mobile home located in a licensed manufactured housing park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the city pertaining to such parks.

2. Manor House dwelling unit buildings shall comply with the following standards:

a. *Scale and Appearance.* The structure shall have a design scale and appearance similar to a single family residential structure.

b. *Architectural details.* Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.

c. *Garage Orientation.* Attached garages shall be set back a minimum of 5 feet behind the front building wall of the principal structure. There is no limitation on the number or orientation of parking areas, garages and any other accessory structure or uses that may be located within the established rear yard, with access provided by an alley or access

drive.

d. *Garage Proportion of Front Facade.* The width of front-loaded garage doors may not exceed 50% of the total width of the front building facade.

e. *Front Door Orientation.* The manor house building shall have not more nor less than one main entrance located on the front facade of the building. The front entrance shall include a front porch or stoop that is at least six feet (6') in width and depth with a minimum area of 36 square feet. Additional exterior entrances may be located on a side facade if the entrance is set back at least 15 feet from the front building wall, or on rear facades.

3. Apartment buildings shall comply with the following standards:

a. *Building Entrances.* Each building shall have at least one entrance door on each street-facing facade to create an appearance that is consistent with a single family character. Entrances to individual units may occur off an interior hallway that is accessed via a front door, or may be located on the side or rear of the building. Interior hallways may also have a secondary entrance on the side or rear of the building.

b. *Architectural Details.*

i. Any facade facing a public street shall be designed as a front facade, including architectural elements to distinguish the facade as the buildings' primary face. Patio areas are prohibited between the building and a public street unless they are designed to have the appearance of a front porch or stoop commonly found on the front facades of residential structures, or screened by an integral architectural element of the building's architecture. A freestanding wing wall is an example of a method of screening that is not an integral element of the building. A screening wall that is integral with the front building facade, and that screens a patio area that is partially recessed into the main mass of the building may count as an integral element of the building.

ii. Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.

c. *Garage Orientation.* Where multiple family buildings contain attached or detached garages that are accessory to the dwelling unit, no more than 25% of all garage doors may be located at or in front of the front building wall of the building, with all other garage doors being located at least 10 feet behind the front building wall of the unit or facing the side or rear of the unit. There is no limitation on the number or orientation of parking areas, garages and any other accessory structure or uses that may be located within the established rear yard, with access provided by an alley or access drive.

4. Modification of Building Design Standards. In the interest of architectural diversity, the residential building design standards may be modified to permit alternate materials or design following the procedures of Article 6, Chapter 6. Any approved modification must result in a

building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

C. Nonresidential Building Design Standards.

1. Building Materials.

- a. *Combination of Materials.* Building materials may be combined on a building facade horizontally, with the heavier material below the lighter material.
- b. *Primary Building Materials.* Primary building materials shall be used on a minimum of 60% of the facade area of the building (excluding the area of doors and windows). Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber, cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material.
- c. *Accent Building Materials.* Accent materials may be used on up to 40% of the facade area of the building (excluding the area of doors and windows). Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any facade, but may not be used on the base level of a building.

2. Base, Middle, Cap Standards.

- a. *Base.*
 - i. The base of the building shall have a minimum height of 12 feet.
 - ii. A horizontal molding or cornice shall be provided at the roofline for a one-story building, between the first and second floor for multiple story buildings with 2-4 stories, or between the first and second floor or second and third floor for 5+ story buildings. This molding or cornice adds visual interest and visually separates the base of the building from upper stories. The molding or cornice shall have a minimum height of 4 inches and a projection of at least 2 inches.
- b. *Middle.* The middle area of the building includes upper stories, and is visually defined by the molding or cornice that defines the base of the building and a cornice or eaves line that defines the cap of the building. There are no specific requirements for the middle of the building. Building material transitions may take place between the base and the middle portions of the facade, or within the middle portion of the facade for buildings 4 stories or greater where the design intent is to create a more substantial appearing base.
- c. *Cap.* Pitched roofs shall be sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12. Flat roofs shall be enclosed by parapets a minimum of 30 inches high, or higher if required to conceal mechanical equipment from view from the front street or from any single family residential property. Flat roofs shall include a

cornice to define the top of the building.

3. Building Transparency.

a. *Minimum First Floor Transparency.* The minimum transparency on the first floor front facade shall be 40% for buildings with non-residential first floor uses.

b. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front facade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.

c. *Ground Floor Glass.* All ground floor windows shall use transparent, non-reflective, non-tinted glass.

4. Ground Story Design.

a. *Entrances.* All buildings shall have a primary entrance on the front facade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.

b. *Awnings and Canopies* on the ground story may encroach up to 6 feet into setback areas. All awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any support structure, and the highest point of the awning or canopy shall not exceed the height of the base. Awnings may not be internally illuminated.

5. Mechanical Equipment and Service Areas.

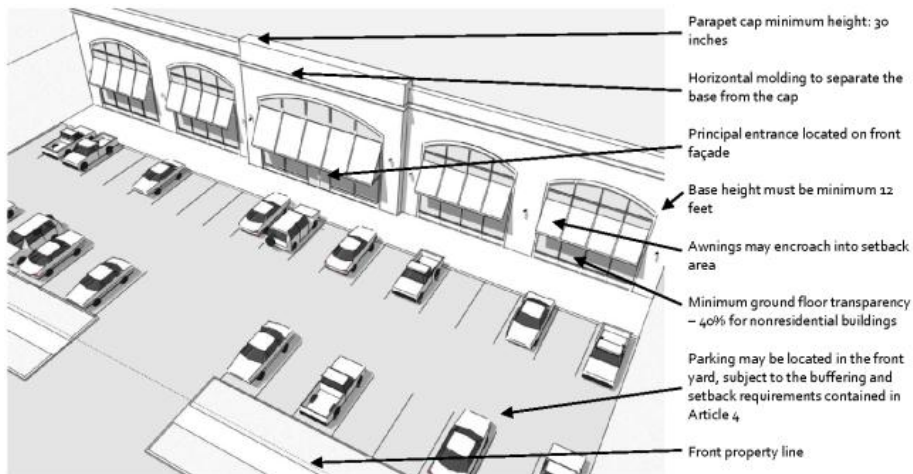
a. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.

b. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

6. Modification of Building Design Standards. In the interest of architectural diversity, the nonresidential building design standards may be modified to permit alternate materials or design following the procedures of Article 6, Chapter 6. Any approved modification must result in a building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

2.405 Front Parking.

Figure 4. Front Parking Frontage Illustrative Example



The above Figure 4 shows one example of development that complies with the requirements of this Section, and is for illustrative purposes only. The above figure is not a binding regulation. Refer to the following text for applicable regulations.

A. Site Design Standards.

1. Setbacks and Building Height. Setback and building height requirements are established by zoning district. Refer to the zoning district requirements in Article 2, Chapter 3.
2. Parking.
 - a. Parking spaces may be located in a front yard between the building and the street.
 - b. Driveways should access side streets for sites with side street access. Driveways that access front streets are discouraged where side street access is available.
 - c. Cross-access between non-residential parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.
3. Front Yard Landscaping. The area between parking areas and any street shall be landscaped according to the standards of Article 4, Chapter 4.

B. Building Design Standards.

1. Building Materials.
 - a. *Combination of Materials.* Building materials may be combined on a building facade horizontally, with the heavier material below the lighter material.
 - b. *Primary Building Materials.* Primary building materials shall be used on a minimum of 60% of the facade area of the building (excluding the area of doors and windows). Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber,

cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material.

c. *Accent Building Materials.* Accent materials may be used on up to 40% of the facade area of the building (excluding the area of doors and windows). Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any facade, but may not be used on the base level of a building.

2. Base, Middle, Cap Standards.

a. *Base.*

i. The base of the building shall have a minimum height of 12 feet.

ii. A horizontal molding or cornice shall be provided at the roofline for a one-story building, between the first and second floor for multiple story buildings with 2-4 stories, or between the first and second floor or second and third floor for 5+ story buildings. This molding or cornice adds visual interest and visually separates the base of the building from upper stories. The molding or cornice shall have a minimum height of 4 inches and a projection of at least 2 inches.

b. *Middle.* The middle area of the building includes upper stories, and is visually defined by the molding or cornice that defines the base of the building and a cornice or eaves line that defines the cap of the building. There are no specific requirements for the middle of the building. Building material transitions may take place between the base and the middle portions of the facade, or within the middle portion of the facade for buildings 4 stories or greater where the design intent is to create a more substantial appearing base.

c. *Cap.* Pitched roofs shall be sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12. Flat roofs shall be enclosed by parapets a minimum of 30 inches high, or higher if required to conceal mechanical equipment from view from the front street or from any single family residential property. Flat roofs shall include a cornice to define the top of the building.

3. Building Transparency.

a. *Minimum First Floor Transparency.* The minimum transparency on the first floor front facade shall be 40% for buildings with non-residential first floor uses.

b. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front facade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.

c. *Ground Floor Glass.* All ground floor windows shall use transparent, non-reflective,

non-tinted glass.

4. Ground Story Design.

a. *Entrances.* All buildings shall have a primary entrance on the front facade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.

b. *Awnings and Canopies* on the ground story may encroach up to 6 feet into setback areas. All awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any support structure, and the highest point of the awning or canopy shall not exceed the height of the base. Awnings may not be internally illuminated.

5. Mechanical Equipment and Service Areas.

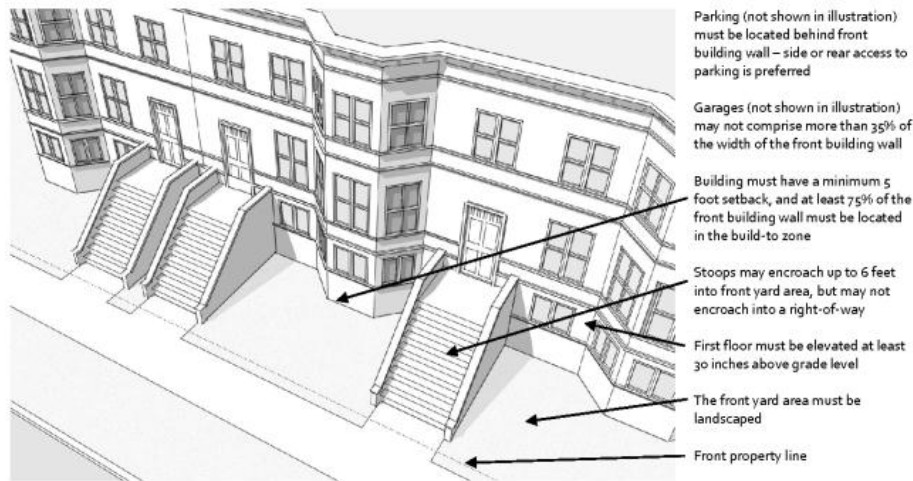
a. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.

b. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

6. Modification of Building Design Standards. In the interest of architectural diversity, the building design standards may be modified to permit alternate materials or design following the procedures of Article 6, Chapter 6. Any approved modification must result in a building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

2.406 Stoop.

Figure 5. Stoop Private Frontage Illustrative Example



The above Figure 5 shows one example of development that complies with the requirements of this Section, and is for illustrative purposes only. The above figure is not a binding regulation. Refer to the following text for applicable regulations.

A. Site Design Standards.

1. Setbacks and Building Height. Setback and building height requirements are established by zoning district, with the exception that the front building wall of any stoop frontage building shall have a minimum front setback of 5 feet. Refer to the zoning district requirements in Article 2, Chapter 3.
2. Parking.
 - a. All parking spaces, including those in garages, shall be located behind the front building wall of the principal building closest to the front street. Exception: portions of driveway spaces for residential dwelling units may be located in a front yard provided that the driveway space has a minimum depth of 18 feet measured from the front property line.
 - b. Driveways should access side streets for sites with side street access. Driveways may not access front streets are when a site has side street access. The driveway standards may be modified to permit driveways that access front streets when side street access is available if there is no reasonable alternative, subject to Article 6, Chapter 6.
 - c. Cross-access between parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.
3. Front Yard Landscaping. The area between the building and the front street shall be landscaped except where vehicle or pedestrian circulation areas are located.
4. Encroachments. Front stoops attached to a dwelling may project up to 6 feet into a required front yard, but in no case may project into a right-of-way or similar easement.

5. Front Building Wall Frontage in Build-To-Zone. A minimum of 75% of the total width of the front building wall shall be located in the build-to zone for a stoop frontage lot.

B. Building Design Standards.

1. Design Features. Any street-facing facade that is visible from a public right-of-way or private road easement shall include features such as, but not limited to columns, cornices, pediments, articulated bases, and fluted masonry covering a minimum of 10% of the exterior wall area.

2. Front Porch or Stoop Required.

a. Each dwelling unit or building subdivision shall have a minimum 30 sq. ft. unenclosed porch or stoop.

b. The porch or stoop shall be raised at least 18 inches above sidewalk grade.

c. The porch or stoop may be covered so long as the area between the surface of the top surface of the stoop and the underside of the canopy covering the stoop is at least 75% open. For the purpose of calculating the enclosure requirement, the vertical area of any surface or building element intended to enclose the stoop, including screens, shall be subtracted from the total vertical area of the stoop between the floor and the canopy.

3. Elevated First Floor. In order to provide privacy for first floor rooms, the first floor of the building shall be elevated a minimum of 30 inches above the level of the sidewalk adjacent to the front property line.

4. Garages.

a. Garage doors may not comprise more than 35% of the width of any facade facing a public or private street.

b. Front-facing garage doors may not be located closer to any front street than the front door of the unit to which they are accessory.

c. Garages are encouraged to be accessed from side or rear facades, particularly when a parcel has side street access.

5. Building Materials.

a. *Combination of Materials*. Building materials may be combined on a building facade horizontally, with the heavier material below the lighter material.

b. *Primary Building Materials*. Primary building materials shall be used on a minimum of 60% of the facade area of the building (excluding the area of doors and windows).

Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber, cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the

appearance of natural building materials may be used as a primary building material.

c. *Accent Building Materials.* Accent materials may be used on up to 40% of the facade area of the building (excluding the area of doors and windows).

Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any facade, but may not be used on the base level of a building.

6. Base, Middle, Cap Standards.

a. Base.

i. The base of the building shall have a minimum height of 10 feet.

ii. A horizontal molding or cornice shall be provided at the roofline for a one-story building, between the first and second floor for multiple story buildings with 2-4 stories, or between the first and second floor or second and third floor for 5+ story buildings. This molding or cornice adds visual interest and visually separates the base of the building from upper stories. The molding or cornice shall have a minimum height of 4 inches and a projection of at least 2 inches.

b. *Middle.* The middle area of the building includes upper stories, and is visually defined by the molding or cornice that defines the base of the building and a cornice or eaves line that defines the cap of the building. There are no specific requirements for the middle of the building. Building material transitions may take place between the base and the middle portions of the facade, or within the middle portion of the facade for buildings 4 stories or greater where the design intent is to create a more substantial appearing base.

c. *Cap.* Pitched roofs shall be sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12. Flat roofs shall be enclosed by parapets a minimum of 30 inches high, or higher if required to conceal mechanical equipment from view from the front street or from any single family residential property. Flat roofs shall include a cornice to define the top of the building.

7. Building Transparency.

a. *Minimum First Floor Transparency.* The minimum transparency on the first floor front facade shall be 50% for buildings with nonresidential first floor uses and 35% for buildings with residential first floor uses.

b. *Maximum Upper Floor Transparency.* The maximum transparency on upper stories shall not exceed 50%.

c. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front facade, where windows may

have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.

d. *Ground Floor Glass*. All ground floor windows shall use transparent, non-reflective, non-tinted glass.

8. Entrances. A minimum of 75% of all units within a building shall have their principal entrance on the front facade of the building.

9. Buildings wider than 75 feet shall incorporate vertical elements in the principal facade to mimic smaller-scale development.

10. Encroachments. Balconies on upper stories may project up to 6 feet from the face of the building, and may encroach into setback areas.

11. Mechanical Equipment and Service Areas.

a. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.

b. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

12. Modification of Building Design Standards. In the interest of architectural diversity, the building design standards may be modified to permit alternate materials or design following the procedures of Article 6, Chapter 6. Any approved modification must result in a building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

2.407 Courtyard.

Figure 6. Courtyard Private Frontage Illustrative Example



The above Figure 6 shows one example of development that complies with the requirements of this Section, and is for illustrative purposes only. The above figure is not a binding regulation. Refer to the following text for applicable regulations.

A. Site Design Standards.

1. Setbacks and Building Height. Setback and building height requirements are established by zoning district. Refer to the zoning district requirements in Article 2, Chapter 3.
2. Parking.
 - a. All parking spaces, including those in garages, shall be located behind the front building wall of the principal building closest to the front street.
 - b. Driveways should access side streets for sites with side street access. Driveways may not access front streets are when a site has side street access. The driveway standards may be modified to permit driveways that access front streets when side street access is available if there is no reasonable alternative, subject to Article 6, Chapter 6.
 - c. Cross-access between parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.
 - d. Vehicle maneuvering areas may be located in between the building and the front street.
3. Front Building Wall Frontage in Build-To-Zone. A minimum of 80% of the total width of the front building wall shall be located in the build-to zone for a courtyard frontage lot. For the purposes of measuring front building wall frontage, courtyard areas shall be considered part of the front building wall width.

B. Building Design Standards.

1. Courtyard Width. The courtyard shall not exceed 60% of the width of the lot.

2. Building Materials.

- a. *Combination of Materials.* Building materials may be combined on a building facade horizontally, with the heavier material below the lighter material.
- b. *Primary Building Materials.* Primary building materials shall be used on a minimum of 60% of the facade area of the building (excluding the area of doors and windows). Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber, cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material.
- c. *Accent Building Materials.* Accent materials may be used on up to 40% of the facade area of the building (excluding the area of doors and windows). Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any facade, but may not be used on the base level of a building.

3. Base, Middle, Cap Standards.

- a. *Base.*
 - i. The base of the building shall have a minimum height of 12 feet.
 - ii. A horizontal molding or cornice shall be provided at the roofline for a one-story building, between the first and second floor for multiple story buildings with 2-4 stories, or between the first and second floor or second and third floor for 5+ story buildings. This molding or cornice adds visual interest and visually separates the base of the building from upper stories. The molding or cornice shall have a minimum height of 4 inches and a projection of at least 2 inches.
- b. *Middle.* The middle area of the building includes upper stories, and is visually defined by the molding or cornice that defines the base of the building and a cornice or eaves line that defines the cap of the building. There are no specific requirements for the middle of the building. Building material transitions may take place between the base and the middle portions of the facade, or within the middle portion of the facade for buildings 4 stories or greater where the design intent is to create a more substantial appearing base.
- c. *Cap.* Pitched roofs shall be sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12. Flat roofs shall be enclosed by parapets a minimum of 30 inches high, or higher if required to conceal mechanical equipment from view from the front street or from any single family residential property. Flat roofs shall include a cornice to define the top of the building.

4. Building Transparency.

- a. *Minimum First Floor Transparency.* The minimum transparency on the first floor front

facade shall be 50% for buildings with nonresidential first floor uses and 40% for buildings with residential first floor uses.

b. *Maximum Upper Floor Transparency.* The maximum transparency on upper stories shall not exceed 60%.

c. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front facade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.

d. *Ground Floor Glass.* All ground floor windows shall use transparent, non-reflective, non-tinted glass.

5. Ground Story Design.

a. *Entrances.* All buildings shall have their principal entrance on the front facade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.

b. *Ground Story Height.* A minimum clear height of 12 feet shall be provided for the ground story in a courtyard building.

c. *Bulkhead Below First Floor Windows.* First floor windows may not extend down to grade level. A bulkhead or kickplate with a minimum height of one foot shall be provided below first floor windows. The bulkhead should use primary materials, and the chosen material should appear heavier visually than the material used for the walls.

6. Alignment of Building Features. Windowsills, moldings, and cornices shall align with those of adjacent buildings to create a consistent design pattern. The bottom and top line defining the edge of the windows (the "windowsill alignment") shall not vary more than two feet from the alignment of surrounding buildings. If the adjoining buildings have windowsill alignment that varies by more than two feet from one another, the proposed building shall align with one of the adjoining buildings.

7. Buildings wider than 75 feet shall incorporate vertical elements in the principal facade to mimic smaller-scale development.

8. Encroachments.

a. *Balconies* on upper stories may project up to 6 feet from the face of the building, and may encroach into setback areas.

b. *Awnings* on the ground story may encroach up to 6 feet from the face of the building, and may encroach into setback areas. All awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of 12 feet to the highest point of the canopy. Awnings may not be internally illuminated.

9. Mechanical Equipment and Service Areas.

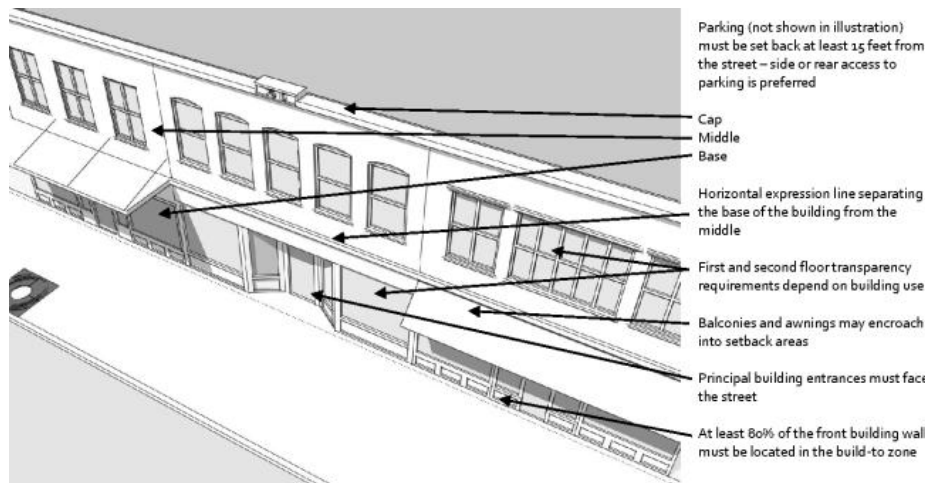
a. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.

b. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

10. Modification of Building Design Standards. In the interest of architectural diversity, the building design standards may be modified to permit alternate materials or design following the procedures of Article 6, Chapter 6. Any approved modification must result in a building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

2.408 Streetfront.

Figure 7. Streetfront Private Frontage Illustrative Example



The above Figure 7 shows one example of development that complies with the requirements of this Section, and is for illustrative purposes only. The above figure is not a binding regulation. Refer to the following text for applicable regulations.

A. Site Design Standards.

1. Setbacks and Building Height. Setback and building height requirements are established by zoning district. Refer to the zoning district requirements in Article 2, Chapter 3.

2. Parking.

- a. All parking spaces, including those in garages, shall be set back a minimum of 15 feet from any street.
- b. Driveways should access side streets for sites with side street access. Driveways that access front streets are discouraged when side street access is available.
- c. Cross-access between parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.

3. Front Building Wall Frontage in Build-To-Zone. A minimum of 80% of the total width of the front building wall shall be located in the build-to zone for a streetfront frontage lot.

B. Building Design Standards.

1. Base, Middle, Cap Standards.

- a. *Base.*
 - i. The base of the building shall have a minimum height of 12 feet.
 - ii. A horizontal molding or cornice shall be provided at the roofline for a one-story building, between the first and second floor for multiple story buildings with 2-4 stories, or between the first and second floor or second and third floor for 5+ story buildings. This molding or cornice adds visual interest and visually separates the base of the building from upper stories. The molding or cornice shall have a minimum height of 4 inches and a projection of at least 2 inches.
- b. *Middle.* The middle area of the building includes upper stories, and is visually defined by the molding or cornice that defines the base of the building and a cornice or eaves line that defines the cap of the building. There are no specific requirements for the middle of the building. Building material transitions may take place between the base and the middle portions of the facade, or within the middle portion of the facade for buildings 4 stories or greater where the design intent is to create a more substantial appearing base.
- c. *Cap.* Pitched roofs shall be sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12. Flat roofs shall be enclosed by parapets a minimum of 30 inches high, or higher if required to conceal mechanical equipment from view from the front street or from any single family residential property. Flat roofs shall include a cornice to define the top of the building.

2. Building Transparency.

- a. *Minimum First Floor Transparency.* The minimum transparency on the first floor front facade shall be 65% for buildings with nonresidential first floor uses and 40% for buildings with residential first floor uses.

b. *Maximum Upper Floor Transparency.* The maximum transparency on upper stories shall not exceed 60%.

c. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front facade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.

Horizontal window bands may be approved as a modification following the procedures of Article 6, Chapter 6 provided that mullions or framing elements are included that create a vertical proportion for panes of glass within the horizontal band.

d. *Ground Floor Glass.* All ground floor windows shall use transparent, non-reflective, non-tinted glass.

3. Ground Story Design.

a. *Entrances.* All buildings shall have their principal entrance on the front facade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.

b. *Ground Story Height.* A minimum clear height of 12 feet shall be provided for the ground story in a streetfront building.

c. *Bulkhead Below First Floor Windows.* First floor windows may not extend down to grade level. A bulkhead or kickplate with a minimum height of one foot shall be provided below ground story windows. The bulkhead should use primary materials, and the chosen material should appear heavier visually than the material used for the walls.

4. Alignment of Building Features. Windowsills, moldings, and cornices shall align with those of adjacent buildings to create a consistent design pattern. The bottom and top line defining the edge of the windows (the “windowsill alignment”) shall not vary more than two feet from the alignment of surrounding buildings. If the adjoining buildings have windowsill alignment that varies by more than two feet from one another, the proposed building shall align with one of the adjoining buildings.

5. Buildings wider than 75 feet shall incorporate vertical elements in the principal facade to mimic smaller-scale development.

6. Encroachments.

a. *Balconies* on upper stories may project up to 6 feet from the face of the building, and may encroach into setback areas.

b. *Awnings* on the ground story may encroach up to 6 feet from the face of the building, and may encroach into setback areas. All awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of 12 feet to the highest point of the canopy. Awnings may not be

internally illuminated.

7. Mechanical Equipment and Service Areas.

a. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.

b. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

8. Modification of Building Design Standards. In the interest of architectural diversity, the building design standards may be modified to permit alternate materials or design following the procedures of Article 6, Chapter 6. Any approved modification must result in a building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

Chapter 5 Development Standards for Specific Uses

Residential Uses

2.501 Mixed Use Building – Residential with Non-Residential.

- A. **Location of Residential Units.** No residential unit shall be located on a floor underneath a floor containing a nonresidential use.
- B. **Permitted Uses.** Non-residential uses permitted in a mixed use building are limited to those that are permitted in the district by Table 2. Uses Permitted by District. Special exception approval is required if a particular use that is proposed within a mixed use building is listed as a special exception use in Table 2.
- C. **Private Frontages.** Mixed use buildings shall have a common yard, stoop, or streetfront private frontage type (see Article 2, Chapter 4 for private frontage standards and Section [2.403](#) for the private frontages that are permitted in each zoning district).

2.502 Boarding or Lodging House.

- A. **Location.** Such uses may only be located along an A or B street.
- B. **Other Applicable Regulations.** Such uses shall comply with the requirements of Sections 26-1311 through 26-1343 of the Code of Ordinances.

2.503 Multiple Family Manor House (3-4 units)

Manor house buildings shall comply with the design requirements specified in Section [2.404](#).

2.504 Multiple Family Apartment Building (3+ units)

Multiple family uses may include any number of structures on a lot, with any number of units in each structure. Multiple family uses shall comply with the following requirements:

- A. **Street Frontage in Mixed Use Districts.** Such uses shall have frontage on an A or B street in a mixed use district.
- B. **Building Design Standards.** Apartment buildings shall comply with the design requirements specified in Section [2.404](#).
- C. **Street Design and Vehicular Circulation.** Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots.
- D. **Private Streets or Access Drives** may be permitted within multiple family housing developments, provided that the following minimum requirements are met:
1. All dimensions for private drives, streets or roadways, including the length of dead-end

drives, shall meet the municipal standards requirements.

2. Arrangements satisfactory to the City regarding the maintenance and repair of streets, roadways, or access drives.

E. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided to connect parking areas, public sidewalks and recreation areas to all building entrances; along collector roads and streets within the development; and streets adjacent to the development.

F. **Parking.** On-street parking spaces on interior streets are encouraged and shall count towards the minimum parking requirement. Parking spaces on streets exterior to the development shall not be counted towards the minimum parking requirement.

G. **Recreation Areas.**

1. Passive or active outdoor recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths, plazas, courtyards, and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least five percent (5%) of the gross site area of the development, except in the C-2 district, where open space must be provided at a ratio of at least 2.5% of the gross site area.

2. The minimum area of each area shall be not less than 1,200 square feet in any zoning district other than the C-2 district where there is no minimum area requirement other than that specified in subsection 1, above.

3. The length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).

4. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

2.505 One and Two Family Dwelling Unit Structures.

A. **One Principal Structure per Lot.** Only one dwelling unit structure shall occupy a lot or site condominium unit and the dwelling shall comply in all respects to the building code adopted by the City of Pontiac.

B. **Historic Districts.** New construction, additions and all exterior improvements, excepting routine maintenance and repair, of properties located within Pontiac's designated Historic Districts (see Sec. 74-53 of City Code) requires prior approval by the Pontiac Historic District Commission, pursuant to Sections 74-51 thru 74-62 of City Code.

C. **Building Design Standards.** One and two-family dwelling unit structures shall comply with the design requirements specified in Section [2.404](#).

2.506 State Licensed Residential Facility.

State licensed residential facilities, as defined by this Ordinance and as licensed by the State of

Michigan, shall comply with the following requirements.¹

A. **Licensing.** In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.

B. **Compatibility with Neighborhood.** Any state licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.

C. **Separation of Facilities with 7 or More Residents.** New state licensed residential facilities with 7 or more residents shall be located a minimum of 500 feet from any other state licensed residential facility with 7 or more residents, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.

D. **Group Child Day Care Homes.** In addition to the preceding subsection, the following regulations shall apply to all group child day care homes (with more than 6 but fewer than 12 residents), as defined in this Ordinance.

1. Pick-Up and Drop-Off. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public street.
2. Hours of Operation. Group child day care homes shall not operate more than 16 hours per day.

E. **Adult Foster Care Congregate Facilities and Adult Foster Care Large Group Homes** may only be located on sites that have at least 80 feet of frontage on an A or B street.

F. **Zoning Compliance Permit Required.** A change in use of property from any other use to a state licensed residential facility shall be considered a change of use for which a zoning compliance permit shall be required as provided in Section 6.701 of this ordinance. The building official shall inspect the premises where the proposed use is to be located, and shall issue a zoning compliance permit only if the premises meet the requirements of this ordinance and all other Codes and Ordinances of the city as applied to the proposed use.

Thereafter, such premises shall be inspected by the building official annually, and if any violations of this ordinance or any other Code or Ordinance of the city are found to exist that are not corrected within reasonable time after notice thereof to the licensee of the facility, the zoning compliance permit shall be terminated, and the building official shall report such violations to the state licensing agency for the facility, and may take any other enforcement measures permitted by law. A fee shall be charged for the inspections provided for herein, the amount of which shall be as set from time to time by resolution of the City Council.

2.507 Townhouse (3+ units)

- A. **Where Permitted in the C-2 District.** Townhouses are only permitted along Lafayette Street, North Perry Street north of University Drive, North Saginaw north of Lafayette St, Carter Street, and Feneley Ct in the C-2 district.
- B. **Individual Entrances Required.** All dwelling units shall have entrances that are directly accessible from the exterior of the building. No unit shall gain access from an interior hallway within a building. The primary exterior entrance to all units shall face a street with a connection leading from the roadside sidewalk to the front entrance of the unit. In no case shall a front entrance to a townhouse unit face the rear yard of another dwelling unit or a service area.
- C. **Private Frontage Type.** Townhouses shall have a stoop private frontage type (see Section [2.406](#)).
- D. **Stacked Flats Prohibited.** In no case shall stacked flats be permitted. All attached units shall be separated by common vertical walls. In no case shall dwelling units be separated by a common horizontal wall.

Commercial, Office and Service Uses**2.508 Sexually Oriented Businesses.**

A. **Purpose.** It is the purpose of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

The purpose and intent of this section is to regulate the location of, but not to exclude, adult entertainment businesses. This is accomplished by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the city recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The city recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

B. **Findings.** Prior to adopting these regulations, the City reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal

and state case law. Based on evidence of the adverse effects of adult uses presented in reports made available to the City Council and on findings incorporated in the cases of *Pap's AM v City of Erie*, 529 US 277 (2000), *Deja Vu of Nashville v Metropolitan Government of Nashville & Davidson County*, 466 G3d 391 (6th Cir 2006), *Sensations, Inc. v City of Grand Rapids*, 2006 WL 2504388 (WD MI 2006), *Van Buren Township v Garter Belt*, 258 Mich App 594; 673 NW2d 111 (2003), *Bronco's Entertainment v Charter Township of Van Buren*, 421 F3d 440 (6th Cir 2005), *Thomas v Chicago Park District*, 122 S Ct 775 (2002), *City of Renton v Playtime Theatres Inc*, 475 US 41 (1986), *Young v American Mini Theatres*, 426 US 50 (1976), *Barnes v Glen Theatre Inc*, 501 US 560 (1991); *California v LaRue*, 409 US 109 (1972); *DLS Inc v City of Chattanooga*, 107 F3d 403 (6th Cir 1997); *East Brooks Books Inc v City of Memphis*, 48 F3d 2200 (6th Cir 1995), *Broadway Books v Roberts*, 642 F Supp 4867 (ED Tenn 1986); *Bright Lights Inc v City of Newport*, 830 F Supp 378 (ED Ky 1993); *Richland Bookmart v Nichols*, 137 F3d 435 (6th Cir 1998), *Richland Bookmart v Nichols*, 278 F3d 570 (6th Cir 2002); *Deja vu of Cincinnati v Union Township Board of Trustees*, 411 F3d 777 (6th Cir 2005); *Deja vu of Nashville v Metropolitan Government of Nashville*, 274 F3d 377 (6th Cir 2001); *Bamon Corp v City of Dayton*, 7923 F2d 470 (6th Cir 1991); *Threesome Entertainment v Strittmather*, 4 F Supp 2d 710 (ND Ohio 1998); *JL Spoons Inc v City of Brunswick*, 49 F Supp 2d 1032 (ND Ohio 1999); *Triplett Grille Inc v City of Akron*, 40 F3d 129 (6th Cir 1994); *Nightclubs Inc v City of Paducah*, 202 F3d 884 (6th Cir 2000); *O'Connor v City and County of Denver*, 894 F2d 1210 (10th Cir 1990); *Deja Vu of Nashville Inc et al v Metropolitan Government of Nashville and Davidson County*, 2001 USA App LEXIS 26007 (6th Cir Dec 6, 2001); *ZJ Gifts D-2 LLC v City of Aurora*, 136 F3d 683 (10th Cir 1998); *Connection Distribution Co v Reno*, 154 F3d 281 (6th Cir 1998); *Sundance Associates v Reno*, 139 F3d 804 (10th Cir 1998); *American Library Association v Reno*, 33 F3d 78 (DC Cir 1994); *American Target Advertising Inc v Giani*, 199 F3d 1241 (10th Cir 2000); *ZJ Gifts D-2 LLC v City of Aurora*, 136 F3d 683 (10th Cir 1998); *ILQ Investments Inc v City of Rochester*, 25 F3d 1413 (8th Cir 1994); *Bigg Wolf Discount Video Movie Sales Inc v Montgomery County*, 2002 US Dist LEXIS 1896 (D Md Feb 6 2002); *Currence v Cincinnati*, 2002 US App LEXIS 1258 (3rd Cir Jan 24, 2002); and other cases; and on testimony to Congress in 136 Cong Rec S 8987; 135 Cong Rec S 14519; 135 Cong Rec S 5636; 134 Cong Rec E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona – 1979; Minneapolis, Minnesota – 1980; Houston, Texas – 1997; Amarillo, Texas; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Austin, Texas – 1986; Seattle, Washington – 1989; Oklahoma City, Oklahoma – 1986; Cleveland, Ohio – and Dallas, Texas – 1997; St. Croix County, Wisconsin – 1993; Bellevue, Washington – 1998; Newport News, Virginia – 1996; New York Times Square 1993; Bellevue, Washington – 1998; Newport News, Virginia – 1996; New York Times Square study – 1994; Phoenix, Arizona – 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan 12, 2000, and the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the City Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Pontiac is seeking to abate and prevent in the future. Due to the potential for harmful

secondary effects, the City Council further determines that it is in the best interests of the City that the decision on any application for a special exception approval for a sexually oriented business be made by the City Council after review and recommendation by the Planning Commission. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area (i.e., not more than two (2) such uses within a specified distance of each other which would create such adverse effect(s).

C. **Applicability.** The provisions of this section regarding massage parlors shall not apply to health care facilities licensed by the state under the Public Health Code, MCL 333.2223 et seq., such as hospitals, sanitariums, nursing homes, medical clinics or the office of a physician, surgeon, chiropractor, dentist, psychologist, clinical social worker, family counselor, physical therapist or other members of the health occupations licensed or regulated by the state. In addition, the provisions of this section regarding massage parlors shall not apply to individuals permitted to practice with a temporary license under required supervision as provided by the State Public Health Code, MCL 333.16101 et seq., as well as clergy, and certified members of the American Massage and Therapy Association.

D. **Specific Requirements.**

1. Separation Requirements.

- a. No adult entertainment business shall be located within 500 feet of a religious institution, public or private primary or secondary school, public park, or noncommercial public assembly facility.
- b. The site of an adult entertainment business shall not be adjacent to or within 300 feet of any residential area or residential district.
- c. The site of an adult entertainment business shall not be within 500 feet of any other adult entertainment business.

2. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of the adult entertainment business activity; are limited to a single sign; and all such displays shall be part of specific approvals for all the uses or activities on the site. Any alteration to the above media shall be approved by the Planning Commission.

3. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

4. Miscellaneous requirements and conditions.

- a. No person shall reside in or permit any person to reside in the premises of a sexually oriented business.
- b. Such uses shall comply with all applicable federal, state, and local licensing regulations.

- c. Nothing contained in this Section shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Ordinance as it may be amended from time to time, or any subsequently enacted Ordinances.

2.509 Automobile Service (Commercial)

A. Setbacks.

1. Any building shall be located not less than 20 feet from any side or rear lot line abutting residentially zoned property.
2. 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 30 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 overhanging any public sidewalk, street or right-of-way.

B. Operations Within and Enclosed Building. All repair or service work shall be conducted within a completely enclosed building. Vehicles to be serviced shall not exceed 9,000 pounds gross weight.

C. Service Bays Permitted in C-1 District. Such uses shall not have more than 3 service bays in the C-1 district.

D. Screening Adjacent to Residential Uses. When adjoining residentially zoned property, a Type B buffer shall be required (see Section [4.405](#)).

E. Outdoor Storage. All outside storage areas for used tires, auto parts and similar items is considered Accessory Outdoor Storage and shall comply with the requirements of Section [2.540](#). Outside storage or parking of disabled, wrecked, or partially dismantled vehicle or any vehicle undergoing service shall not be permitted for a period exceeding three days.

2.510 Bakery or Confectionary.

Bakeries or confectionaries shall have a retail component of the use, and shall not exceed a floor area of 2,000 square feet in an R-3 or R-4 district, or 10,000 square feet in a commercial district.

2.511 Child Care Center or Day Care Center.

A. Building Design. The proposed building shall be harmonious with the predominant type of building in the particular zone by reason of its scale, size, character or location.

B. Hours of Operation shall not exceed 16 hours in a 24-hour period, and activity shall be limited to the hours 6:00 a.m. and 10:00 p.m.

C. Licensing. In accordance with applicable state laws, all child care centers shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.

D. Outdoor Play Area. An outdoor play area with a minimum area of 1,200 square feet shall be provided in accordance with State rules. The outdoor recreation area shall be suitably secured, and

screened from abutting residential uses by a fence or natural barrier with a minimum height of 48 inches. The Planning Commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement, provided that the applicant can submit documentation demonstrating State approval of the use of off-site recreational facilities.

E. **Pick-up and Drop-off.** Adequate areas shall be provided for employee parking and pick-up and drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public streets.

F. **Access and Frontage.** Child care centers shall have frontage on, and direct vehicle access to, a public street classified as an A or B street. Vehicle access to C streets shall be limited to secondary access where necessary for health and safety purposes.

2.512 Bed and Breakfasts.

Bed and breakfast operations may be permitted subject to the following conditions:

A. **Residence Required in R Districts.** The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the real property owner or operator, and the real property owner or operator shall live on the premises.

B. **Location in R-1 and R-2 Districts.** Bed and breakfast uses shall be located on an A or B street in the R-1 and R-2 districts.

C. **Neighborhood Character.** Buildings shall be suitable in, and shall not be cause for a change in the existing or established character of the neighborhood.

D. **Maximum Number of Rooms.** Not more than ten sleeping rooms shall be available for guests of the bed and breakfast.

E. **Kitchens and Meals.** There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.

F. **Occupancy.** Occupancy shall be of a transient nature for periods not to exceed two weeks in duration in anyone month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request and shall further be presented for inspecting at the time of annual license renewal.

2.513 Pawn Shops.

A. **Location.** Pawn shops shall be located on a site with at least 60 feet of frontage on an A or B street.

B. **Separation Requirements.** The clustering of certain business can, when located in close proximity to each other, tend to create a "skid-row" atmosphere. Accordingly, a 1,000 foot separation shall be maintained at all times between pawn shops.

C. **Other Codes and Ordinances.** Pawn shops shall comply with all other applicable federal, state and local laws and regulations, including those contained in Chapter 26 of the Pontiac Code of Ordinances.

2.514 Retail Sales (unlimited outdoor)

A. **Lot Requirements.** The minimum lot area shall be 10,000 square feet, and the minimum lot width shall be 100 feet.

B. **Setbacks.**

1. Display areas shall meet the setback requirement applicable to principal buildings in the zoning district.
2. Storage areas. The outdoor storage of operative automobiles and other products for sale shall not be in any required yard and shall be handled and stored so as to present an orderly, planned, efficient operation at all times. Any area used for storage of products for sale shall be effectively hidden from any area zoned for residential use by an obscuring fence or wall not less than six feet in height.

C. **Vehicle Sales Lots.** All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.

2.515 Retail Sales (packaged alcoholic beverages)

A. The property shall be located no less than 500 feet, except as provided in subsection C of this section, from any and all: churches or similar places of worship, parks, playgrounds, daycare facility, pre- and/or K-12 schools; and

B. Not more than two properties upon which the retail sale of packaged alcoholic beverages is permitted shall be located within one mile. Any establishment meeting the criteria of subsection C of this section shall be exempt from this spacing calculation.

C. The retail sales of packaged alcoholic beverages within a grocery store or pharmacy with a useable floor area of no less than 10,000 square feet, within which no more than 20 percent of said usable floor area is devoted to the display, storage, or sale of packaged alcoholic beverages are exempt from the spacing requirements of subsections A and B of this section.

D. Retail alcoholic beverage sales businesses that existed on or before October 16, 2014, may continue to operate legally subject to all the following conditions:

1. All such businesses shall possess a valid Certificate of Occupancy from the City of Pontiac Building Department to operate a business in Pontiac with an effective date on or before October 16, 2014.
2. All such businesses shall possess a valid Specially Designated Merchant (SDM) License or Specially Designated Distributor (SDD) License from the State of Michigan Liquor Control Commission with an effective date on or before October 16, 2014.

3. All such retail alcoholic beverage sales businesses shall be required to obtain and maintain a City of Pontiac business license.
4. All such retail alcoholic beverage sales businesses shall be required to pay City of Pontiac income taxes in accordance with P.A. 284 of 1964 and Municipal Code Chapter 110, Article III.
5. Failure to meet these conditions shall result in municipal code enforcement action.

(Ord. No. 2326, § 1, 7-23-15)

2.516 Workshop/Showroom.

- A. **In the C-2 District.** Ground floor areas shall be used for retail or showroom purposes for a minimum depth of 30 feet, measured from the front of the building on a line perpendicular to the street upon which the building fronts. The purpose of this regulation is to maintain active ground floor uses that contribute to an active street life in the C-2 district.
- B. **In Any Other Zoning District.** Not more than 70 percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise.

Industrial Uses

2.517 Manufacturing and Processing (light).

A. In the C-2 District.

1. Ground floor areas along streets shall be used for retail or showroom purposes, or Commercial, Office and Service uses, or Community Education, and Institution Uses as identified in Table 2. Such uses shall be located in a space that has a minimum depth of 40 feet, measured from the front of the building on a line perpendicular to the street upon which the building fronts. The purpose of this regulation is to maintain active ground floor uses that contribute to an active street life in the C-2 district.
2. Any equipment requiring greater power than 220 volts, 3 phase current or the equivalent will not be permitted.
3. No chemical processing or solutions considered dangerous to the area would be permitted for storage or use in the area unless specifically approved by the city inspectors.
4. All light manufacturing and processing activities shall occur entirely within a completely enclosed building.

2.518 Manufacturing and Processing (heavy).

Heavy manufacturing and processing activities are permissible only if, in the opinion of the planning commission, adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this ordinance and will minimize impacts on residential neighborhoods.

2.519 Mini-Warehouse.

A. **Fencing.** The perimeter of the storage area shall be fenced. The fence shall have a minimum height of eight feet, and decorative fencing shall be used in the front yard. An entrance gate shall be provided with a minimum access width of 12 feet, with either electronic or manual control.

B. **Buildings.**

1. In Industrial Districts. Storage buildings shall be of a consistent design and construction, and storage buildings shall be separated by access aisles of a minimum width of 20 feet, as measured from building front to building front.

2. In the C-3 District. All storage units shall be located in one building. The building may not use metal or cinder block as its primary building material and shall be designed consistent with other commercial buildings in the vicinity of the site.

C. **Indoor Storage Only.** All items shall be stored inside an enclosed facility.

2.520 Outdoor Storage (major).

Major outdoor storage shall comply with the following requirements:

A. The outdoor storage of goods or materials shall be limited to areas other than the required front setback area and shall be hidden by an eight foot high obscuring fence or wall.

B. There shall be no burning of refuse except in an incinerator in a manner that meets the performance standards listed in Article 4, Chapter 7.

Community, Educational, and Institutional Uses

2.521 Assisted Living Facilities and Nursing Homes.

Nursing homes, convalescent homes, and assisted living facilities are subject to the following requirements, which shall supersede any other applicable requirements of this Ordinance.

A. **Setbacks.** All buildings shall be set back 30 feet from any adjacent one-family residential district.

B. **Location.** Such uses shall only be located on sites that have a minimum frontage of 100 feet of frontage on an A or B street.

C. **Common Areas and Facilities.** Common areas (exclusive of corridors, entrance vestibules and hallways) that are incidental to and/or enhance any primary use shall be provided and shall amount to a minimum of 50 square feet per dwelling unit or bed in the facility. Such facilities may include, but are not limited to, recreational rooms, meeting or social rooms, common areas, or exercise facilities for the use of residents.

2.522 Cemetery or Crematorium.

A. **Cemeteries** and associated uses shall have a minimum site area of 20 acres, and no building shall be closer than 200 feet from a side or rear property line. Cemeteries are not permitted in C-1 or C-3 districts.

B. Crematoriums.

1. Setback From Residential District. Any building containing a crematorium shall be set back a minimum of 200 feet from any residential zoning district.
2. In C-1 or C-3 Districts. Crematoriums are only permitted as an accessory use to a funeral home, mortuary, or veterinary clinic in the C-1 or C-3 districts. A maximum of one accessory crematorium is permitted per principal use.
3. Building Requirements. The interior design and placement of the crematoria retort must be in a completely fireproof building, and the facility shall be designed to minimize the release of emissions, sediment or smoke to the greatest extent feasible.

2.523 Community Service Facility.

A. **Purpose.** In the development and execution of this ordinance and this section, it is recognized that there are some uses which because of their very nature, are recognized as having serious or objectionable operational characteristics, particularly when several of them are concentrated within close proximity to each other. Concentrations of such uses often create deleterious effects upon adjacent areas or uses, particularly single family residential neighborhoods. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or district. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these in each one area. Uses subject to these controls are as follows:

1. Shelters.
2. Halfway Houses.
3. Substance Abuse Rehabilitation Centers.
4. Adult Foster Care facilities that are not licensed pursuant to PA 218 of 1979.

B. **Location.** Community service facilities shall be located on a site with at least 60 feet of frontage on an A or B street.

C. **Separation Requirements for Community Service Facilities from Other Uses.** The clustering of community service facilities in close proximity single family residential areas and certain other uses tend to devalue surrounding single family neighborhoods. Therefore, except as provided by subsection E, below, it shall be unlawful to hereafter establish a community service facility if the proposed location is located within 250 feet of another community service facility AND is located within 500 feet from the nearest property line of any public, private, or parochial school, library, park, playground or other recreational facility which admits minors, day care center, or nursing school (whether commercial or nonprofit).

D. The measurement used to determine the application of any of the above restrictions shall be made from the nearest boundary line of the proposed community service facility on a plane to the nearest boundary line of a residentially zoned district or applicable use listed above.

E. **Waiver from the Separation Requirements.** The applicant may apply in writing for a waiver from the above regulations by filing an application and nonrefundable fee for waiver with the planning and community renewal division, or its successor, of the city which shall place the application on the city council agenda for formal receipt at a city council meeting to be held within 45 days after filing with the division. A date for a public hearing shall be set by the city council upon formal receipt of an application. The city council may waive the separation provisions above for any proposed community service facility use if the following findings are made after a public hearing:

1. That the proposed use will not be contrary to the public interest, injurious to nearby properties or the community as a whole, and that the spirit and intent of this ordinance will be observed.
2. That the proposed use will not enlarge or encourage the development of an inappropriately large community service facility cluster.
3. That the establishment of the proposed community service facility use in the area will not be contrary to any program or neighborhood conservation.
4. That all applicable regulations of this ordinance will be observed.

F. **Reestablishment of Discontinued Uses that were Granted a Waiver.** A community service facility use granted a waiver pursuant to the terms of subsection E, above, may not be reestablished after discontinuance for a period of 90 consecutive days unless a new waiver is granted by the city council.

2.524 Religious Institution.

- A. **Location.** May only be located on a parcel with at least 100 feet of frontage on an A or B street.
- B. **Setbacks.** The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 20 feet or the minimum setback required by the district, whichever is greater.
- C. **Building Height.** Buildings of greater than the maximum height allowed in the zoning district may be allowed provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed. This provision applies to the main mass of the building, and not building elements that are exempted from the height requirements by Section 2.301C.

Recreation Uses

2.525 Private Recreation (small outdoor)

- A. **Commercial Use.** For-profit or commercial small outdoor private recreation uses are only permitted on sites that have at least 100 feet of frontage on an A or B street.
- B. **Buffering.** A Type A buffer (see Section [4.405](#)) shall be maintained between the park area and all other adjacent land uses. The buffer may not use the masonry wall option, and the number of

evergreen trees may be reduced by the reviewing authority.

2.526 Private Recreation (large outdoor).

The following development standards apply to large outdoor private recreation uses, with the exception that such uses in the C-2 district are exempt from these standards.

- A. **Minimum Lot Area.** The minimum lot area for such a use shall be two acres.
- B. **Setbacks.** A front yard setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
- C. **Buildings.** Buildings primarily for the purpose of operating a large outdoor private recreation use may include sales and dispensing of food or beverages, retail sales or rental of equipment related to the principal use of the property and storage of equipment used in maintaining the property.
- D. **Lighting.** All lighting shall be shielded from adjacent residential districts. All site lighting, except necessary security lighting, shall be extinguished after 11 pm.
- E. **Buffering.** A Type B buffer (see Section [4.405](#)) shall be maintained between the recreation area and all other adjacent land uses.

Animal and Agricultural Uses

2.527 Agriculture, Urban.

- A. **Minimum Site Area.** A minimum site area of one acre is required for urban agriculture uses.
- B. **Accessory Buildings.** Accessory buildings with a lot coverage not exceeding 10% of the gross lot area are permitted as part of the urban agriculture use. Agriculture uses with buildings that cover more than 10% of the total lot area are considered a greenhouse/nursery.
- C. **Retail Sales.** Retail sales are not permitted as part of an urban agriculture use unless retail sales are a permitted use or may be permitted as a special exception use in the zoning district in which the urban agriculture use is located. In such a case, retail sales may be permitted as part of an urban agriculture use following the procedures that would be applicable to a retail use in the zoning district.

2.528 Bee Keeping.

Bee keeping uses shall comply with Section 18-8 of the City of Pontiac Code of Ordinances.

2.529 Community Gardens.

Gardening and associated activities are permitted subject to the rules and regulations on file with the office of Land Use and Strategic Planning. Buildings or structures for the purposes of storing materials and equipment for the community garden may be permitted in community gardens as an accessory building. Such buildings may have a maximum area of 150 square feet, and shall comply with the setback requirements for an accessory building in the zoning district.

2.530 Greenhouse or Nursery.

The storage of soil, fertilizer or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. Outdoor storage shall be permitted only in the rear or side yards of the property, and shall be set back a minimum of 10 feet from any property line or the setback applicable to the principal building, whichever is greater.

2.531 Kennels.

The boarding, breeding, raising, grooming, or training of three or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain may be permitted provided the following requirements are met:

- A. **Minimum Site Area.** Such activity shall be permitted only on a parcel of land not less than two acres in area.
- B. **Enclosures.** All animals shall be kept in pens or cages designed, constructed and maintained so as to be harmonious and appropriate in appearance with the character of the general area in which located, and such use will not affect the character of the same area in a negative way.
- C. **Outdoor Runs.** All pens or cages shall be located not less than 75 feet from any property line and all animals shall be kept therein or within a building. No animal shall be allowed to run at large.
- D. **Noise and Odor.** Such activity shall be conducted so as not to be detrimental to any person, property or the general welfare by reason of excessive noise or odor.
- E. **Disposal of Waste.** All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local health department regulations.
- F. **Noise.** Such uses shall comply with the requirements of Section 18-16 of the City of Pontiac Code of Ordinances.

2.532 Pet Boarding Facility.

A pet boarding facility, sometimes referred to as “doggy day care,” is a business for the temporary boarding and care of common household pets generally during daytime hours, but in some cases including overnight boarding. Pet boarding facilities may provide related services such as grooming or training, but no animals may be bred or sold at a pet boarding facility unless the pet boarding facility is accessory to a principal retail use. Pet boarding facilities are subject to the following requirements:

- A. **Retail Sales.** A maximum of 10% of the gross floor area of the building or lease space may be used for retail sales of goods related to pets.
- B. **Term of Stay.** Pets may be boarded at the facility for a maximum of 96 continuous hours (four days). Pets may only be boarded at kennels for periods longer than 96 continuous hours.
- C. **Pick-Up and Drop-Off.** On-site vehicular circulation shall be configured to accommodate vehicles within the boundaries of the site. In no case shall vehicles awaiting drop-off or pick-up of a pet be allowed to encroach onto a public or private street.

D. **Overnight Boarding.** Any pets being boarded overnight shall be confined to the building from the hours of 9 pm until 6:30 am.

E. **Mitigation of Off-Site Nuisances.** Pet boarding facilities shall be constructed, maintained, and operated so that the sounds and smell of animals cannot be discerned outside of the building. Outdoor runs shall be maintained so that no odors are discernable from adjacent properties.

F. **Outdoor runs.**

1. *Fencing.* Outdoor runs where pets will be permitted either on or off-leash shall be fully enclosed with a decorative fence.

2. *Setback.* Outdoor runs shall be set back a minimum of 100 feet from any adjacent residentially zoned or used land. The 100 foot setback notwithstanding, outdoor runs shall be located as far as practicable from any adjacent residential zoning district. Any outdoor runs where pets will be permitted off-leash shall be surrounded by a minimum 54-inch tall fence. If the fence will be visible from any adjacent residential district or road right-of-way, the fence shall be decorative in nature.

3. *Additional Screening May Be Required.* The Planning Commission may require a landscaped buffer or solid wall to be provided between the outdoor run and any adjacent residential district if the location of the proposed outdoor run could negatively impact adjacent or nearby residentially zoned or used land.

G. **Disposal of Waste.** All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local health department regulations.

H. **Noise.** Such uses shall comply with the requirements of Section 18-16 of the City of Pontiac Code of Ordinances.

2.533 Veterinary Hospital or Clinic.

A. **Outdoor Runs** or similar "holding" areas shall be at least 50 feet from any adjacent property line or any adjacent property used by the public and shall not be located in any required front, rear or side yard setback area. Animals must be housed within an enclosed building between the hours of 9:00 p.m. and 6:30 a.m.

B. **Disposal of Waste.** All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local health department regulations.

C. **Licensing.** Facilities and operational procedures must meet necessary licensing requirements.

D. **Location of Procedures.** All medical and surgical procedures must occur within a completely enclosed building.

Accessory, Temporary, and Other Uses

2.534 Boarders or Roomers.

Not more than two boarders or roomers are permitted per dwelling unit, given a valid Certificate of Compliance pursuant to Section 26-1337 of the City's Transient Housing Code.

2.535 Drive-Through Facility (accessory to any principal use)

Any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the requirements of this section. These requirements are intended to support, enhance, and create a high quality public realm; to support and enhance the pedestrian environment and pedestrian connections; and to encourage development that fits well with and improves its existing or planned context.

A. **Street Access.** Drive-through facilities may only be located on sites having frontage upon an A or B street.

B. **Building Design.** Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.

C. **Building Location and Orientation.** The principal building to which the drive-through use is accessory should be located at or near street setback lines. Any building with a drive-through use shall have a prominent pedestrian entrance facing the principal street upon which it has frontage.

D. **Drive-Through Setback.** Physical elements of the drive-through use that are visible from the exterior of the building, including the drive-through window, speaker or ordering stations, and any canopies shall be set back a minimum of 10 feet from any street-facing building wall of the primary structure.

E. **Number of Spaces Required.** The minimum number of required off-street stacking spaces is as follows:

Use	Stacking Spaces per Lane
Banks or other financial institutions	3
Photo service, pharmacy, dry cleaning outlets	2
Restaurants	8
Car wash (self-serve)	Entrance: 2 Exit: 1
Car wash (automatic)	Entrance: 8 Exit: 1

F. **Modification of Minimum Requirement.** The planning commission may modify the minimum

number of required spaces based on evidence submitted by the applicant demonstrating that the proposed number of spaces is adequate.

G. **Stacking Space Dimension.** Each stacking space shall be nine (9) feet in width and eighteen (18) feet in length.

H. **Stacking Lane Location.** Stacking lanes shall not be located between the building and a street, and may not be located in a required front yard.

I. **Headlight Glare.** Drive-through uses shall be configured and screened such that glare from the headlights of vehicles waiting in the stacking lane is obstructed from shining into a public right-of-way or neighboring residential use.

J. **Escape Lane.** All Drive-up/Drive-through facilities shall provide an escape lane, which allows other vehicles to pass those waiting to be served. An alley may be used for the required escape lane if the Planning Commission determines that minimum conflict would exist between the users of the alley and the commercial traffic.

2.536 Home Occupations.

Home occupations may be permitted accessory to the principal use of a residential dwelling unit under the following procedures and conditions:

A. **Exterior Appearance.** The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.

B. **Employees.** No more than two persons other than members of the immediate family occupying the dwelling shall be employed.

C. **Location.** Either one of the following -- the basement, garage, or no more than 50 percent of the gross floor area of one floor of a residence -- shall be used for these purposes. Use of accessory buildings for these purposes is prohibited, except the garage.

D. **Outside Storage.** There shall be no outside storage of any kind related to any home occupation.

E. **Traffic and Deliveries.** The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time, and may not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week.

F. **Mechanical or electric equipment** employed by the home occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.

G. **Signs.** Only one nameplate sign with a maximum area of 2 square feet shall be allowed. It may display the name of the home occupation, for example, John Doe, Realtor, and must be attached to the principal building.

H. **Nuisance Prohibited.** No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

I. **Restrictions and enforcement.** Operating a business or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this Ordinance is prohibited. The conducting of a business or a business activity which results in violations of the limitations or is not a home occupation as defined in this ordinance may be prosecuted in the district court, or may be enjoined in the circuit court. If a question concerning a home occupation is referred to the Zoning Board of Appeals, that board shall hold a public hearing in accordance with Article 6, Chapter 9 and shall determine whether there is, in fact, a home occupation and, if so, whether there are any violations of the limitations in this subsection. The Zoning Board of Appeals may take no further action or may issue a permit, renewable yearly, for the continuation of such use, with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.

2.537 Outdoor Retail Sales (accessory to a permitted use)

Accessory outdoor retail sales are the outdoor display or sales of goods that are accessory to a principal use and that do not exceed 20% of the indoor sales or display area.

Areas for outdoor display of merchandise associated with a principal retail sales use may require screening, depending on the nature of the outdoor sales use. Outdoor sidewalk sales areas in the C-2 district will not require screening, but an outdoor sales area attached to a nursery or garden center would require screening. The screening requirement shall be determined by the reviewing authority for the application (see Article 6, Chapter 2 for site plan review requirements). The building official shall review applications for limited outdoor retail sales uses if sketch plan, site plan, or special exception approval is not required.

2.538 Outdoor Retail Sales (temporary or seasonal)

A. **Duration.** Administrative permits for temporary/seasonal outdoor sales shall be for a period not to exceed ninety (90) days in one (1) calendar year. No more than one permit may be issued to the same applicant or property in any calendar year.

B. **Performance Standards.**

1. The site upon which the temporary/seasonal outdoor sale is to be conducted shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
2. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
3. No uses or displays shall be permitted in required parking areas, required landscape buffer

areas, or any right-of-way. Displays or uses may be permitted in non-required parking areas that are over and above the minimum number of parking spaces required for the use.

4. Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on a site plan that is submitted and determined by the Building Official to not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
5. Signage shall be limited to one (1) sign not to exceed thirty-two (32) square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the sale, including those affixed to vehicles.
6. All lighting shall comply with the lighting standards of Article 4, Chapter 5.
7. No portion of the use or event shall take place within one hundred (100) feet of any residential buildings.
8. The Building Official shall have the authority to exempt certain conditions determined to be non-applicable and impose additional conditions determined necessary to ensure public health, safety and welfare.

2.539 Outdoor Sidewalk or Patio Dining.

In the interest of promoting business by increasing activity and improving the general business climate, the City may administratively issue revocable permits to businesses that apply for a permit to operate a sidewalk cafe as an extension of or compatible with the existing business on a portion of a city sidewalk adjacent to the business, or an outdoor dining patio located elsewhere on the site. The permit may be issued under the following terms and conditions:

A. Sidewalk Cafes.

1. *Conditions.* Sidewalk cafe permits shall be issued if the occupancy will not:
 - a. Interfere with the use of the street for pedestrian or vehicular travel.
 - b. Reduce any sidewalk width to less than 60 inches. Where constrained conditions exist due to an existing narrow sidewalk width or the presence of obstructions including, but not limited to trees, utility infrastructure, or public improvements such as parking meters, benches, or planters, the minimum clear width shall be 42 inches.
 - c. Interfere with street cleaning or snow removal activities.
 - d. Cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located there.
 - e. Cause a violation of any state or local laws.
 - f. Be in or adjacent to property zoned exclusively for residential purposes.

2. *Enclosure.* Businesses selling food or beverages to be consumed in a public sidewalk area adjacent to the business may enclose the area with a temporary structure, subject to approval by the building official. Prior to approval, written plans shall be submitted to the building official. All construction shall conform to existing building codes and regulations of the city and shall not be permanent.

3. *Liability Insurance.* Prior to the issuance of a sidewalk cafe permit, the applying business must provide the city with a certificate of liability insurance in an amount to be determined solely by the city. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the city, indemnify and hold harmless the city from all claims or damages incident to the establishment and operation of a sidewalk cafe.

4. *Fee.* Prior to the issuance of a sidewalk cafe permit, a fee set from time to time by resolution of the city council shall be paid by the requesting business for the period of the permit.

5. *Period.* The period of a sidewalk cafe permit shall not exceed 180 days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk cafe, or for any other violation of this Ordinance.

B. Outdoor Dining Areas.

1. No music or other noises generated by the operation of an outdoor dining area shall be audible on adjacent residential properties before 4pm or after 10 pm. Music or other noises generated by the operation of the outdoor dining area shall comply with the performance standards for noise contained in Article 4, Chapter 7. Exception: noises generated by outdoor dining areas in the C-2 district are exempt from the noise limitations of this section.

2. Outdoor dining areas are exempt from City parking regulations, and shall not be included in calculations for minimum parking requirements.

2.540 Outdoor Storage (accessory to a permitted use)

A. **Location.** Outdoor storage shall be permitted only as an accessory use to the principal permitted use only in the rear or side yards of the property, and shall be set back a minimum of 10 feet from any property line or the setback applicable to the principal building, whichever is greater.

B. **Area.** The total outdoor storage area shall not be permitted to exceed 20 percent of the gross floor area of the building to which it is accessory. Outdoor storage areas that exceed 20 percent of the gross floor area of the building are considered major outdoor storage uses.

C. **Screening.** All outdoor storage areas shall be screened on all sides by a masonry obscuring wall similar in appearance to the character of the building, and landscaping as may be required by the planning commission. Such walls may have a maximum height of eight feet and may, depending on the nature of the storage, be required to be higher. Walls shall be maintained so as to remain structurally sound and neat and clean in appearance.

D. **Height of Materials Being Stored.** Materials being stored may have or be stacked to a height one foot below the height of the screening wall. Example: materials may not be stacked higher than 7 feet if the screening wall is 8 feet tall.

E. **In the IP-1 District.** Such storage areas shall be set back a minimum of 100 feet from any major thoroughfare. This minimum setback area shall be treated in the same manner as the front yard.

2.541 Sustainable Energy Generation.

A. **Purpose.** It is the purpose of this Section to promote the safe, effective, and efficient use of sustainable wind and solar energy systems to reduce or replace on-site consumption of utility supplied electricity.

B. **Findings.** Wind and solar energy are abundant, renewable, and nonpolluting energy resources and their conversion to electricity will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of fossil fuel inputs. The use of distributed sustainable energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the City's energy supply portfolio.

C. **Definitions.** The terms used in this section have the following meanings:

1. **Height.** The vertical distance from grade level adjacent to the base of the structure to the edge of the blade at highest rotation for a horizontal axis wind turbine or the highest point of a vertical-axis wind turbine.
2. **Roof-Mounted Energy System.** A type of small wind energy conversion system that is mounted on a roof with a height not greater than 15 feet above the ridgeline of a pitched roof or parapet of a flat roof.
3. **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to reduce on-site consumption of utility power.
4. **Solar Energy System.** A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
5. **Solar Storage Battery.** A device that stores energy from the sun and makes it available in an electrical form.
6. **Tower Mounted Wind Energy System.** A wind energy conversion system that is mounted on a freestanding or guyed tower attached to the ground, and not attached to any other permanent or temporary structure.
7. **Utility Wind Energy System.** A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to provide wholesale or retail energy to the electric utility grid.

8. Wind Energy System. Any wind energy conversion device including all associated control or conversion electronics.

D. Wind Energy Systems.

1. Where Permitted.

a. *Small Wind Energy Systems*. Subject to the requirements of this Section, roof mounted systems are permitted by right in any zoning district, and tower mounted systems are permitted by right in any district except the C-2 district.

b. *Utility Wind Energy Systems* may be permitted in the M-2 district, subject to special exception use approval and the requirements of this Section.

2. Small Wind Energy Review Procedures and Standards. Applications for small wind energy systems shall be reviewed administratively by the building official. The applicant shall submit a sketch plan in accordance with the requirements of Article 6, Chapter 20.

3. Utility Wind Energy Review Procedures and Standards. Utility wind energy systems are subject to the special exception use review process set forth in Article 6, Chapter 2.

4. General Standards. The following standards are applicable to all wind energy systems.

a. *Noise*. A wind energy system shall not generate a noise level of 55 dB(A), measured at the property line, for more than three minutes in any hour of the day. EXCEPTION: if the constant ambient sound pressure level exceeds 55 dB(A), measured at the base of the wind energy system, a decibel level of the ambient dB(A) plus 5 dB(A) shall not be exceeded for more than three minutes in any hour of the day.

b. *Shadow Flicker*. Shadow flicker is a term used to describe what happens when rotating wind turbine blades pass between the viewer and the sun, causing an intermittent shadow. The application for a wind energy system shall include a shadow flicker analysis demonstrating locations where shadow flicker will occur at sunrise and sunset, along with measures the applicant will take to eliminate or mitigate the effects of shadow flicker on adjacent or nearby affected properties.

c. *Lighting*. No wind energy system shall be artificially lighted except as required by the Federal Aviation Administration.

d. *Appearance, Color, and Finish*. The wind energy system shall be light gray, white, or sky blue in color. All wind energy systems shall be finished in a non-reflective matte finish.

e. *Signs*. All signs other than the manufacturer or installer's identification, appropriate warning signs, or owner identification signs are prohibited.

f. *Electrical Wires*. All electrical wires associated with a wind energy system other than wire necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires shall be located underground.

g. *Compliance with Electrical Code.* Building permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

h. *System Access.* The tower shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least 8 feet above grade level and secured to prevent access by unauthorized persons.

i. *Wind Access.* The City makes no assurance of wind access other than the provisions of this Section. The applicant may provide evidence of covenants, easement or similar documentation for abutting property owners providing access to wind for the operation of a wind energy system.

5. Tower-Mounted Small Wind Energy System Standards. The following standards are applicable to tower-mounted small wind energy systems.

Table 5. Tower-Mounted Small Wind Energy System Regulations

Residentially Zoned or Used Parcels	Non-Residentially Zoned and Used Parcels
Minimum Parcel Area	
0.5 acres (21,780 sq. ft.)	0.5 acres (21,780 sq. ft.)
Maximum Height	
The maximum height is: <ul style="list-style-type: none"> ■ 40 feet plus the area of the parcel in acres multiplied by 12.5, rounded down to the nearest integer, or ■ 80 feet, whichever is lower.	The maximum height is: <ul style="list-style-type: none"> ■ One foot of height for each 2.5 feet of setback from the base of the tower to the nearest principal building on an abutting parcel, or ■ 100 feet, whichever is lower.
Setback Requirements	
<ul style="list-style-type: none"> ■ The minimum tower setback from any property line shall be 1.2 times the height of the wind turbine The minimum setback from any road or overhead utility right-of-way or easement shall be equal to the height	<ul style="list-style-type: none"> ■ The minimum tower setback from any property line shall be 1.2 times the height of the wind turbine. The minimum setback from any road or overhead utility right-of-way or easement shall be equal to the height

<p>of the turbine unless ■ written permission is granted by the governmental agency or other entity with jurisdiction over the right-of-way or easement.</p> <p>Tower-mounted wind energy systems may not be located in the front yard of any lot unless the principal building is set back 200 feet or more. In such a case, a tower-mounted system may be located in the front yard provided that a minimum 150-foot front yard setback between the tower and the front property line is maintained.</p>	<p>of the turbine unless ■ written permission is granted by the governmental agency or other entity with jurisdiction over the right-of-way or easement.</p> <p>Tower-mounted wind energy systems may not be located in the front yard of any lot unless the principal building is set back 200 feet or more. In such a case, a tower-mounted system may be located in the front yard provided that a minimum 150-foot front yard setback between the tower and the front property line is maintained.</p>
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6. Roof-Mounted Small Wind Energy System Standards. The following standards are applicable to roof-mounted small wind energy systems.

Table 6. Roof-Mounted Small Wind Energy System Regulations

Residentially Zoned or Used Parcels	Non-Residentially Zoned and Used Parcels
Minimum Parcel Area	
No minimum parcel area	No minimum parcel area
Maximum Height	
The maximum height is 10 feet above the highest point of the roof.	The maximum height is: If the building is located within 250 feet of a ■ residential dwelling unit: 15 feet above the top of roof elevation. If the building is located farther than 250 feet from a

	<p>residential dwelling unit: 30 feet above the top of roof elevation or 150% of the building height, whichever is lower.</p>
Setback Requirements	
<p>Roof-mounted wind energy systems shall be set back a minimum of 20 feet from the property line.</p>	<p>Roof-mounted wind energy systems shall be set back a minimum of 20 feet from the property line, or the height of the system above the top of roof elevation multiplied by 1.25, whichever is greater.</p>

7. Utility Wind Energy System Standards. The following standards are applicable to utility wind energy systems.

- a. *Minimum Site Area.* Utility wind energy systems may only be developed on a zoning lot with an area of 60 acres or greater.
- b. *Setbacks.* Any utility wind energy system shall be set back a distance equal to 1.5 times the height of the tower from any property line, road right-of-way, or overhead utility line.
- c. *Towers.* Utility wind energy systems shall use tubular monopole towers, and shall not contain lettering, company insignia, advertising, or graphics on the tower or turbine that are visible beyond the property boundaries.
- d. *Environmental Impact.* The applicant shall submit an environmental impact analysis prepared by a qualified third party assessing any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, wildlife, and antiquities. The applicant shall take appropriate measures, if possible, to minimize, eliminate or mitigate adverse impacts identified in the analysis. If the adverse impacts cannot be sufficiently mitigated or eliminated, the City shall deny the request for a special exception permit for the utility wind energy system.
- e. *Community Impact.* The applicant shall be responsible for repairing any public roads or other public infrastructure damaged or otherwise worn beyond typical usage by the construction of the utility wind energy system.
- f. *Decommissioning.* The applicant shall submit a decommissioning plan, including the following items of information:
 - g. The anticipated life of the project.

- h. The estimated decommissioning costs and net salvage value in present dollars.
- i. The method of ensuring funds will be available for decommissioning and removal of towers, and restoration of the site to a pre-construction condition.
- j. Anticipated manner in which the project will be decommissioned and the site restored.
- k. *Complaint Resolution.* The applicant shall develop a process to resolve any potential complaints from nearby residents concerning the construction and operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting upon a complaint. The process shall not preclude any governmental body from acting on a complaint. The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. The complaint resolution process shall be approved by the Planning Commission.

E. Solar Energy Systems.

1. Rooftop and Building Mounted Solar Energy Systems. Rooftop and building mounted solar energy systems are permitted in all zoning districts., subject to the following regulations:

- a. A roof mounted system may not extend more than three feet above the surface to which it is affixed.
- b. No solar energy system may protrude beyond the edge of the roof.
- c. A building permit shall be required for installation of rooftop and building mounted systems.

2. Ground Mounted Solar Energy Systems. Ground mounted and freestanding solar energy systems are permitted in all zoning districts, subject to the following regulations:

- a. *Location.* The solar energy system shall meet the required front yard setback requirement for the district in which it is located, and be set back a minimum of 5 feet from any side or rear property line.
- b. Height.
- c. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
- d. If the solar energy system is located in a front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Evergreen landscaping that is sufficient to buffer the equipment from view from nearby dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.
- e. *Building Permit.* A building permit shall be required for any ground mounted solar energy system.

f. **Area.** No more than 20% of the total lot area may be covered by a ground mounted solar energy system.

3. **Batteries.** When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

4. **Removal.** If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12 month period.

2.542 Temporary and Special Events.

Special and temporary events may be permitted in any zoning district; provided, that the special event does not harm or interfere with the use of neighboring premises or harm the health, safety, and welfare of any person.

A. **Duration.** Special or temporary events may be scheduled for a single period not exceeding 30 days during a calendar year, or for up to four nonconsecutive ten-day periods during a calendar year. For the purpose of this section, *nonconsecutive* is defined as the end of one period and the beginning of another period being separated by more than six calendar days.

B. **Application.** Any special event shall obtain an application from the Building Department. Applications must be submitted a minimum of 60 days prior to the date of the event. The application shall include the following information:

1. Sponsor's name; representative's contact number;
2. Name of use or event;
3. Dates, times, and location of the use or event;
4. Size, number, and location of all signs;
5. If a City business license is required;
6. The expected number of participants.

C. **Sketch Drawing.** The application shall also include a sketch drawing of the premises on which the special or temporary event will be held. The sketch drawing must show the entrance and exit to the use or event, parking areas, signs and other pertinent details as requested by the appropriate department. If the special event is to be held at more than one location, such as a tour of buildings, the application shall include a map of the relevant details at each of the participating buildings or sites. Any "temporary/special event," that in the opinion of the Planning Administrator, is not exempt from Planning Commission approval.

Sketch drawings should include the following:

1. Tents.

2. Signs.
3. Booths.
4. Canopies.
5. Tables.
6. Portable toilets.
7. Rides.
8. Temporary structures or displays of any kind (picture required if deemed necessary by staff).
9. Parking arrangements.
10. Street closures/location of barricades.

D. **Signs.** Temporary signs associated with the special or temporary event shall comply with the requirements of Article 1. If multiple sites are listed, one temporary sign may be placed at each site. Signs connected with a special or temporary event may be displayed for up to 30 days prior to the event and shall be removed not more than three days after the event.

E. **Vendors/Peddlers.** Applications must be submitted 48 hours prior to the event. All vendors are required to have a background check and be compliant with Chapter 26, Article XXIII of the Pontiac Municipal Code.

F. **Bonds.** The Community Development Director may require bonds for cleanup, water usage, etc. Bonds are required to be paid 48 hours prior to the date of the event and shall be returned back to the bond holder within two weeks once authorization is given by the appropriate authority.

G. **Insurance Required.** Liability insurance is required to be submitted to the Director of Community Development. Insurance must be submitted at least two weeks prior to the date of the event.

H. **Permits.** Permits (building, sign, electrical, hydrant, right-of-way, etc.) and fees must be obtained/submitted at least two weeks prior to the event.

I. **Notification.** Applicant must notify all potentially affected property owners and advise them of the date and time of the proposed event, and description of the activity. The Community Development Director may waive this requirement if other notification methods are deemed appropriate.

J. **Review.** The special event permit application shall be submitted to the Community Development Director, who shall distribute the application to any Community Development Director departments affected by the special event for review and comment. These departments may include the Building Department, Police Department, Fire Department, City Clerk, Public Works Director, or any other City department. In reviewing the application, the departments shall consider traffic circulation, parking, sign placement, and surrounding uses.

K. **Decision.** The Community Development Director shall approve, approve with conditions, or deny the application within 60 days of the receipt of the application. On approval, the Director of Community Development will issue a certificate of approval to the sponsor of the event.

L. **Effect of Denial.** The sponsor of any application that is denied by the Community Development Director may appeal the decision to the Zoning Board of Appeals under the provisions of Article 6, Chapter 4.

(Ord. No. 2291, § 1(D), 6-27-13)

2.543 Wireless Telecommunication Facilities.

A. **Purpose.** The purpose of this section is to provide a process and to set standards for the construction, expansion and modification of wireless communications facilities (WCF), to protect the historic, scenic and visual character of the City, and to comply with federal laws and regulations regarding wireless communications facilities and to provide reasonable access.

B. **Definitions.** The following terms, as used in this Section [2.543](#) shall have the following meaning:

1. **Active Operation.** The continuous transmitting or receiving of radio frequency signals.
2. **Co-location.** The use of a support structure or an alternative support structure by more than one wireless service provider.
3. **Disguised WCF.** A WCF made and designed to appear to be an object recognized as other than a WCF.
4. **Ground Mounted WCF.** A WCF which is mounted to the ground, and which has a mast or similar structure and not a lattice tower or guy tower and is less than 50 feet in height.
5. **Hidden WCF.** A WCF that is fully hidden from view when contained within an existing structure unrelated to a WCF, such as a building, wall, or roof.
6. **Monopole WCF.** A WCF with a monopole support structure.
7. **Support Structure.** Any built structure, including guy wires and anchors if used, to which antennas and associated hardware are mounted.
8. **Wireless Communication Facility (WCF).** Any structure, antenna, tower, or other device that provides voice, data, radio, or television transmission, personal wireless service, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio and enhanced special mobile radio communications, common carrier wireless exchange access services, common carrier wireless exchange phone services and personal communications services or pager services. The definition of WECF includes personal wireless services facilities as that term may be defined in Title 47, United States Code, Section 332(c)(7)(c), as it may be amended now or in the future.

C. **Applicability.** This Ordinance applies to all construction, expansion, modification, maintenance,

and operation of wireless communications facilities except:

1. Emergency WCF. Temporary wireless communications facilities for emergency communications by public officials.
2. Maintenance or repair. Maintenance or repair of a WCF and related equipment provided that there is no change in the height or any other dimension of the facility.
3. Temporary wireless communications facility. Temporary WCF, in operation for a maximum period of seven (7) days.
4. Antenna as Accessory Uses. An antenna, other than parabolic dish antenna greater than five (5) feet in diameter, that receives only and is accessory to a permitted use, that is, related to such use but clearly incidental and subordinate.

D. **Approval Authority**. No person or agency shall construct or expand a WCF without approval of the building official, Planning Commission, or the City Council as follows:

1. Approval by the Building official is required for:
 - a. A WCF not exceeding 65 feet in height used for licensed amateur (“ham”) radio, which is not additionally licensed or used for any commercial purpose other than by the licensed amateur radio operator, and when there is no other WCF on the parcel on which the new WCF is to be located.
 - b. Co-location on an existing WCF that does not increase the height of the support structure.
 - c. A disguised WCF not exceeding 35 feet in height.
 - d. A hidden WCF.
2. Site plan approval is required for construction of a new WCF monopole structure on public property owned by the City, or a public school district.
3. Special exception approval is required for construction of any new WCF monopole structure in any zoning district not located on public property owned by the City or a public school district.

E. **Application Requirements**. Applicants seeking approval for an WCF shall submit all applicable materials from the following list, as identified by the Building official:

1. A copy of the FCC license for the facility, or the license to operate within an assigned geographic area including the City of Pontiac.
2. A signed statement from the owner or operator of the facility attesting that the facility complies with and will comply with FCC regulations.
3. A map showing the location of all existing and approved WCFs within a four mile radius of the proposed WCF.

4. A written statement of the need for a WCF at the particular location. The statement should also describe reasonably anticipated expansion plans for the WCF, and reasonably anticipated changes of technology and their effect on expansions of the proposed facility.
5. Evidence demonstrating that no existing building, site, or structure or more preferred support structure as identified in Section 2.543.F.1, below.

F. Wireless Telecommunication Facility Support Structure Standards.

1. Limitation on new support structures. It is the City's policy to minimize the proliferation of new wireless telecommunication facility support structures in favor of collocation of such facilities on existing structures. No new wireless telecommunication facility support structures shall be constructed unless the applicant for the new structure demonstrates, and the Planning Commission finds, that collocation on an existing structure is not adequate or is not reasonably feasible. New WCF facilities must be located according to this list of preference, from most preferred to least preferred. A new WCF facility will not be approved unless the applicant can demonstrate to the satisfaction of the review authority that all of the more preferred WCFs are not practical.
 - a. Hidden WCFs (most preferred).
 - b. Co-location on an existing support structure.
 - c. Disguised WCFs.
 - d. Location on existing structures.
 - e. Ground mounted WCFs.
 - f. New monopole WCF (least preferred).
2. Monopole design required. All WCF support structures, unless otherwise provided, shall have a monopole, unipole or similar non-lattice, single vertical structure design and shall be further designed to accommodate at least four wireless telecommunication arrays of antennas or panels. The applicant shall submit an affidavit by a design engineer registered in the state attesting that the support structure can support at least four wireless telecommunication arrays of antennas or panels. The site plan for any new support structure shall expressly state that the support structure shall be erected and available for collocation, and shall also show the proposed location of the applicant's and co-locators' equipment shelters and related facilities.
3. Maximum height. WCFs shall not exceed 150 feet in height, as measured from the average grade at the base of the support structure to the top of the antenna or panel. In no case shall the height exceed any applicable height limitation established by county, state or federal regulations.
4. One support structure per lot. Except in the M-1 or M-2 zoning district, not more than one WCF support structure may be located on a single lot.

5. Location on lot. If located on the same lot as another permitted use, a ground mounted or monopole WCF shall not be located in a front yard or side yard abutting a street.
6. Setbacks. Ground mounted and monopole WCFs shall be set back from the lot line a distance not less than one-half of its height or 65 feet, whichever is greater. However, when wireless telecommunication facilities are located on premises abutting residentially zoned or used land, the minimum setback from the lot line abutting the residentially zoned lot shall be equal to the height of the facility. All setbacks shall be measured from the edge of the WCF support structure.
7. Signs. No sign shall be attached to or displayed on a WCF other than signs required by federal, state, or local law. No signals or lights or other means of illumination shall be permitted on a facility unless required by state or federal law or regulation. The facility shall have a neutral color intended to blend with the surroundings.
8. Equipment shelters. If the wireless telecommunication facility is located on a site which is already improved with another building or structure, and an equipment shelter is proposed, the equipment shelter shall be constructed with exterior facade materials similar to the principal building or structure on the site. Equipment shelters and accessory structures are limited to uses associated with the WCF and may not be located closer than 30 feet to any property line.
9. Fence. A minimum 6-foot tall decorative fence shall be provided surrounding the WCF equipment enclosure.
10. Screening. Monopole and ground mounted WCFs, including the related equipment and required fence, shall be substantially screened from view from abutting properties. The screening shall consist of evergreen plant materials with a minimum height of 6 feet at planting, planted in such a manner to create an opaque screen within 3 years of planting. Existing vegetation that will be preserved may be used to satisfy the screening requirement with the consent of the reviewing authority.
11. Disguised WCFs. A disguised WCF made to appear as an unrelated object such as a tree, steeple, or flagpole shall be sufficiently realistic in size and proportion to adjacent features as to be reasonably perceived as the intended object. The disguise must encompass the entirety of the WCF including its base facilities or, alternately, the base facilities may be isolated from the WCF in a separate building not closely associated with the disguised WCF. For the purposes of determining compliance with this Ordinance, the disguised WCF shall be treated identically as the object which it is intended to be recognized would be.
12. General Requirements:
 - a. All towers shall be equipped with a secured anti-climbing device to prevent unauthorized access.
 - b. The plans of the tower construction shall be in conformance with all local and state building codes, Federal Aviation Administration, and Federal Communications Commission

design standards and stamped by a registered structural engineer to verify the conformance.

- c. Towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or a one-half-mile radius of a helipad.
- d. Metal towers shall be constructed of or treated with corrosive-resistant materials.
- e. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.
- f. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points unless buried underground.
- g. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.
- h. The base of the tower shall occupy no more than 500 square feet.
- i. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- j. On-site vegetation shall be preserved to the maximum extent practicable.
- k. The antenna or tower shall not be used for display of an advertisement or identification of any kind, except for emergency purposes.
- l. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard; or the tower or antenna shall be removed. Cost for testing and verification shall be borne by the operator/owner of the antenna.

G. Co-location.

1. Existing structures. Wireless telecommunication antennas or panels may be installed on existing buildings or structures provided such antennas or panels, and their supporting structure, do not exceed the height limitation set forth in subsection E(3) of this section.
2. Exemption from setbacks. Any wireless telecommunication antenna or panel mounted on an existing building or structure which does not increase the height of the building or structure shall be exempt from the setback requirements of subsection E(6) of this section.

H. Standards and conditions applicable to facilities requiring special exception permit approval. Applications for wireless communication facilities requiring special exception approval shall be reviewed in accordance with the following standards:

1. Demonstration of need. The applicant shall demonstrate the need for the proposed facility to be located as proposed. Such demonstration of need shall include evidence supporting why a site requiring only site plan approval is not reasonably feasible, and also shall be based upon the presence of one or more of the following factors:

- a. Proximity to an interstate or major thoroughfare.
- b. Concentration of commercial, industrial, and/or other business centers.
- c. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstruction.
- d. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
- e. Other specifically identified reason(s) creating facility need.

2. WCFs in residential zoning districts. WCFs located in one-family residential zones, if permitted, shall meet one of the following requirements:

- a. *Existing non-residential building.* The WCF shall be mounted directly onto an existing, non-residential building in a manner that does not increase the height of the building. The facility shall consist of material or color which is compatible with the exterior treatment of the building;
- b. *Existing non-residential structure.* The WCF shall be located on an existing, non-residential support structure, pole or tower such as a public or private utility tower, pole or structure, but not on a building. Such facility shall consist of a material or color which is compatible with the tower, pole or structure. Antennas or panels may extend above the top of the tower, pole or structure not more than 30 feet; however, the height to the top of the antenna or panel may not exceed 150 feet; or
- c. *New support structure on public property.* The WCF shall be located on a new support structure situated on public property. Any facility located on public property which is used for passive recreation shall be designed to minimize the conspicuousness of the facility (e.g., utilizing camouflaged or stealth designed poles or existing environmental features as screening). All such facilities located on public property shall meet the setback requirements of this section. The use of guy wires is prohibited in residential districts.

I. Abandonment.

1. A WCF that is inactive for 12 consecutive months shall be considered abandoned. The Building official shall notify the owner of the abandoned facility in writing and order removal of the facility within 90 days of receipt of the written notice. The owner of the facility shall have 30 days from receipt of the written notice to demonstrate to the building official that the facility has not been abandoned.

2. If the owner fails to demonstrate that the WCF is in active operation, the owner shall have 60 days to remove the facility, including all above ground structures, equipment, foundations (to a depth of 12 feet below grade), and utilities constructed specifically to serve the WCF. The land shall be returned to a condition as near to the original pre-construction condition as possible. If the facility is not removed during this time period, the City is permitted to remove the facility at the owner's expense.
3. If a surety has been given to the City for removal of the WCF, the owner of the WCF is permitted to apply for release of the surety when the WCF and related equipment are removed to the satisfaction of the Building official.

2.544 Mobile Food Vehicle Vendors.

A. **Purpose.** The provisions of this section are intended to prevent predatory practices on brick and mortar restaurants and retail businesses while allowing for new food vending and retail vending opportunities that can add vitality to vacant commercial lots, underutilized sites, and residential lots with specific conditions. These provisions shall apply to businesses engaged in cooking, preparation and distribution of food or beverages on properties located outside of the public right-of-way. This section does not apply to mobile vendors that move from place to place and are stationary for less than 15 minutes at a time, which are subject to regulations of Chapter 26 of the Pontiac Municipal Code. Mobile food vehicle vendor sales, including those conducted in stands, trailers, wagons, or vehicles shall be permitted subject to the following requirements:

B. **Ancillary Use.** Mobile food vehicle vendors may be permitted as an ancillary use to the principal permitted use and business on the lot or site.

C. **Principal Use.** Mobile food vehicle vendors as a principal use on a vacant lot or as part of a group of retail business buildings approved under a single approved plan shall be permitted in all mixed-use and industrial districts subject to the provisions of Chapter 26 of the Municipal Code.

D. **Special Exception Permit Required.** In any residential zone district, mobile food vehicle vendors shall be subject to special exception permit approval standards and the provisions of Chapter 26 of the Municipal Code.

E. **Approvals.** In addition to satisfying the requirements of this section, evidence of approval from the Oakland County Health Department shall be provided for all mobile food vehicle vendors. A Pontiac business license shall also be obtained from the Building Department for all mobile food vehicle vendors and operators.

F. **Outdoor Cooking.** Outdoor food preparation and cooking is prohibited within 150 feet of a residential building or zone district.

G. **Active Use.** Any stand, trailer, wagon, or vehicle that is located on a property for the purposes of mobile food vehicle vendors shall remain in continuous operation so long as the premises are occupied. If the business closes, ceases to operate, or fails to keep regular business hours then the temporary use permit may be revoked by the Planning Department and the stand, trailer, wagon or vehicle shall be immediately removed from the property.

H. **Parking Area.** The area occupied by ancillary mobile food vehicle vendors shall be no more than 20 percent of any required parking spaces or area on a site. Sufficient on-site or district parking shall be provided for each stand, trailer, wagon, or vehicle on a lot; this shall be in addition to any other required parking for retail business buildings located on the same parcel.

I. **Pedestrian Space.** A minimum pedestrian clear space of five feet is required along all public walkways, unless waived in accordance with provisions of the zoning ordinance.

J. **Public ROW and Clear Vision.** Mobile food vehicle vendors shall not be located in the public right-of-way or on public property unless otherwise approved, and shall be outside of clear vision areas.

K. **Sanitary Facilities.** Tables and chairs may be provided for customer use only if arrangements are made and documentation is provided for sanitary facilities within 100 feet. Trash receptacles shall be provided.

L. **Hours of Operation.** Operating hours shall be 10:00 a.m. until 10:00 p.m. Sunday through Thursday and 10:00 a.m. until 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission.

M. **Co-Location.** Where mobile food vehicle vendors have been approved on a lot as a principal use, consideration shall be given to locating additional mobile food vehicle vendors on the same lot.

N. **Sound.** No outdoor amplified music, sound, or noise shall be permitted for mobile food vehicle vendors. Outdoor generators that provide power shall be identified; such generators may be prohibited if it is anticipated that such an operation will create a nuisance to neighbors due to noise, exhaust or vibration.

O. **Required Site Information.** A site plan shall be submitted that includes:

1. Location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with mobile food vehicle vendors;
2. Site dimensions of any existing buildings on the lot including building setbacks;
3. Existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters;
4. Surface type of the lot (e.g., unimproved/paved);
5. A parking plan, including traffic circulation patterns;
6. Site lighting plan;
7. Location of trash receptacles;
8. Location of on-site water, generator, and/or electric utilities that will serve concession

vendor(s);

9. Location of sanitary facilities;

10. Business district map identifying existing restaurants located within buildings, as well as other mobile food vehicle vendor locations within 300 feet; and

11. Photographs of the area.

P. Required Mobile Food Vehicle Vendor Facilities Information. A narrative with elevation drawings shall be submitted that describe and show:

1. Nature of proposed mobile food vehicle vendors, including food/beverage type (nonalcoholic only);

2. Vehicle or structure type;

3. Site signage;

4. Duration that sales will occur on the site;

5. Hours of operation.

Q. Temporary Use Permit Required. A temporary use permit shall be obtained by each mobile food vehicle vendor business on a property. The vendor shall adhere to all regulations and requirements of this section and any conditions imposed by the Planning Department. The Planning Director shall apply the review standards of this section to ensure that the proposed mobile food vehicle vendors will not be in conflict with these standards in the issuance of a temporary use permit.

R. Review Standards. The following considerations shall be used by the Planning Department and the Planning Director in the deliberation and approval of a mobile food vehicle vendor's request for the site and/or vendor business:

1. Will the use contribute to the vitality and experience of the business district?

2. Will the use support or detract from existing brick and mortar establishments?

3. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?

4. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?

5. Will the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?

S. Location. Mobile food vehicle vendors shall be located on an A or B street only.

T. Temporary structures shall meet the setback requirements applicable to the principal building in the zoning district and shall not be located within 150 feet of any residentially zoned property.

U. Signs are limited to those placed directly on the mobile food vehicle. No separate freestanding signs are permitted. All signs shall have a professional appearance.

(Ord. No. 2318, § 1, 3-17-14)

2.545 Medical Marihuana Grower Facilities.²

“Grower” means a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center, as defined in the Medical Marihuana Facility Licensing Act (“MMFLA”). As used in this ordinance, grower shall include class A growers, class B growers, and class C growers.

“Class A grower” means a grower licensed to grow not more than 500 marihuana plants.

“Class B grower” means a grower licensed to grow not more than 1,000 marihuana plants.

“Class C grower” means a grower licensed to grow not more than 1,500 marihuana plants.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana grower facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.
3. All activity related to the medical marihuana growing shall be done indoors.
4. Any medical marihuana grower facility shall maintain a log book and/or database identifying by date the amount of medical marihuana and the number of medical marihuana plants on the premises which shall not exceed the amount permitted under the grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the medical marihuana grower does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marihuana at the facility.
5. The medical marihuana grower facility shall, at all times, comply with the MMFLA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations (“LARA”), as amended from time to time.

B. Security.

1. The medical marihuana grower facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff’s

Department.

2. Any usable medical marihuana remaining on the premises of a marihuana grower while the medical marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MMFLA, public areas of the medical marihuana grower facility must be separated from restricted or nonpublic areas of the grower facility by a permanent barrier.

2. Unless permitted by the MMMA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Medical marihuana grower facilities shall be free from Infestation by insects, rodents, birds, or vermin of any kind.

2. Medical marihuana grower facilities shall produce no products other than usable medical marihuana intended for human consumption.

3. No medical marihuana grower shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the medical marihuana grower is operated.

E. Licensing.

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana grower facility.

2. Medical marihuana grower uses are not permitted outside the Cesar Chavez and Walton Blvd. Medical Marihuana Overlay Districts.

3. Medical marihuana growers are not permitted within the same facility with nonmedical marihuana facility uses.

F. Disposal of Waste.

1. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire

Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana grower shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location.

1. There shall be no accessory uses permitted within the same facility other than those associated with a processor and provisioning center.
2. Multiple class C licenses may be stacked in the same facility as defined by the MMFLA, and shall only be considered as one facility for the purposes of this subsection, provided that a separate application fee is paid for each class C license.

I. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.546 Medical Marihuana Processor.³

“Processor” means a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a provisioning center.

A. General Provisions.

1. The processor shall comply at all times and in all circumstances with the MMFLA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana processor, and a sign shall be posted on the premises of each medical marihuana processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.
4. Any processor facility shall maintain a log book and/or database identifying by date the amount of medical marihuana and the number of medical marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marihuana at the facility.
5. Processor facilities shall not produce any products other than those marihuana-infused products allowed by the MMFLA and the rules promulgated thereunder.

B. Security.

1. The medical marihuana processor facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable medical marihuana remaining on the premises of a medical marihuana processor while the medical marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMFLA, as amended.

C. Space Separation.

1. Unless permitted by the MMFLA, public areas of the medical marihuana processor facility must be separated from restricted or nonpublic areas of the processor facility by a permanent barrier.
2. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Processor facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.
2. No medical marihuana processor shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the medical marihuana processor is operated.

E. Licensing.

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana processor facility.
2. Medical marihuana processor uses are not permitted outside the Cesar Chavez and Walton Blvd. Medical Marihuana Overlay Districts.
3. Medical marihuana processors are not permitted within the same facility with nonmedical marihuana facility uses.

F. Disposal of Waste.

1. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana processor shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location.

1. There shall be no accessory uses permitted within the same facility other than those associated with a grower and provisioning center.
2. The dispensing of medical marihuana at the processor facility shall be prohibited.

I. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.547 Medical Marihuana Provisioning Center.⁴

“Provisioning center” means a commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning centers include any commercial property where marihuana is sold at retail to registered, qualifying patients, or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Department’s marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

A. General Provisions.

1. Medical marihuana provisioning centers shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana provisioning center, and a sign shall be posted on the premises of each medical marihuana provisioning center indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.

B. Security.

1. Medical marihuana provisioning centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff’s Department.

2. Any usable medical marihuana remaining on the premises of a medical marihuana provisioning center while the medical marihuana provisioning center is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MMFLA public areas of the medical marihuana provisioning center must be separated from restricted or nonpublic areas of the provisioning center by a permanent barrier.
2. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Medical marihuana may be displayed in a sales area only if permitted by the MMFLA.

D. Nuisance Prohibited. No medical marihuana provisioning center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the medical marihuana provisioning center is operated.

E. Drive-Through. Drive-through windows on the premises of a medical marihuana provisioning center shall not be permitted.

F. Licensing.

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana provisioning center.
2. All registered patients must present both their Michigan medical marihuana patient/caregiver ID card and Michigan State ID prior to entering restricted/limited areas or nonpublic areas of the medical marihuana provisioning center.
3. No more than five provisioning centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Blvd., and C-2 Downtown Overlay Districts.
4. No more than five provisioning centers shall be established in the C-1, C-3, and C-4 zoned properties combined outside the Medical Marihuana Overlay Districts.
5. Within the Cesar Chavez and Walton Blvd. Overlay Districts, provisioning centers are located in the C-3, M-1, and M-2 zoning districts.
6. Medical marihuana provisioning centers are not permitted within the same facility with nonmedical marihuana facility uses.

G. Disposal of Waste. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

H. Signage.

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana provisioning center shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

I. **Co-Location.** There shall be no accessory uses permitted within the same facility other than those associated with a grower and processor.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.548 Medical Marihuana Safety Compliance Facility.⁵

“Safety compliance facility” means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to a medical marihuana facility.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana safety compliance facility, and a sign shall be posted on the premises of each medical marihuana safety compliance facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.
3. Any medical marihuana safety compliance facility shall maintain a log book and/or a database identifying by date the amount of medical marihuana on the premises and from which particular source. The facility shall maintain the confidentiality of qualifying patients in compliance with the MMMA and MMFLA, as amended.

B. Security.

1. The medical marihuana safety compliance facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable medical marihuana remaining on the premises of a medical marihuana safety compliance facility while the medical marihuana safety compliance facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMFLA, as amended.

C. Space Separation.

1. Unless permitted by the MMFLA, public areas of the medical marihuana safety compliance facility must be separated from restricted or nonpublic areas of the safety compliance facility by a permanent barrier.
2. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited. No medical marihuana safety compliance facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the medical marihuana safety compliance facility is operated.

E. Licensing.

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana safety compliance facility.
2. All registered patients must present both their Michigan medical marihuana patient/caregiver ID card and Michigan State ID prior to entering restricted/limited areas or nonpublic areas of the medical marihuana safety compliance facility.
3. Medical marihuana safety compliance uses are permitted in the Cesar Chavez, Walton Blvd., and C-2 Downtown Medical Marihuana Overlay Districts and in the C-1, C-3, C-4, M-1 and M-2 zoning districts outside the Medical Marihuana Overlay Districts.
4. Medical marihuana safety compliance facilities are not permitted within the same facility with nonmedical marihuana facility uses.

F. Disposal of Waste.

1. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with

State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed medical marihuana safety compliance facility shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design.

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.

2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.549 Medical Marihuana Secure Transporter.⁶

“Secure transporter” means a commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee. A secure transporter shall comply at all times with the MMFLA and the rules promulgated thereunder.

A. General Provisions.

1. Consumption and/or use of marihuana shall be prohibited at a facility of a secure transporter.

2. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine

compliance with all State and local laws, rules, regulations and ordinances.

3. A secure transporter licensee and each stakeholder shall not have an interest in a grower, processor, provisioning center, or safety compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.

4. A secure transporter shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Secure Storage.

1. Storage of medical marijuana by a secure transporter shall comply with the following:

i. The storage facility shall not be used for any other commercial purpose.

ii. The storage facility shall not be open or accessible to the general public.

iii. The storage facility shall be maintained and operated so as to comply with all State and local rules, regulations and ordinances.

2. All marijuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MMFLA, as amended.

C. Sanitation. All persons working in direct contact with marijuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness.

2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.

3. Refrain from having direct contact with marijuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

D. Disposal of Waste.

1. Disposal of medical marijuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marijuana is exposed.

E. Transport Driver.

1. A secure transporter shall comply with all of the following:

i. Each driver transporting marijuana must have a chauffeur's license issued by the State.

- ii. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this State, any other state, or the United States within the past five years.
 - iii. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.
2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.
3. The medical marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
4. A secure transporter vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana-infused product.

F. Signage.

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana secure transporter shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

G. Licensing.

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana secure transporter use.
2. Medical marihuana secure transporter uses are permitted in the Cesar Chavez, Walton Blvd., and C-2 Downtown Medical Marihuana Overlay Districts and in the C-1, C-2, C-3, C-4, M-1 and M-2 zoning districts outside the Medical Marihuana Overlay Districts.
3. Medical marihuana secure transporters are not permitted within the same facility with

nonmedical marihuana facility uses.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

2.550 Bistro Restaurants.

- A. An applicant for a liquor license may propose to utilize the license for purposes of the operation of a bistro. Dining, entertainment, or recreation may be the primary purpose of the bistro. Unique and diverse venues with specialized menus that attract new patronage are encouraged.
- B. For purposes of this chapter, a “bistro” is defined as being a fixed food service establishment with interior seating that meets all of the following criteria:
1. The liquor license must be a redevelopment district or development district license, as defined in the Michigan Liquor Control Code, MCLA § 436.1101 et seq., as amended.
 2. Interior seating (including bar seating) can be no less than 50 people and no greater than 150 people.
 3. Sidewalk cafes and outdoor dining patios as defined in Section [2.539](#) are permitted in establishments with bistro liquor licenses; provided, that the City determines that there is sufficient space on an adjacent public sidewalk. Rooftop seating does not qualify as seasonal sidewalk cafe seating. Alcohol may only be served to seated patrons in sidewalk seating areas.
 4. Bar seating shall be limited to 25 percent or less of the interior seating.
 5. The establishment shall close no later than 12:00 a.m. With the prior approval of City Council, an establishment may remain open to offer food service.
 6. Sales of food shall total not less than 50 percent of the total revenue of the establishment.
 7. The licensee must otherwise comply with all requirements of the City Code.
- C. Bistro restaurants may only be located in the C-2 downtown zoning district.
- D. Bistro restaurant liquor licenses may not be transferred to other businesses, nor other addresses. A bistro restaurant liquor license may be transferred to a subsequent owner of the business originally granted the bistro restaurant liquor license if approved by the City Council, which shall use the criteria set forth in subsections (H)(1) through (8) of this section to make such determination.
- E. Prior to requesting approval by the City Council, a bistro restaurant shall obtain a special exception permit from the City Planning Commission.
- F. Prior to operating a bistro, a licensee shall enter into a development agreement with the City setting forth all rehabilitation/restoration plans and operating requirements for the bistro restaurant. Failure to comply with the terms and conditions of the agreement shall be grounds for the City Council to recommend revocation of the license by the Michigan Liquor Control Commission.

G. **Grounds for Immediate Review.** A bistro license holder may be subject to immediate review by the City Council if he or she is cited for three violations within one calendar year. When under review, the City Council may determine that the bistro license holder is no longer operating within the best interests of the City, and the City Council may recommend revocation of the bistro license to the Michigan Liquor Control Commission.

1. A violation includes any of the following:
 - a. Violations issued from the Michigan Liquor Control Commission.
 - b. Citations from the City.
 - c. Citations issued from any other governmental body.

H. **Approval.** If the City Council is satisfied that the establishment or operation will provide a benefit to the City of Pontiac and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. The City Council shall consider the following nonexclusive list of criteria to assist in the determination if the establishment will provide a benefit and be an asset to the community:

1. The applicant's demonstrated ability to finance the rehabilitation/restoration as set forth in the development agreement.
2. The applicant's demonstrated ability to finance the operations of the proposed project.
3. The applicant's track record with the City, including responding to City and/or citizen concerns.
4. Whether the applicant has an adequate site plan to handle the bistro liquor license activities at the proposed establishment.
5. Whether the applicant has adequate health and sanitary facilities at the proposed establishment.
6. Potential community benefits proposed by the applicant.
7. The applicant's ability to employ City residents.
8. Whether the applicant has outstanding obligations to the City (i.e., property taxes, utilities, etc.). Applicant shall be automatically denied if applicant has any outstanding/past-due obligations to the city or other municipality or governmental agency.

I. **Approval Procedures and Requirements.**

1. Submission and initiation of licensee process. A property owner with business interest in an existing establishment, a possessory interest entitled to exclusive possession, or a contractual interest may submit to the City of Pontiac Planning Division an application requesting a bistro redevelopment liquor license.

2. Submission of application. All requirements of the bistro redevelopment license application and special exemption application must be submitted to the Planning Division with all required information included to be considered complete; incomplete applications will not be reviewed. Applications must be submitted 45 days prior to the scheduled Planning Commission meeting.
3. Technical review. Upon receipt of the bistro license application, and prior to the scheduled Planning Commission special exemption review, the Planning Division must conduct a technical review of the application findings based on the criteria outlined in subsections (H)(1) through (8) of this section, as well as those criteria outlined in the Zoning Ordinance for special exemption review.
4. Special exemption and application review. Upon the Planning Commission's review of the proposed bistro redevelopment liquor license, the Planning Commission will offer a recommendation to City Council for denial or approval of the license request.
5. City Council license review. Upon receipt of the Planning Commission recommendation of the proposed bistro redevelopment liquor license, City Council will affirm that the proposed site complies with the City of Pontiac Zoning Ordinance and subsections (H)(1) through (8) of this section, and vote to adopt a resolution to approve or deny the applicant's request for a bistro redevelopment liquor license.

(Ord. No. 2366, § 1, 7-30-19)

¹ State licensed residential facilities with 6 or fewer clients are family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

State licensed residential facilities with more than 7 but less than 13 clients are group child day care homes, and adult foster care small group homes.

State licensed residential facilities with 13 or more clients include adult foster care congregate facilities and adult foster care large group homes.

² Editor's note—Ordinance 2361 adds this section as 2.544. It has been editorially renumbered to avoid duplication of numbering.

³ Editor's note—Ordinance 2361 adds this section as 2.545. It has been editorially renumbered to avoid duplication of numbering.

⁴ Editor's note—Ordinance 2361 adds this section as 2.546. It has been editorially renumbered to avoid duplication of numbering.

⁵ Editor's note—Ordinance 2361 adds this section as 2.547. It has been editorially renumbered to avoid duplication of numbering.

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Chapter 1 PURD Planned Unit Residential District

3.101 Purpose.

The planned unit residential (PURD) district is intended and designed to provide a means for the development of large tracts of ground on a unified design basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that the basic principles of good land use planning, including an orderly and graded relationship between various type of uses, be maintained and that the sound zoning standards as set forth in this ordinance and statutes concerning population density, adequate light and air, recreation and open space, parking and building coverage, be preserved.

The planned unit residential (PURD) district is a designation, with reverter, superimposing the regulations of this development upon the district without changing the fundamental intent of the underlying district regulations, especially in relation to population and dwelling unit densities and useable floor area to land area ratios, while modifying these and other regulations in specific application to a large area rather than to an individual lot.

3.102 Filing of petition.

The owner of any tract of land that includes no recorded subdivision and has an area of not less than 25 acres, may initiate the procedure provided by this section of the zoning ordinance by petition to the city commission. Such petition, in addition to any other purpose, is for a zoning amendment as outlined in Article 1 of this ordinance.

The initiating petition shall state, as specifically as may be feasible at the time, the primary provisions of the ordinance from which the petitioner may be seeking amendment, and shall state the reasons he believes the intent of the ordinance can be better accomplished by such exception or modification. The petition may include plan maps, drawings and other graphic illustrative material, as well as written documentation, that in the opinion of the petitioner bear significant relationship to the health, safety and general welfare of the citizens of the city and the potential occupants of the proposed planned unit residential district development.

As required by Act No. 33 of the Public Acts of Michigan of 2008, as amended, the petition will be referred to the planning commission.

The procedure then will follow steps appropriately similar to, and the steps may be taken concurrently with, the steps required by the subdivision regulations of the city. In addition to data submittals required by Ordinance No. 1528, the Subdivision Ordinance, the planning commission may call for additional significant data such as: economic analyses and market studies of various housing types, soil surveys, and tabulated representation of gross and net areas.

If the petitioner desires the assurance of tentative official sanction of some basic aspects of the proposed PURD plan prior to the planning commission recommendation of the complete PURD planning and zoning amendment documents (see section VI.J of the Subdivision Ordinance), and such

basic aspects are of a nature that they can be reduced to zoning ordinances amendment language, the planning commission may recommend such amendments. The effective date of such amendment must be so stated that such amendment will not be operative until subsequent to the effective date of appropriate complete PURD amendments.

3.103 Regulations.

The land uses, minimum lot area, open space, height, and accessory uses shall be determined by the requirements set out below, which shall prevail over conflicting requirements of this ordinance.

A. Permitted uses. The buildings shall be used for residential purposes and customarily incidental accessory uses; noncommercial recreational facilities, community activities including churches and schools, and similar ancillary uses. Further, the land uses shall be composed of such combination of types of dwelling or other activities as shall be authorized by the planning commission, but the planning commission shall authorize only those types of dwelling and other activities and structures as will:

1. Form a compatible and harmonious community group or groups;
2. Conform to comprehensive planning of the city;
3. Be suited to the capacity of existing and proposed community utilities and facilities;
4. Be capable of a unitary design consistent with the protection of public health, safety and welfare, in general;
5. Afford reasonable protection to the permissible uses of immediately adjacent properties surrounding the site.

If, in the opinion of the planning commission, reasons can be shown to indicate commercial, industrial or other nonresidential uses maybe appropriate in, or adjacent to, the area being considered for a PURD amendment, the planning commission may consider, separately from, but concurrently with their consideration of a PURD proposed amendment, proposed zoning amendment to permit such other nonresidential uses as the planning commission finds to be either:

- a. Designed to serve primarily the residents of the residential PURD and limited to the extent that like nonresidential uses are not available in convenient proximity; or
- b. A use designed to serve the entire city but whose locational determinants require the facility to be located in the PURD; but in either case the use must be found by the planning commission to be fully and compatibly incorporated into the unitary design of the residential PURD.

B. Required open space and height requirements. The required open space and height requirements of the zoning district in which the PURD is located may not apply except the required open space specified in the district shall be provided around the boundaries of the area zoned PURD.

C. **Perimeter uses.** Uses along the PURD zone boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end the planning commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the zone.

D. **Plat required.** A plat of the development shall be recorded regardless of whether a subdivision is proposed, showing building lines, building locations, common land, streets, easements, and other applicable items required by the Subdivision Ordinance of the city.

E. **Final plat approval necessary.** No building permits shall be issued until the final plat of the development is approved and recorded.

3.104 Density, Allowable Percentages of Multiple, and Coverage Requirements.

The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the area is located. Net development area shall be determined by subtracting that portion of lake and muck and peat area (as defined in the Subdivision) that lie more than 200 feet from the nearest shore line or boundary of such area; and the area set aside for churches and schools or conditionally approved nonresidential uses, if any, and deducting the area actually proposed for streets from the gross development area.

The area of land set aside for common land, open space, or recreation, except as above deducted, shall be included in determining the number of dwelling units permitted shall be determined by the district in which the development is located. The following table shall be used as a guide for the planning commission.

Zoning District	Percentage of Total Units Allowed as Multiples
Multiple Family (R-3, R-4, R-5) and Non-Residential Districts	100%
R-2 Districts	100%
R-1 Districts	40%

If the development area contains two or more different underlying zone district classifications, the number of dwelling units permitted, and the percentage of multiple-family dwelling units allowed shall be determined in direct proportion to the area of each zone district classification contained in the entire tract.

3.105 Deed restrictions.

In view of the “petitioning for special exception” nature of the PURD amendment procedure, deed restrictions and covenants entered into, or proposed to be contracted for, by the developer become an appropriate consideration of the city.

The planning commission shall consider the manner in which this lawful contractual technique can

augment lawful zoning techniques in attaining the objectives of a PURD amendment and may make their recommendations conditional upon these contractual relations between private parties. Further, the planning commission may recommend procedures whereby the corporate municipality permanently becomes a party in such contractual relations.

3.106 Common land areas.

Common land areas not dedicated to the general public shall be held in corporate ownership by private owners of lots or parcels of land in the PURD area and the developer shall incorporate into the deeds of all property, or all of certain classes of property within the development, a clause giving to the owners an interest in such common areas indication the use to be made of the common area and providing a means of permanent maintenance of this common area. The city shall be given a fee interest in trust for the group of citizens having ownership interest in such common land area. The form of this trustee interest of the city shall be derived from section 50 of the Plat Act, Act No. 172 of the Public Acts of Michigan of 1929, as amended (M.S.A. 26.480), and other appropriate law. Any maintenance expense or other costs incurred by the city acting in this trustee capacity shall be collected from only the group of citizens having ownership interest in such common land area.

3.107 Completion.

The city commission shall make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the commission shall consider the scope and magnitude of the development project. Any schedule of construction and improvement shall be submitted by the developer for each major section.

Failure to complete all construction and improvements within such period of time shall be deemed sufficient cause for the city commission, in addition to other appropriate lawful action, to retract the PURD zoning of the subject property and revert the zoning to the classification effective at the time of original submission of the development plan, unless an extension is recommended by the planning commission and approved by the city commission for due cause shown. Any proposed change in the development plan after approval by the commission shall be resubmitted and considered in the same manner as the original proposal.

3.108 Form of PURD zoning ordinance amendment documents.

The documents will include both a zoning map amendment to specifically locate the area regulated by the PURD zoning plan and an amendment modification of the text of certain regulations of the then in force Zoning Ordinance. This amendment modifying certain regulations may be composed of written regulatory language, detailed site plans, written contractual agreements or other appropriate communication media that will specifically define the intent. All of this documentation shall have been prepared and considered in accordance with the procedure described in this PURD section. Following the recommendation of the planning commission favoring the PURD amendment, the enactment procedure shall follow Article 6, Chapter 8 of this Ordinance.

**Chapter 2
R-4 Multiple Family Elevator Apartment District**

There are a limited few areas where the land use plan can appropriately provide for the high-rise apartment type residential development. The intent of this R-4 zoning classification is to establish proper regulations for such building.

3.201 Permitted Principal Uses and/or Exceptions.

- A. Any use permitted in R-3 multiple-family dwelling district, subject to all the regulations that apply in such district.
- B. Multiple family elevator apartments in a building having all dwelling units that are above the second story served by elevators and having not more than ten dwelling units per story per elevator.

3.202 Permitted Accessory Uses.

- A. Same as R-3 multiple family dwelling district, and under the same terms and conditions.
- B. Any use customarily incidental to the permitted principal use.

3.203 Uses Requiring Special Exception Permit.

Same as R-3 multiple family dwelling district, and under the same terms and conditions.

3.204 Area, Height, Bulk and Placement Regulations.

The required minimum useable floor area per dwelling unit, maximum building height (in stories), minimum area, and lot size for the R-4 multiple-family dwelling elevator apartment district shall be as set forth in this section. The minimum required setback and maximum building height (in feet) are subject to planning commission approval.

- A. The required minimum useable floor area per dwelling unit shall be as follows:

Zero BR dwelling unit	350 sq. ft.
One BR dwelling unit	400 sq. ft.
Two BR dwelling unit	600 sq. ft.
Three BR dwelling unit	800 sq. ft.

- B. The maximum building height shall be 12 stories.
- C. The minimum lot area per dwelling unit shall be as follows:

Zero BR dwelling unit	700 sq. ft.
One BR dwelling unit	1000 sq. ft.

unit	ft.
Two BR dwelling	1250 sq.
unit	ft.
Three BR dwelling	1600 sq.
unit	ft.
Minimum total	50,000
area	sq. ft.

D. The lot size shall be 150 feet in width.

3.205 Planning Commission Review and Decision.

The planning commission shall review and approve or reject the proposed site plans of all proposed project development, in accordance with the standards and requirements of this Ordinance.

Chapter 3 R-5 Manufactured Housing District

3.301 Statement of Purpose.

The purpose of the MH manufactured housing residential district is to encourage a suitable environment for persons and families that by preference choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes moderately low density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a manufactured housing park and recreation facilities, churches, schools and necessary public utility buildings.

3.302 Relation to Manufactured Housing Commission Rules.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this chapter exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and preliminary plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the City's residents.

3.303 Principal Permitted Uses.

The following uses are permitted in MH districts:

- A. Manufactured homes.
- B. Manufactured home parks.
- C. Manufactured home subdivisions.
- D. State licensed residential facilities and family day care homes for children.
- E. Publicly owned and operated parks, playfields, playgrounds and other recreational facilities.
- F. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
- G. Accessory buildings and uses customarily incidental to the principal uses permitted in this section.

3.304 Special Land Uses.

Certain uses defined in this section are permitted in MH districts after special approval and prior to the use of any land, building or structure or for the erection of any building or structure for such special uses. Special approval uses possess unique characteristics vis-a-vis those permitted by right in the affected zoning district. These characteristics have inherent in them a degree of incompatibility with the uses permitted by right, therefore, it is important that individual site consideration be given those proposed uses and potentially affected properties be given an opportunity to determine the

suitability of the use for the particular area.

The following uses may be permitted following special exception permit approval:

- A. Religious institutions and other incidental facilities, subject to the following:
 - 1. The site shall be adjacent to a city major thoroughfare, and all ingress and egress shall be limited to and directly upon that thoroughfare.
 - 2. Buildings exceeding 25 feet in height shall be permitted, providing the front, side and rear yard setbacks are increased one foot for each foot the building exceeds 25 feet.
 - 3. A continuous uninterrupted obscuring screening of suitable material at least four feet in height but not more than six feet in height shall be provided along sides of the off street parking area when adjacent properties are zoned residential.
 - 4. A minimum of three acres shall be provided.
 - 5. The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.
- B. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
- C. Nursery schools, state licensed group day care homes and day care centers (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district.
- D. Temporary buildings for use incidental to construction work for a period not to exceed one year.
- E. Golf courses, public or private. If a golf course is a course open to persons other than those who reside in the mobile home park, it cannot be used as part of the overall permitted density.

3.305 Development Standards.

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

- A. **Flood Areas.** A manufactured home shall not be placed in a designated floodway, as determined by the Michigan Department of Environmental Quality.
- B. **Minimum Site Area.** A manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The 5,500 square foot average may be reduced by twenty percent (20%) provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall

be in addition to that required under Rules R125.1946, R125.1941, and R125.1944, and this Chapter.

C. **Maximum Height.** In the MH manufactured housing residential district, all structures shall comply with the maximum height requirements applicable in the R-1 District. Refer to Table 3. Dimension Standards.

D. **Setbacks from Perimeter Property Lines.**

1. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
2. Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall be set back at least 50 feet from the property line. If the property line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. This setback does not apply to internal roads dedicated for public use.

E. **Required Distances Between Homes and Other Structures.**

1. A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - a. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
 - b. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
 - c. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
 - d. Fifty feet from permanent community-owned structures, such as clubhouses or maintenance and storage facilities.
 - e. One hundred feet from a baseball or softball field.
 - f. Twenty-five feet from the fence of a swimming pool.
2. Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.
3. Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - a. Seven feet from the edge of the back of the curb or the edge of an internal road paving

surface.

b. Seven feet from a parking space on an adjacent home site or parking bay off a home site.

c. Seven feet from a common sidewalk.

d. Twenty-five feet from a natural or man-made lake or waterway.

4. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.

b. Roof overhang shall be set back 2 feet or more from the edge of the internal road.

c. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

5. A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.

F. Landscaping and Screening. Manufactured housing communities are subject to the landscaping requirements of Article 4, Chapter 4 0except when the manufactured housing community is adjacent to property that is, in the opinion of the Manufactured Housing Commission, undeveloped. For the purposes of determining compliance with the landscaping and screening requirements, a manufactured housing park shall be considered a single family use.

G. Open Space.

1. Open space shall be provided in any manufactured housing community containing fifty (50) or more manufactured home sites. A minimum of two percent (2%) of the park's gross acreage or 25,000 square feet of contiguous space, whichever is greater, shall be dedicated to well drained, usable open space complying with the drainage standards in State Rule R125.1714.

2. Required property boundary setback areas may not be used in the calculation of open space.

3. Optional improvements shall comply with state construction codes and applicable laws and ordinances pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built.

4. If provided, recreational or athletic areas shall comply with the safety and setback standards of Rules R125.1705 and 125.1941(1), respectively.

H. **Lighting.** Except in a seasonal manufactured home community, all internal street and sidewalk systems within a manufactured housing community shall be lighted as follows:

1. Access points shall be lighted. If the public thoroughfare is lighted, the illumination level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
2. At all internal road intersections and designated pedestrian crosswalks the minimum illumination shall not be less than .15 footcandles.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.
4. Lighting fixtures for site-built buildings shall comply with the state electrical code.

I. **Swimming Pools.** Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 et. Seq., Public Act 368 of 1978, and Rule R125.1941(1)(f).

3.306 Streets, Driveways, and Parking Areas.

All streets, driveways, and parking areas in manufactured housing communities shall comply with the following design requirements:

A. **Access.**

1. The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
2. An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.

B. **Composition and Surfacing.** All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable sub grade in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), pursuant to Rule R125.1922. Roads shall be maintained in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b).

C. **Curbing.** If provided, internal road curbing shall be constructed of concrete or asphalt. Access to curbed sidewalks connecting to internal roads shall comply with Rule R125.1928 (a). (Rule R125.1923)

D. **Parking spaces; Streets.** All internal roads shall be two-way and have driving surfaces that are not less than the following widths:

1. Two-way, no parking 21 feet.
2. Two-way, parallel parking, 1 side 31 feet.

3. Two-way, parallel parking, 2 sides 41 feet.

E. **Road Configurations.** An internal road that has no exit at one end shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections or intersections of more than two internal roads are prohibited.

F. **Road Widths, Street Names, Addresses & Traffic Control.**

1. All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections 2 through 4.
2. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
3. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
4. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.
5. Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
6. School bus stops, if provided, shall be located in an area that is approved by the school district.
7. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

3.307 Sidewalks.

Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas.

- A. Common sidewalks shall be constructed in compliance with all of the following requirements:
1. Sidewalks shall have a minimum width of 5 feet and shall be constructed in compliance with Public Act 8 of 1973, an act that regulates barrier-free sidewalk access.

2. All common sidewalks shall meet the standards established in Rule R125.1928.

3. Except in a seasonal community, an individual sidewalk shall be constructed between at least one entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

B. An individual site sidewalk with a minimum width of 3 feet shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. These sidewalks shall meet the standards established in Rule R125.1928.

3.308 Parking Requirements.

A. **Resident Parking.** A minimum of two (2) hard-surfaced parking spaces shall be provided for each manufactured home site. Parking may be either on or off the individual home site.

1. If the two resident vehicle parking spaces required by this section are provided off the home site, the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.

2. If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

3. If vehicle parking is provided on the home site it shall comply with the following provisions:

4. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade compliant with the standards of AASHTO.

5. The parking spaces may be either in tandem or side-by-side. If spaces are tandem, the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side-by-side the combined width of the two parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet.

B. **Visitor Parking.**

1. A minimum of one visitor parking space shall be provided for each three home sites.

2. Visitor parking shall be located within 500 feet of the sites it is intended to serve, as measured along a road or sidewalk.

3. Individual visitor parking spaces shall have a clear width of 10 feet and a clear length of 20 feet.

3.309 Utilities.

The following utility standards apply to all manufactured home communities:

A. **Connections and Lines.** All electric utilities shall be underground and installed and serviced by a licensed electrician. All local distribution lines for utilities (telephones, electric service, and cable

television) shall be placed entirely underground throughout the manufactured housing community. Main lines and perimeter feed lines existing on a Section or Quarter Section Line may be above ground if they are configured or installed within the state codes.

B. Drainage.

1. All drainage outlet connections shall be subject to review and approval by the Drain Commissioner.
2. Drainage systems shall be reviewed and approved by the Michigan Department of Environmental Quality, in accordance with MDEQ Rules R325.3341 to R325.3349, pursuant to the Act.
3. Drain utility connections shall comply with Rule R125.1603(c).

C. Electricity. Electrical systems shall be installed, maintained, operated and serviced according to the standards established in Rules R125.1603(d), R125.1603(e), R125.1603(f); R125.1708; R125.1710(2); R125.1932; R125.1933; and MDEQ Rule R325.3373(2)(c).

D. Fuel & Gas Heating Service. The installation, maintenance, operation and service of manufactured housing community fuel and gas heating systems and connections shall comply with the standards contained and referenced in Rules R125.1603(b), R125.1710(1), R125.1934 through R125.1938, R125.1940(3) and MDEQ Rule R325.3373(2)(d).

E. Telephone Communication Lines. All telephone systems shall be installed in accordance with standards approved by the Michigan Public Service Commission or utility provider, pursuant to Rule R125.1940(2), as applicable.

F. Television. Television service installation shall comply with requirements of Rule R125.1940(1).

G. Water & Sewage. All lots shall be provided with public water and sanitary sewer service, or water and sanitary services that shall be approved by the Michigan Department of Environmental Quality, pursuant to MDEQ Rules R325.3321 and R325.3331 through R325.3335. Water line connections shall meet the specifications contained in Rule R125.1603(a) and MDEQ Rule R325.3373. Water system meters shall comply with MDEQ Rule R325.3321 and Rule R125.1940a.

H. Utility Cabinets. Public utility (water, sewer, electrical, etc.) cabinet design shall be approved by the City prior to development. Utility cabinets shall be designed, located, and screened in a manner which minimizes their visibility and appearance, and which will not create sight-line conflicts for motorists or pedestrians.

3.310 Disposal of Garbage and Trash.

Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environmental Quality Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in a sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

3.311 Emergency and Safety.

A. **Fire Protection.** All manufactured homes built, sold, or brought into this state shall be equipped with at least one fire extinguisher approved by the national fire protection association and one smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a manufactured home brought into this state for use as a dwelling shall have 90 days to comply with this requirement under Public Act 133 of 1974, as amended. The manufactured housing community shall provide its residents with written notification of this requirement, which may be published in the community rules.

B. **Disaster & Severe Weather.** Each manufactured housing community shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and nearest shelter location.

3.312 Required Conditions.

A. **In-Community Home Sales.** New or pre-owned manufactured homes which are to remain on-site in the manufactured housing community may be sold by the resident, owner, or licensed retailer or broker, provided that the manufactured housing community management permits the sale, as established in Section 28a of Public Act 96 of 1987, as amended, and Rules R125.2001a, R125.2005, R125.2006 and R125.2009(e).

B. **Installation and Anchoring.** Manufactured homes shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code, pursuant to Rules R125.1605 and R125.1607. The installation of manufactured housing on each site within a community shall conform to the requirements of Rules R125.1602 and R125.1602a.

C. **Utility Connections.** All utility connections within the community shall comply with the requirements of Rule R125.1603. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary.

D. **Storage.**

1. A manufactured home site shall be kept free of fire hazards, including combustible materials under the home.
2. One storage shed that complies with the Michigan Residential Code may be placed upon any individual manufactured home site for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance.
3. Storage sheds that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.

4. A detached storage shed shall be at least 10 feet from all adjacent homes.
5. All storage sheds shall be securely anchored in accordance with the Michigan Residential Code.
6. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

E. Skirting.

1. Skirting to conceal the underbody of the home shall be installed around all manufactured homes, prior to issuance of a certificate of occupancy and shall be installed within 60 days of placement of the home on the site unless weather prevents compliance with this schedule. In the event that installation is delayed by weather, a temporary certificate of occupancy shall be issued pursuant to Section 13 of Public Act 230 of 1972, as amended.
2. Skirting shall be vented as required by Rule R125.1604.
3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained by the resident.
4. Skirting shall be aesthetically compatible with the appearance of the manufactured home. All skirting shall meet the requirements established in the Manufactured Housing Commission Rules.

F. Recreational Vehicles.

1. If recreational vehicle storage is provided within the manufactured housing community, it should include, but not be limited to: class A, B, and C motor homes; fifth wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historic vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with Rule R125.1922.
2. The storage area shall be limited to use by the residents and management of the manufactured housing community.

3.313 Licenses and Permits.

- A. **Site Plan Review Required for Community.** The City shall review the preliminary plan for the manufactured housing community pursuant to Section 12 of the Act and Rules R325.3381-3385 of the Michigan Department of Environmental Quality's Mobile Home Park Health Standards.
- B. **License.** No manufactured housing community shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.
- C. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of

occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.

D. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.

E. **Site-Constructed Buildings.** Site constructed buildings erected within the community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.

F. **Individual Homes.** Site plan review is not required for individual homes in a manufactured housing community.

Chapter 4 R-O Recreation Open Space District

3.401 Intent.

The regulations of this district are intended to provide for the preservation of selected land areas in a natural state due to their aesthetic and environmental values. The district also provides for certain educational, public service, and commercial activities which would complement the effective use of land for certain outdoor recreation purposes consistent with the City of Pontiac Land Use Plan.

3.402 Permitted Principal Uses and/or Exceptions.

- A. Unimproved open space:
- B. Woodlands.
- C. Wetlands.
- D. Undeveloped portions of floodplains.
- E. Improved open space:
- F. Public or private playgrounds, picnic areas, water sports areas, and similar outdoor recreation facilities.
- G. Public or private golf courses, excepting golf establishments which are devoted exclusively to Par 3 facilities.
- H. Public or private boat launching facilities and marinas including establishments for renting of boats, and renting or sale of bait, fishing equipment, and other similar outdoor recreation merchandise, excluding establishments for the sale, renting or servicing of motorized equipment and vehicles.
- I. Educational facilities, such as zoological gardens, wilderness preserves and sanctuaries, botanical gardens, and arboretums, which necessarily include open space as an integral part of the facility.

3.403 Permitted Accessory Uses.

- A. Any use customarily incidental to the principal permitted use when located on the same premises.
- B. Outdoor advertising signs related to the uses of the premises on which they are located, provided that, such signs shall conform to the city sign ordinance.
- C. Off-street parking and loading as required by Article 4, Chapter 3.

3.404 Uses Requiring Planning Commission Special Exception Permit.

Other outdoor recreation and open space uses similar to those in Section [3.405](#), subject to city planning commission approval as being compatible with surrounding land uses and consistent with maximizing the aesthetic and outdoor recreation use of the site, and the provision of adequate off-

street parking.

3.405 Planning Commission Review and Decision.

The planning commission shall review and approve or reject the proposed site plans of all proposed project development, in accordance with the standards and requirements of this ordinance.

Chapter 5
C-C Civic Center District

3.501 Intent.

The intent of this district is to provide a suitable central location for a variety of public services rendered by government and the accessory parking areas and circulation commonly provided for the convenience of employees and the general public.

3.502 Permitted Principal Uses and/or Exceptions.

None.

3.503 Permitted Accessory Uses.

None.

3.504 Uses Requiring Planning Commission Special Exception Permit.

The civic center development plan as adopted by the planning commission and city council and as hereafter amended shall be followed. The following uses are permitted:

- A. Federal, State, county and municipal offices.
- B. Library, museum, auditorium, sports arenas, art gallery, exhibition hall, and related cultural uses.
- C. Buildings erected for public use by nonprofit corporations or associations which are compatible with the special exception uses listed in this section, including Municipal Employees Credit Union.

3.505 Area, Height, Bulk and Placement Regulations.

- A. The maximum building height shall be 50 feet or four stories.
- B. The required minimum useable floor area per dwelling unit, minimum required setback dimensions, minimum area, and lot size are not applicable.
- C. Signs in the C-C district shall be regulated in the same manner as signs in the C-2 district. See Article 5 for sign regulations.

3.506 Planning Commission Review and Decision.

The planning commission shall review and approve or reject the proposed site plan of all proposed project development, in accordance with the standards and requirements of this Ordinance.

Chapter 6
G-O-T Governmental, Office, Technology District

3.601 Intent.

The regulations of this district are intended to provide a suitably attractive environment for various governmental functions of Oakland County, as well as being conducive to expansion of high technology facilities within the district and upon adjacent properties.

The G-O-T District is intended to encompass that portion of the current Oakland County Service Center located within the City of Pontiac and the adjacent 88 acres, formerly part of the Clinton Valley Center, located east of N. Telegraph Rd., and southwest of the Grand Trunk Railway.

Uses, which are basically limited to those conducted by Oakland County government, together with certain uses, including but not limited to compatible non-profit corporate offices, medical facilities, cultural facilities, municipal employee credit unions and high technology facilities. Uses, which tend to be incompatible with the intent of this district shall be appropriately restricted or prohibited.

3.602 Permitted Principal Uses.

- A. Offices for: judicial, law enforcement, governmental, executive, administrative, professional, non-profit organizations, accounting, writing, clerical, stenographic, engineering, drafting, public or private utilities, sales, and similar functions or occupations.
- B. Police and/or Fire stations.
- C. Courts, libraries, museums, auditoriums, convention centers, display halls, art galleries, cultural centers, sports arenas, health or exercise clubs, or similar places of assembly.
- D. Medical and dental offices, including outpatient clinics, medical examiner's office and medical laboratories.
- E. Public, business and/or technical schools and other training facilities located completely within an enclosed building.
- F. Data processing and computer centers including computer programming, software development and repair centers, and archival services.
- G. Publishing, radio or television broadcasting, wireless telecommunication facilities, including antenna towers and their related studios and offices.
- H. Lithographic, blueprinting and other document reproduction services.
- I. Day care facilities.
- J. Parks and public recreation facilities.
- K. Banks, credit unions and similar financial services.
- L. Multimodal transportation facilities.

M. Research, design, development, and testing facilities for technological, scientific and business establishments, including the development of prototypes.

N. Assembly and machining operations, when adjunct to research, design, development or testing activities occurring at the same location. Assembly activity shall be limited to assembly of pre-manufactured finished objects or components and shall include only small volume non-routine production of innovative products or equipment and shall not include or permit mass production or mass assembly of products or equipment. Machining shall be permitted on a limited basis and only for research, design, development and testing activities, repair, demonstration, and/or training.

O. Hospitals, convalescent or nursing homes, homes for the elderly, mental health facilities or other medical care facilities in which patients or clientele stay overnight or for more extended periods of time.

P. Public Works facilities, including those involving vehicular and/or equipment maintenance, public or private utility facilities, including transformer station and substation, gas regulator station, water tower, farmers market and other similar facilities and which may involve any amount of outside storage, display for sale, or maintenance; of vehicles, equipment and/or materials. However, facilities that process waste, such as incinerators or transfer stations and other facilities with characteristics which are similarly adverse to the intent of this district are expressly prohibited.

Q. County jail, work release, and other similar uses operated as a function of Oakland County, in which people are incarcerated or otherwise required to reside within a secured environment, except within the southerly/southeasterly 500 feet of the 88 acres that had formerly been part of the Clinton Valley Center.

3.603 Permitted Accessory Landscaping, Parking, Signs, Structures, Uses, and Utilities.

LANDSCAPING (also see Article 4, Chapter 4)

A. Property not utilized for buildings, structures, parking lots, deck or patio and/or improved driveways or walkways shall be landscaped with living trees, shrubs, flowers, grass and/or ground cover.

B. Except as provided above, along all property lines adjacent to or separated by a street, right-of-way or similar easement for vehicular travel, from a residential use or district within which a residential dwelling is a permitted use, a landscape buffer shall be provided of at least a 10' width and providing at least one tree and one shrub for every ten feet (10') of buffer strip length. At least one-half of the required trees shall be of an evergreen variety, of at least a 5' height at the time of their planting. Large deciduous trees shall be at least a 2" caliper at the time of their planting. Ornamental deciduous trees shall be at least a 1 3/4" caliper at the time of their planting.

C. Except as provided above, all off-street parking lots shall be screened along their perimeter by a buffer strip of at least a ten-foot (10') width, landscaped with at least one tree for every thirty feet (30') of buffer strip length. Evergreen trees shall be at least a 5' height at the time of their planting. Large deciduous trees shall be at least a 2" caliper at the time of their planting. Ornamental deciduous trees shall be at least a 1 3/4" caliper at the time of their planting. The City Planning Commission may

approve an alternative screening mechanism, such as a decorative masonry wall, during Site Plan Review.

D. Except as provided above, for every 50' along all streets, rights-of-way or similar easements for vehicular travel, one (1) or more tree(s), shall be provided. Evergreen trees shall be at least a 5' height at the time of their planting. Large deciduous trees shall be at least a 2" caliper at the time of their planting. Ornamental deciduous trees shall be at least a 1 3/4" caliper at the time of their planting. The Planning Commission may modify or waive the minimum landscaping, buffering or wall requirements, when it determines that such a modification will serve to provide more effective circulation and traffic movement, or will enable a more reasonable and desirable building setting and site design.

PARKING

E. Off-street parking of any vehicle shall not be permitted within 25' of any A or B street, or within 10' of any other street, right-of-way or similar easement for vehicular travel.

F. Permissible off-street parking lots and/or parking decks require Site Plan Review pursuant to Article 6, Chapter 2.

SIGNS

G. All signs shall be designed so as to be integral and compatible with the architecture and landscaping component of the development, and are subject to Site Plan Review pursuant to Article 6, Chapter 2 of this ordinance.

H. Wall mounted signs shall occupy no more than the lesser of 15% of the building facade area or 200 square feet, in total area.

I. Each building may have one (1) freestanding accessory sign for each street frontage. Said sign(s) shall be no more than 100 square feet in area, no more than 10' tall, and setback at least 10' from all streets, rights-of-way or similar easement for vehicular travel.

J. Non-accessory signs and/or Billboards are strictly prohibited.

K. All signs advertising the sale, rent or lease of space shall be located on the premises so advertised, and be no larger than 24 square feet in area. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.

L. Election/Political Campaign Signs announcing the candidates seeking public political office or political issue, and other data pertinent thereto, shall be confined to private property and be installed not more than thirty (30) calendar days prior to the election and shall be removed within fourteen (14) calendar days after the election:

Minimum	greater of 10' or 1/2 front
Setback	setback
Maximum Area	22" x 28"

Maximum Height	4 feet
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STRUCTURES (other than buildings)

M. All fencing, swimming pool(s) or other outdoor recreational equipment shall be setback at least 25' from all streets, rights-of-way or similar easement(s) for vehicular travel.

N. Communication structures, transformers, electrical or mechanical equipment and other similar permitted incidental equipment shall be mounted on the interior of a building wherever possible. Exterior location of such structures or equipment that may be visible from any street, right-of-way or similar easement for vehicular travel, or residential use, or district within which a residential dwelling is a permitted use, shall be setback at least 25' from all streets, rights-of-way or similar easement for vehicular travel and at least 15' from any other property line, and shall be screened with either plantings or a durable non-combustible enclosure which are unified and harmonious with the overall architectural theme, and meet utility provider standards for location and maintenance.

O. Loading docks and refuse collection enclosures shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Wherever possible, said loading docks and refuse collection enclosures shall be located on that side of the building opposite of, or as far removed as possible from, all neighboring residential uses and districts within which residential dwellings are permitted. All screening shall be comparable in style and quality to the principal materials of the building and landscape and otherwise comply with Section [4.408](#) of this ordinance.

USES

P. Interior storage, cafeteria/food service, lounge, waiting room or similar use when ancillary to and within the same building as a Permitted Principal Use or a use permitted by Special Exception Permit, and occupying no more than 30% of the total useable floor area of the building.

Q. Living quarters of a watchman or caretaker employed on the premises, provided: a) such living quarters shall be an incidental element of the permitted operation; and b) the living quarters shall not exceed 1,000 square feet of floor area and shall be contained entirely within the principal building.

R. Any use customarily incidental to the permitted use.

UTILITIES

S. All exterior on-site utilities, and communication devices, including but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment, shall be installed and maintained underground whenever possible.

T. On-site underground utilities, and communication devices, shall be designed and installed to minimize disruption of off-site utilities, communication devices, paving, and landscape during construction and maintenance.

3.604 Area, Height, Bulk and Placement Regulations.

- A. No visual obstruction shall be permitted between 30" and 8' above grade, within twenty-five feet (25') of the intersection of all streets, rights-of-way or similar easement(s) for vehicular travel, in a manner that would interfere with traffic visibility.
- B. All structures and off-street parking areas shall be setback at least:
1. 25' from any A or B Street;
 2. 25' from any district within which a residential dwelling is a permitted use;
 3. 25' from any street, right-of-way or similar easement for vehicular travel, that separates the subject property from any district within which a residential dwelling is a permitted use; and
 4. 10' from any other property line, or other street, right-of-way or similar easement for vehicular travel.
- C. No structure, or portion thereof, shall exceed a 40' height, unless the setback(s) of the proposed structure, or portion thereof, relative to:
1. The nearest A or B Street; and
 2. all districts within which a residential dwelling is a permitted use; and
 3. all streets, rights-of-way or similar easements for vehicular travel that separates the subject property from any district within which a residential dwelling is a permitted use; shall be increased from the minimum applicable required setback by two feet for every one-foot of additional height, up to a maximum of 150'.
- D. Where two (2) or more principal buildings are located on the same lot, or on contiguous property under the same ownership, the distance between said buildings and attachments thereto shall not be less than twenty (20) feet; and for each five feet (5'), resulting from the product of the combined height of the two adjacent buildings divided by two, in excess of forty feet (40'), the buildings shall be set apart one (1) additional foot.
- E. Every building hereafter erected shall be located on a lot with, at minimum, a lot width, measured at the front setback, of no less than 100'; and a lot area of no less than 16,000 square feet.

3.605 Planning Commission Review and Decision.

The Planning Commission shall review and approve or reject the proposed Site Plans of all proposed project development in accordance with all applicable standards and requirements of the Zoning Ordinance.

Chapter 7 MUD Mixed Use District

3.701 Intent.

This district is dedicated solely to the former Clinton Valley Center premises (the “CVC property”), current and former General Motors/R.A.C.E.R. (Revitalizing Auto Communities Environmental Response) Trust property, or any other property that is similar in size. This district is designed to serve a variety of urban functions through the provision of a mixture of residential, office, light industrial, research and development, governmental, educational and low intensity commercial uses pursuant to the City’s comprehensive plan as amended. It is the intent of this section that the basic principles of good land use planning, including an orderly and compatible relationship between various uses, be maintained and that the sound zoning standards as set forth in this MUD and statutes concerning land use be maintained.

The specific goals which the MUD Mixed Use District (“MUD”) seeks to implement include the following:

- A. Provide for planned growth, which maintains the livability of the City;
- B. Maintain and encourage a diversity of housing;
- C. Provide commercial, education and recreational facilities and employment opportunities conveniently located in relation to housing;
- D. Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities;
- E. Create new and innovative residential, industrial and commercial development opportunities.

This designation is intended to encourage the development of traditional neighborhoods through a coordinated land use pattern of residential, office, research and development, and local commercial uses. Upper floor residential above retail or office is encouraged. It is further the intent of this district to promote excellence in the use of land and the design of buildings and sites, maintain the existing natural features, ensure compatible land use, and improve the visual image for safe vehicular and pedestrian movement.

(Ord. No. 2291, § 1(E), 6-27-13)

3.702 Principal Permitted Uses and/or Exceptions.

Subject to the applicable standards, requirements and other provisions of the MUD and subject to final site plan review by the Planning Commission:

- A. One-family dwellings detached or attached, two family or townhouse, or multiple family dwellings, aesthetically compatible in design and appearance within the MUD.
- B. Residential dwellings as the exclusive occupant of a lot or as a mixed use with a permitted non-residential use.

C. Neighborhood public parks, libraries, playgrounds, recreational facilities and community facilities primarily for the use of neighborhood residents.

D. Public and private; pre-school, elementary, middle and high schools.

E. Training and/or educational schools licensed by the State of Michigan, where such schools are designed and intended to provide training at the business, technical, or professional level.

F. Any Principal Permitted Use allowed in the C-1 Local Business District.

G. Utility structures, Tele-Communication facilities such as electrical receiving or transformer stations, radio and television broadcasting stations, wireless communication equipment, public service buildings and uses (without storage yards), as required to provide necessary services to the businesses and residents in the immediate vicinity. However, such facilities shall be setback from residential uses a distance equal to their height.

H. Research, Development and Light Industrial Uses. It is recognized by this MUD that the value to the public of designating certain areas of this District for a compatible mixture of uses within a campus type environment is represented in the employment opportunities to the citizens and the resultant economic benefits to the City. These Uses are characterized by an insignificant amount of such nuisance factors as noise, heat, glare, and the emission of air pollutants and are permitted no less than 50 feet from any residential use and all products or equipment shall be stored within enclosed buildings.

1. Any use which is charged with the principal business function of research, such as scientific, business, industrial research developments, training centers, and testing laboratories.

2. The manufacturing, compounding, processing, or treatment of such products as drugs, pharmaceuticals, and medical devices.

3. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.

4. Manufacturing of machine vision systems, robotics, automated testing and manufacturing systems, drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic and fiber optic products, cameras and photographic equipment and supplies, printed matter, and other similar uses.

5. Any other Principal Permitted Use allowed in the IP-1 Industrial Park District.

I. Unimproved Open Space.

1. Woodlands.

2. Wetlands.

3. Undeveloped Portions of Floodplains.

- J. Improved Open Space.
1. Public or private playgrounds, picnic areas, water sports areas, and similar outdoor recreation areas.
 2. Educational facilities, such as zoological gardens, wilderness preserves and sanctuaries, botanical gardens and arboretums which necessarily include open space as an integral part of the facility.
- K. Business, professional and medical offices.
- L. Banks, credit unions, and savings and loan associations.
- M. Personal service establishments, such as, but not limited to, repair shops (watches, radio, television, shoes, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.
- N. Sidewalk cafe service, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to the following:
1. An application depicting the location and layout of the cafe facility shall be submitted to the Office of Land Use and Strategic Planning for review, prior to an occupancy permit being granted by the Building Department. The permit shall remain in effect, unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein.
 2. A sidewalk cafe may be located in front or adjacent to the establishment. A sidewalk cafe that extends beyond the applicant's property lines shall require the permission of the affected property owners.
 3. Sidewalk cafes shall be located on a public sidewalk only by approval of the City Engineering Division and in accordance with the City Subdivision Code.
 4. A sidewalk cafe shall be allowed during normal operating hours of the establishment.
 5. The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be inside the premises.
 6. The City shall not be held liable or responsible for any type of damage, theft or personal injury, which may occur as a result of a sidewalk cafe operation.
 7. All sidewalk cafes shall comply with applicable regulations of the County Health Department and the State.
- O. Child Day-Care Centers subject to the following:
1. The property is maintained in a manner that is consistent with the character of the neighborhood and surrounding uses.
 2. A separate drop off and pick up area shall be provided adjacent to the main building

entrance, located off a public street and the parking access lane and shall be of sufficient size so as not to create congestion on the site or within a public roadway.

3. There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front setback.

4. An ornamental fence that is designed to discourage climbing and is at least four feet high but no higher than six (6) feet shall enclose all outdoor play areas.

5. Appropriate licenses with the State of Michigan shall be maintained.

P. Housing for the Elderly, subject to the following conditions:

1. All housing for the elderly shall provide for the following:

a. Cottage-type dwellings and/or non-rental apartment-type dwelling units; and,

b. Activity space, including, but not limited to, central dining rooms, library/reading rooms/barber/ beauty shops, card rooms, recreational rooms, central lounges and workshops.

2. All developments shall have a density consistent with the approved overall density of the development.

3.703 Permitted Accessory Uses.

A. Permitted accessory uses as specified in the Development Agreement.

B. Off-Street parking and loading.

C. Home occupations subject to the requirements of Section [2.536](#).

D. Any use customarily incidental to the permitted principal use.

3.704 Area, Height, Bulk and Placement.

Area height, bulk and placement regulation as specified in the Development Agreement.

A. **Minimum District Size** shall be 200 gross acres.

B. The **Residential Community** shall occupy approximately 126 acres in the southern portion of the District, as designated on the conceptual Site Plan, that was prepared on December 14, 2000 for review and approved by the City Council and then revised on January 22, 2001 and labeled a Neo-Traditional Neighborhood Plan for use in this MUD. The Mixed Use Residential development will not exceed a density greater than 5 Units per Gross Acre or approximately 630 Residential Units. Approximately 50% of the 630 Residential Units or approximately 300 units will be dedicated to Single Family Low Density Units; approximately thirty-five percent (35%) of the Residential Units or approximately 230 units will be Medium Density Housing Units; and approximately fifteen percent (15%) of the Residential Units or approximately 100 units will be Higher Density Housing Units.

C. **Mixed Use/Commercial/Office Uses.** No more than 50,000 square feet of floor area within the District shall be allocated to commercial and/or office uses.

D. **Research, Development and Light Industrial Uses.** Maximum acreage allocated to research, development and light industrial uses shall not exceed 45% of the overall District. Located in the northern portion of the District per the Neo-Traditional Neighborhood Plan developed for use in this MUD and dated January 22, 2001.

3.705 Development Regulations.

Uses located within the MUD Mixed Use District are subject to the following development standards and regulations, in addition to standards set forth in the Development Agreement.

A. **Open Space Requirement and Computation.** A minimum of ten percent (10%) of the gross area of the District shall be maintained as landscaped open space. All required setbacks may be included in the landscape computation; however, public or private street right-of-way and parking lots may not be included. These areas shall be planted and maintained in accordance with a landscape plan approved by the Planning Commission.

B. **District Access.** Access to public roads for both pedestrians and vehicles shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service area, shall be subject to the following restrictions:

1. Provisions for circulation between adjacent parcels are required through coordinated or joint parking systems.
2. Driveway placement must be such that loading and unloading activities will not hinder vehicle ingress or egress.
3. When applicable, the primary access point into the District may be permitted to be via a rear access drive/alley to be shared by all adjoining uses. The drive shall be no less than twenty (20) feet wide within a twenty-five (25) foot easement and shall be subject to approval by the City Engineering Division.

C. **Pedestrian Pathways and Sidewalks.** Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and aesthetically pleasing means of on-site movement and shall be an integral part of the overall District design concept. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems shall be planned and installed wherever feasible. All paths and sidewalks shall be in accordance with the City Subdivision Code.

D. **Signage.** Signs in the MUD district shall comply with the requirements for signs in the C-2 district. See Article 5 for sign regulations.

E. **Lighting.** All lighting shall conform to the requirements of this MUD, in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details. Architectural lighting, where used, shall articulate the particular building design, as well as provide the required functional lighting

for safety of pedestrian movement.

F. Landscaping/Greenbelts/Buffers/Screening Elements. All landscape features of the District shall ensure that the image of the City is promoted by the organization, unification and character of the Mixed Use District. A landscape plan shall be provided along with the Site Plan for the entire District.

G. General District Design/Architectural Guidelines: It is the intent of this District to provide an environment of high quality and complementary building architecture and District design. Special emphasis shall be placed upon methods that tend to reduce the large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the streetscape.

H. Screening of Exterior Electrical Equipment and Transformers.

1. Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable non-combustible enclosure, which are unified and harmonious with the overall architectural theme.

2. Exterior-mounted electrical equipment shall be mounted on the interior of a building wherever possible, or shall be located where it is substantially screened from public view. Such equipment shall never be located on the street side or primary exposure side of any building.

I. Utilities and Communication Devices.

1. All exterior on-site utilities, including but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communication wires and equipment, shall be installed and maintained underground whenever possible.

2. On-site underground utilities shall be designed and installed to minimize disruption of off-site utilities, paving, and landscaping during construction and maintenance.

3.706 Development Agreement.

No development shall proceed within the District without the execution of a mutually acceptable Development Agreement between the City and the designated developer of the CVC Property. The Development Agreement shall specify the uses permitted, all regulations and requirements to ensure protection of the health, safety and welfare of the citizens, a quality development, and the responsibilities of the developer and the City. Strict adherence to the terms of the Development Agreement shall be required.

In addition to the design guidelines specified above the Development Agreement shall address the following items in detail:

A. Site Plan Review according to the requirements of this Zoning Ordinance.

B. Building elevations / Pattern book, materials used, facade treatments including windows, porches etc. Building placement, area, height, bulk and placement regulations.

- C. Trash Receptacles – location and screening.
- D. Conformance with the City’s Land Use Plan.
- E. A phasing plan if the project is proposed to be constructed in phases. Each phase should be capable of standing on its own in terms of services, facilities and shall contain the necessary components to ensure protection of the health, safety and welfare of the residents.
- F. The relative mix of different uses and the scheduled completion of construction dates.

3.707 Planning Commission Review and Decision.

The Planning Commission shall review and approve or reject the proposed District plans of all proposed project development, in accordance with the standards and requirements of this MUD and the Development Agreement.

Chapter 8 TC Town Center District

3.801 Intent.

This district is designed to promote a mix of uses within a dense development of land of an exceptional aesthetic quality that encourages the congregation of people, creating new and innovative interdependent residential, office, shopping, and entertainment environments that complement each other and gain economic advantage from a close proximity and well organized relationship to each other.

A prime characteristic of this district is a core of intense pedestrian activity. Most persons entering the district will come by automobile and typically will park once to carry out several errands. This essential interdependence of activities is given preference in the regulations and the future planning of the district over those types of activities where the customer normally does business as a single purpose trip and desires to park his automobile immediately adjacent to the establishment.

Uses or activities that tend to be incompatible with the intent of this district (drive-thru restaurants for example) shall be appropriately restricted if not prohibited altogether.

Exterior building materials, signage, lighting, landscaping, and other features of the project, shall be designed to provide an environment of high quality and complementary building and site design. The provisions that follow place special emphasis upon regulations, design standards, and improvements that tend to reduce the large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with each other and neighboring residential areas in terms of design, scale and use. To unify the building sites and their architecture, landscaping and other site amenities as a design element will play a key role in creating and conveying a user friendly environment, as well as to ensure compatibility of neighboring uses.

3.802 Permitted Principal Uses.

The following uses are permissible when conducted within fully enclosed buildings, unless otherwise specifically provided:

- A. Offices for: lawyers, realtors, architects, engineers, accountants or tax consultants, and similar professional businesses; executive, administrative, professional, non-profit organizations; judicial, law enforcement or governmental agencies; banks or credit unions; commercial and civic organizations; public or private utilities; news media, sales; and similar functions or occupations.
- B. Research, design, development, and testing facilities for technological, scientific and business establishments, contained solely within completely enclosed buildings.
- C. Medical and dental offices, including outpatient clinics, medical laboratories, but not including veterinarian establishments.
- D. Hotels, auditoriums, theaters, display halls, art galleries, cultural centers, health or exercise clubs, courts, libraries, museums, or similar places of assembly.
- E. Data processing, computer programming, software development, and archival services.

- F. Miscellaneous business services such as consumer credit reporting agencies, mailing lists and stenographic service, business management and consulting services, lithographic, blueprinting and other document reproduction services etc.
- G. Commercial, business and/or technical schools and other training facilities located completely within an enclosed building.
- H. Banks, credit unions and similar financial services, excluding those with drive-up services (See below – Section 3.804).
- I. Studios for radio or television broadcasting, musicians, dancing instruction, photography and artists, including artisan fabrication, such as wood, glass or metal working, model making, rug weaving, lapidary work, and cabinet making, using only hand-held and/or table mounted manual and electric tools.
- J. Personal service establishments, such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, and photographers.
- K. Any retail business whose principal activity is the sale of new merchandise in an enclosed building, excepting uses such as the following, which tend to detract from or interfere with a high intensity of pedestrian activity: firearm sales, automobile sales, trailer coach sales, motorcycles sales, gasoline service stations, and other retail businesses which require a workshop for assembly, fabrication or repair for a successful operation. However, sales of packaged alcoholic beverages are prohibited unless otherwise permitted pursuant to Section [3.804](#) of this Zoning Ordinance.
- L. Retail dry cleaning establishments or pickup stations, provided that odorless cleaning fluid is used, all dry cleaning is limited to that material and clothing picked up over the counter of such premises.
- M. Restaurants, tea rooms, cafes, and other establishments serving food or beverages, including those with accessory outdoor seating, excepting those with drive-in or drive-thru facilities.
- N. Multiple-Family dwellings, either as the exclusive occupant of a building or as a mixed use with a permitted non-residential use.
- O. Day care facilities.
- P. Police and/or Fire stations.
- Q. Outdoor parks, playgrounds, skating rinks, tennis courts and passive recreation areas primarily for use of those residing, working or patronizing the businesses located within, this district. Outdoor concerts, broadcasts, plays or other outdoor entertainments are subject to Special Exception Permit, pursuant to Section [3.804](#) of the Zoning Ordinance.
- R. Indoor recreational facilities, places of amusement, entertainment, or recreation, such as dance halls, commercial or private clubs, discotheques, cabarets, bars, taverns, billiard or pool halls,

bowling alley, or rental halls for meeting, banquets or social occasions, or similar indoor recreational uses shall not be located within 300 feet of a lot or site-condominium unit upon which a detached single-family residence is located.

3.803 Permitted Accessory Buildings, Landscaping, Lighting, Parking, Signs, Structures, Uses, and Utilities.

BUILDINGS

A. Multi-story off-street parking structures, provided their exterior appearance is generally obscured by other building areas from single-family dwellings and principal pedestrian/assembly areas and provided any exterior wall, of said parking structure, located within 300' of and visible from a lot or site condominium unit upon which a detached single-family dwelling exists, shall be solid and/or otherwise improved, to the satisfaction of the Planning Commission, so as to prevent spillover of light and noise generated from within said parking structure from being observed from said residential property.

LANDSCAPING

B. Property not utilized for buildings, structures, parking lots, decks, patios or other improved outdoor seating areas and/or improved roadways, driveways or walkways, and no less than 14% of the aggregate area, in addition to any landscape buffer required below at paragraph D, within the overall development located within this district shall be landscaped with living trees, shrubs, flowers, grass and/or ground cover. Wetland areas may be retained in their natural condition. All plant materials shall have access to a source of water for irrigation and shall be maintained in a healthy condition.

C. Within the required setback from any property line adjacent to or separated by a street, right-of-way or similar easement for vehicular travel, from a lot or site condominium unit upon which a detached single-family residential dwelling exists, the following buffer shall be installed:

1. A 4' high berm (excepting approved passage-ways for pedestrian movement) landscaped with 1 tree and 1 shrub being provided for every 5' of the lineal dimension of said buffer, with at least one-half of the required trees being an evergreen variety; OR
2. if a interior roadway/driveway is located between the on-site buildings located nearest to the neighboring residential properties and the effected property line, then: a continuous (excepting approved passage-ways for pedestrian movement) 6' high stone or masonry wall (to match exterior material of the nearest building), setback 5' to 10' from said interior roadway/drive on that side nearest the neighboring residential property, with 1 tree and 1 shrub, being predominantly provided between said wall and the effected property line, for every 10' of the lineal dimension of said buffer, with at least one-half of the required trees being an evergreen variety; may be substituted for the landscaped berm described above at "(a)".

D. Except as provided above, all surface off-street parking lots shall be screened along their perimeter by a buffer strip of at least a ten-foot (10') width, landscaped with at least one tree for every thirty feet (30') of buffer strip length. The City Planning Commission may approve an alternative

screening mechanism, such as a 42" high brick or stone (to match exterior material of related building) wall, during Site Plan Review.

E. Except as provided above, for every 50' along all streets, rights-of-way or similar easements for vehicular travel, one (1) or more tree(s), shall be provided, accented by provision of annual and/or perennial flowers.

F. Evergreen trees shall be at least a 5' height at the time of their planting. Large deciduous trees shall be at least a 2" caliper at the time of their planting. Ornamental deciduous trees shall be at least a 1 3/4" caliper at the time of their planting.

G. The Planning Commission may modify or waive the minimum landscaping, buffering or wall requirements, when it determines that such a modification will serve the same intent and provide more effective circulation and traffic movement, or will enable a more reasonable and desirable building setting and site design.

LIGHTING

H. Lighting shall provide for the safe and efficient illumination of a site in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details. However, awnings shall not be internally lit.

I. Distinctive luminaries and decorative supportive structures may be employed along public streets given contribution to the Department of Public Utilities of replacement parts equal to or greater than 10% of the total luminaries and 5% of the total supportive structures installed.

PARKING

J. Since the intent of this district is to promote dense development of land of an exceptional aesthetic quality, off-street parking shall be primarily provided within multi-level parking structures (see above paragraph #1, under accessory "BUILDINGS"). Surface off-street parking shall not exceed 10% of the required and actual parking provided for any building, and shall not be permitted within 25' of A or B Street or within 10' of any other street, right-of-way or similar easement for vehicular travel. Given a conclusive shared parking analysis, the aggregate number of required off-street parking spaces, shared between a number of different uses, may be reduced by the Planning Commission in the Site Plan Review process.

SIGNS

K. All signs shall be designed so as to be integral and compatible with the architecture and landscaping components of the development, and are subject to Site Plan Review pursuant to Article 6, Chapter 20 of the Zoning Ordinance.

Signs in the TC district shall comply with the requirements for signs in the C-2 district. See Article 1 for sign regulations.

STRUCTURES (other than buildings)

L. Ornamental metal fencing, or brick walled enclosures, of up to an 8' height. However, location of said fencing or walled enclosures shall not be within 10' of any property line, right-of-way or similar easement unless specifically approved during Site Plan Review by the Planning Commission.

M. Transformers, electrical or mechanical equipment and other similar permitted incidental equipment shall be mounted on the interior of a building wherever possible. Exterior location of such structures or equipment that may be visible from any street, right-of-way or similar easement for vehicular travel, or residential use, or district within which a residential dwelling is a permitted use, shall be setback at least 25' from all streets, rights-of-way or 'similar easement for vehicular travel and at least 15' from any other property line, and shall be screened with either plantings or a durable non-combustible enclosure which are unified and harmonious with the overall architectural theme, and meet utility provider standards for location and maintenance.

N. Communication antennas, wireless telecommunication antennas and similar incidental non-accessory antennas may be mounted within or upon existing buildings or structures, as provided for above. However, free-standing structure(s) supporting communication antennas, whether accessory or non-accessory, require Special Exception Permit, pursuant to Section [3.804](#) of the Zoning Ordinance.

O. Loading docks and refuse collection facilities should be located within the envelope of the building they serve. Otherwise, loading docks and/or refuse collection enclosures shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Wherever possible, said loading docks and refuse collection enclosures shall be located on that side of the building opposite of, or as far removed as possible from, all neighboring residential uses and districts within which detached single-family residential dwellings are permitted. All screening shall be comparable in style and quality to the principal materials of the building and landscape and otherwise comply with Section [4.408](#) of this ordinance. Outdoor storage, excepting that referenced above, shall be strictly prohibited.

ACCESSORY USES

P. An outdoor cafe service operated by an establishment that sells food and/or beverages for immediate consumption, located within the adjacent building may be permitted, subject to the following conditions:

1. An outdoor cafe shall be located directly in front of or adjacent to the principal establishment. An outdoor cafe that extends beyond the building frontage of the principal establishment shall require the permission of those business owners who operate within the adjacent building frontage.
2. If an outdoor cafe is located along a public or private sidewalk, or pedestrian pathway, a minimum of five (5) feet of unobstructed, pedestrian access along said sidewalk or path shall be maintained.
3. An outdoor cafe shall be allowed only during normal operating hours of the principal

establishment.

4. The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be conducted inside of the principal establishment.

5. The City shall not be held liable or responsible for any type of damage, theft or personal injury, which may occur as a result of a sidewalk cafe operation.

6. All outdoor cafes shall comply with applicable laws and regulations of the City, County, and the State.

Q. Interior storage, lounge, waiting room, laundry or similar use when ancillary to and within the same building as a Permitted Principal Use or a use permitted by Special Exception Permit, and occupying no more than 30% of the total useable floor area of the building.

R. Characteristically quiet and non-odiferous outdoor entertainments or open air business uses, such as art or book fairs, book readings, skating rinks (without outdoor musical broadcasts) flower vendors, portrait painters, and similar activities when on private property located at least 300' from a lot or site-condominium unit upon which a detached single-family residence is located, and when developed in planned relationship within the Town Center District, subject to Site Plan Review.

S. Home occupations subject to the requirements of Section [2.536](#).

T. Any use customarily incidental to the permitted use.

UTILITIES

U. All exterior on-site utilities, and communication devices, including but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment, shall be installed and maintained underground whenever possible.

V. On-site underground utilities, and communication devices, shall be designed and installed to minimize disruption of off-site utilities, communication devices, paving, and landscape during construction and maintenance.

3.804 Uses requiring Planning Commission Special Exception Permit.

A. Public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards, as required to provide necessary services to the businesses and residents in the district.

B. Wireless telecommunication or similar facilities requiring free-standing structure(s) supporting communication antennas. Such facilities shall be setback a distance equal to their height from all lots or site-condominium units upon which a detached single-family residential dwelling is located.

C. Facilities incorporating drive-up services, including restaurants, banks, pharmacies, dry cleaners and other retail and service operations.

D. Sales of packaged alcoholic beverages.

- E. Antique dealers.
- F. Retail stores or services, not otherwise permitted and conclusively found to be compatible with the intent of this District.
- G. Open air business uses as either a principal or incidental use, other than those otherwise permitted above, when developed in a planned relationship within the Town Center District, and subject to Site Plan Review.
- H. Outdoor entertainments, within areas designated for such use on an approved Site Plan, as either a principal or incidental use, other than those otherwise permitted above, including musical broadcasts or concerts, theatrical presentations, carnivals, dances or similar activities. Such outdoor entertainments shall not be located within 500 feet of a lot or site-condominium unit upon which a detached single-family residence is located.

3.805 Architectural and Development Regulations/Standards.

Materials

Exterior materials shall be predominantly low maintenance face brick or stone, with ornamental metal accents. Pitched roofs shall have a metal surface or decking complimentary to the architectural detail of the building. No more than 10% of the exterior finish may be Dryvit, E.I.F.S. or similar material.

Building Facades

Building facades shall incorporate windows, arcades, recesses, balconies, projections, cornice work, decorative finish or similar features providing architectural interest and/or detail along appropriately substantial portions of their length. Blank walls shall not face a public plaza, street, sidewalk, right-of-way or similar easement for vehicular or pedestrian travel. Glass curtain walls and spandrel-glass strip windows shall not be used above the ground floor as the predominant style of fenestration for buildings in this district. This requirement shall not serve to restrict the use of atrium, lobby or greenhouse-type accent features used as embellishments to the principal building.

Storefronts shall be individually designed for each retail shop, and shall be integrally designed with the upper floors to be compatible with the overall facade character. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage and lighting fixtures. Ground floor retail, service and restaurant uses shall have large pane display windows, however, such windows shall not exceed seventy-five (75) percent of the total ground level facade area.

Roof soffits shall be elaborated with decorative supporting brackets or other details.

Primary building entrances shall be recessed, or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather, or otherwise clearly defined.

Special architectural features, such as bay windows, decorative roofs, colonnades or other covered

walkways, trellises, canopies, fabric awnings and entry features may project into a required setback, provided that they are not less than eight (8) feet above any public or private walkway. Building setbacks shall be improved with seating, landscaping, pavers, tables, decorative lighting, water features and/or artworks. No such improvements shall encroach into a right-of-way or similar easement(s) for vehicular travel unless specifically authorized by a license agreement with the City and/or other entities favored by said easement(s).

Building Roofs

There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest.

Parapets shall enclose flat roofs at least 42 inches high, or higher if required to conceal mechanical equipment. In instances where flat roof areas can be viewed from above, care should be taken that all roof vents, roof-mounted mechanical equipment, pipes, etc., are grouped together and painted to match roof color to reduce their appearance. Location of such mechanical equipment shall be as far removed from all neighboring residential uses as is possible.

Pedestrian Pathways and Sidewalks

Pedestrian pathway and sidewalk systems shall provide safe, all-weather, efficient, and aesthetically pleasing means of pedestrian movement between adjacent districts, as well as on-site circulation and shall be an integral part of the overall site design concept. Sidewalks are typically required along all roadways and elsewhere as determined necessary by the Planning Commission. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems shall be planned and installed wherever feasible. All paths and sidewalks shall be a minimum of five (5) feet in width, and paved pursuant to the City's design standards. Sidewalks may be excluded from public rights-of-way where a permanent easement abutting said rights-of-way, of a dimension as determined by the City Engineering Division to be necessary to accommodate at least a 5' wide sidewalk, is provided for public pedestrian use, in a form acceptable to the City Law Department that obligates the property owner to improve and maintain in perpetuity such easement pursuant to City standards, including all necessary repair and snow removal. Auto entrances to parking areas shall be located to minimize pedestrian/auto conflicts.

Street Design

Streets, or similar easements for vehicular travel, shall comply with the requirements of the City Engineering Division and all Design Standards provided by Sections 106-126 through 106-132 of City Code. Typically, streets, or similar easements for vehicular travel which intersect with a State or County rights-of-way, or other A or B Streets shall be considered Collector Streets with respect to said design standards. However, the City Planning Commission, subsequent to their consideration of the recommendations of the City's Engineering Division and Traffic Safety Committee, may modify said standards, pursuant to Section 106-4 of City Code.

3.806 Area, Height, Bulk and Placement Regulations.

A. The minimum gross area required for application of the provisions of this Town Center District

shall be 25 acres and subject to coordinated ownership or control.

B. All buildings and off-street parking areas shall be setback from rights-of-way or similar easements for vehicular travel or pedestrian movement at least:

1. 15' from any A or B Street;
2. 25' from any property line adjacent to or separated by a street, right-of-way or similar easement for vehicular travel, from a lot or site condominium unit upon which a detached single-family residential dwelling exists; and
3. Within any and all given block(s), the equivalent of 20% of the building street frontage shall be setback 30' OR 25% shall be setback 24' OR 50% shall be setback 12' OR 100% shall be setback 6' to provide opportunities for landscape enhancement, seating or passive recreation areas to be incorporated within the streetscape.

C. All interior roadways shall be setback at least 25' from any property line adjacent to or separated by a street, right-of-way or similar easement for vehicular travel, from a lot or site condominium unit upon which a detached single-family residential dwelling exists.

D. No visual obstruction shall be permitted between 30" and 8' above grade, in a manner that would interfere with traffic visibility:

1. Within twenty-five feet (25') of the intersection of all streets, rights-of-way or similar easement(s) for vehicular travel; or
2. Within ten feet 10' of the intersections of a driveway with a street or alleyway, or similar easement for vehicular travel. However, where volumes and/or speed of traffic are exceptionally low, and after consideration of a recommendation of the City's Traffic Safety Committee, the Planning Commission may reduce the required clear vision dimension specified in above paragraph "a" from twenty-five feet (25') to no less than ten feet (10').

E. No building shall be less than 30' in height. Furthermore, all structures and buildings, or portion(s) thereof, shall be setback a distance equal to or greater than 2 times their height, from all lots or site-condominium units upon which a detached single-family residence is located. Building height is also subject to the requirements of the Federal Aviation Administration (FAA).

F. The distance between buildings, and portions (see above illustration of acceptable building step back) or attachments thereto, shall not be less than twenty (20) feet; and wherever the average height of two buildings exceeds forty feet (40') the minimum separation between said buildings shall be increased by one (1) additional foot for every five feet (5') said average height exceeds forty feet (40').

G. The required minimum useable floor area per dwelling unit shall be as follows:

Two or more Bedroom Dwelling Unit	1,000
	sq.ft.

One Bedroom (including Efficiency) Dwelling Unit	800 sq.ft.
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3.807 Planning Commission Site Plan Review; Approval or Rejection, Commencement and Completion of Construction.

A. Preliminary Site Plan – As a preliminary step toward Site Plan approval regarding contiguous property under common ownership or control located within the Town Center (TC) District, an applicant may present to the Planning Commission, a Preliminary Site Plan within which the applicant specifically identifies certain aspects of said Preliminary Site Plan for which the applicant is seeking the Planning Commission’s approval. The applicant shall follow the Site Plan Review requirements of this Zoning Ordinance with respect to all aspects of said Preliminary Site Plan for which the applicant is seeking approval, while providing less detail with respect to the other aspects of the proposed development than would be necessary for Site Plan approval.

The Planning Commission shall review the Preliminary Site Plan to determine whether it meets the intent of the TC District and whether the applicant’s specified aspects of the Preliminary Site Plan satisfy the applicable standards and requirements of the City’s Zoning Ordinance, Subdivision Ordinance, Woodlands Preservation Ordinance or other applicable provisions of City Code. The Planning Commission may then approve, approve with conditions or reject the proposed Preliminary Site Plan expressing in writing and/or drawings as to the findings of fact and the reason for the decision, with a statement of any conditions or limitations to which an approval is subject. Those aspects so approved by the Planning Commission may be unaltered in subsequent Site Plans duly submitted by the applicant within five (5) years (unless said period has been duly extended) of the Planning Commission’s approval of said Preliminary Site Plan, as necessary to proceed with the proposed development. An extension for a specified period may be granted by the City Planning Commission upon good cause shown if such request is made to the City Planning Commission at the time of application or afterwards.

B. Site Plan Review – The Planning Commission shall review and approve, approve with conditions, or reject the proposed Site Plans of all proposed development in accordance with all applicable standards and requirements of the City’s Zoning Ordinance, Subdivision Ordinance, Woodlands Preservation Ordinance, and other applicable provisions of City Code. A Site Plan that complies with the specifically approved aspects of a Preliminary Site Plan, which has been approved by the Planning Commission within the past five years (unless said period has been duly extended), and with all other applicable standards and requirements of City’s Zoning Ordinance, Subdivision Ordinance, Woodlands Preservation Ordinance and other applicable provisions of City Code, which are not in conflict with said specifically approved aspects of said Preliminary Site Plan, shall be approved.

Where a Site Plan proposes phased construction over a period of several years, a phasing plan shall be included with said Site Plan that identifies the extent of each phase as well as its estimated date of commencement. Each successive phase may rely upon the previous phase(s), but not upon future phases, for necessary infrastructure, off-street parking or other improvements necessary to comply with the City’s development regulations and to ensure protection of the health, safety and welfare of the residents and businesses therein, as well as the general public. To ensure completion

of required improvements, the City is authorized to impose performance guarantees or require a cash or surety bond or irrevocable letter of credit acceptable to the City in an amount determined to be sufficient to complete the improvements provided for in a given Site Plan. Construction shall be commenced within one (1) year following Site Plan approval by the Planning Commission and phases of said development shall proceed substantially in conformance with the schedule set forth by the applicant as a representation during Site Plan Review. If construction is not commenced within such time, or if phases of said development do not proceed substantially as approved, the Site Plan shall expire and be null and void. However, an extension for a specified period may be granted by the City Planning Commission upon good cause shown. Moreover, in the event approval of the Site Plan has expired, the City Planning Commission shall require a new application and appropriate fee that shall be reviewed in light of an approved Preliminary Site Plan and then existing and applicable ordinance provisions.

Chapter 9 SP Special Purpose District

3.901 Intent.

This District is dedicated solely to the 127+ acres of the Silverdome site bounded by Featherstone Road, Opdyke Road, M-59 and the CN Railroad to the West. This site is designated in the City's Master Plan as an opportunity site for the City to attract quality development of a diverse nature, with some level of flexibility reflecting the current market conditions and cater to the demands of the new knowledge based economy.

The prime location of the site at the intersection of major highways and streets is appropriate for a single use or a mixed use development with retail, office, residential, high tech industrial uses, recreational, educational, cultural and entertainment activities.

Regulations are intended to create a place that represents a unique, attractive and memorable destination, enhance the community character through high quality urban design along with regulations to provide adequate protection for the health, safety and general welfare of residents. Pedestrian oriented development and open space within the development is encouraged and highly desirable.

3.902 Permitted Principal Uses and/or Exceptions.

The following uses (refer to table of uses also) shall be permitted as a standalone operation and/or combined with any of the same to provide a mixed use development pursuant to site plan approval. Any use not expressly permitted is prohibited unless the Planning Commission finds that the proposed use has sufficiently similar characteristics to uses that are permitted.

- A. Multiple family or attached residential development as an exclusive use or as a mixed use with a permitted non-residential use, subject to the following:
1. Single and multi-tenant offices – professional, administrative, sales, marketing, corporate, clerical, medical etc.
 2. Banks, credit unions, and other financial institutions excluding drive thru facilities.
 3. Educational institutions, trade and vocational schools, colleges, universities and other such institutions of higher learning.
- B. Hospitals subject to the following conditions:
1. The minimum building setback shall be one hundred (100) feet from Featherstone and Opdyke Roads.
 2. Ambulance and delivery areas shall not be located in the front yard and shall be appropriately screened from adjacent uses and from public or private right-of-ways.
- C. Convalescent homes, nursing homes and out-patient medical/dental clinics.
- D. Independent or congregate care, adult and child day care centers.

- E. Retail businesses which supply commodities on the premises for sale directly to customers within completely enclosed buildings such as but not limited to drugs, food, groceries, clothing, jewelry, boutiques, shoes, house wares, furniture and hardware stores.
- F. Personal service establishments such as watch and jewelry repair, shoe repair shops, beauty and barber shops, seamstress, dry cleaning establishments.
- G. Research, design and technology uses including testing laboratories for technological, scientific and business establishments.
- H. Indoor entertainment and recreation facilities such as bowling alleys, skating rinks, water sports, stadiums, arenas, sports facilities, non-adult regulated movie theatres, opera houses, concert halls, and other places of assembly.
- I. Movie, radio, television, photography, dance, music and artist studios, health clubs and exercise studios.
- J. Public or private clubs or lodges.
- K. Hotels, motels and conference centers.
- L. Banquet halls, nightclubs, bars, taverns, restaurants with or without outdoor seating and other establishments that serve food and beverages for consumption on the premises excluding drive-thru services.
- M. Police and fire stations, library facilities, museums, art galleries, government and municipal uses.
- N. Outdoor parks, playgrounds, and passive recreation areas.
- O. Other uses of a similar nature within an enclosed building, if determined by the Planning Commission to be no more detrimental than other permitted principal uses.

3.903 Permitted Accessory Uses.

- A. Buildings, structures and uses customarily incidental to the operation of a permitted use.
- B. Temporary buildings or trailers for marketing offices only during construction periods.
- C. Home occupations subject to the requirements of Section [2.536](#).
- D. Off street parking and loading areas- subject to the provisions of Article 4, Chapter 3 unless a different provision is specified herein.
- E. Required number of off-street parking spaces shall be determined on the basis of a shared parking analysis conducted by a traffic engineer/parking consultant.
- F. On-street parking on the interior streets may be counted towards meeting the shared parking requirement.

3.904 Uses Requiring Planning Commission Special Exception Permit.

Uses requiring planning commission special exception permits are special exceptions that require some measure of individualized considered judgment and the imposing of conditions in order to make them compatible with the permitted principal uses in that district. The following uses are permitted by a special exception permit.

- A. Detached one family residential dwellings.
- B. Open air theaters for concerts or other outdoor entertainment venues and outdoor recreation facilities such as golf courses, mini golf, driving range, water sports, winter sports, tennis courts, skating rinks etc.
- C. Amusement Parks.
- D. Any permitted use providing drive-thru service such as fast food restaurants, banks, pharmacies, dry cleaning services, etc. subject to Section [2.535](#).
- E. Riding academies and hunt clubs setback at least two hundred (200) feet from any residential use and major streets or freeway.
- F. Casinos or any other type of gambling venues subject to voter approval at the State and local level in compliance with Article 4, Section 41 of the Michigan Constitution, MCLA 432.206 and issue of Casino License from the Michigan Gaming Control Commission.
- G. Horse racing stadiums or other race tracks subject to:
 - 1. A setback of at least two hundred (200) feet from any residential use and/or from major streets or freeway.
- H. Veterinary hospitals.
- I. Light manufacturing uses.
 - 1. Industrial developments shall be permitted only as part of a 'Planned Industrial Park' in a campus like setting, with a minimum twenty five (25) feet wide greenbelt along major thoroughfares or internal streets. Planting within the greenbelt shall be in accordance with Section [4.407](#).
 - 2. The building materials, architectural and site design of all buildings shall be compatible with the development of the entire site.
 - 3. Compliance with performance standards specified in Article 4, Chapter 7 for sound, vibration, odor, gasses, glare, heat and electromagnetic radiation, smoke, dust, dirt and fly ash.
 - 4. Area, height, bulk and placement regulations shall comply with the requirements applicable in the IP-1 District.
- J. Vehicle sales (Used and new), only as a planned automobile sales campus. Standalone auto

sales and servicing facilities shall be discouraged. Only minor auto servicing as an incidental use shall be permitted.

K. Gas stations if located on and having direct access to an A Street.

L. Warehousing, wholesale and distribution facilities.

M. Automobile parking structures subject to the following conditions:

1. Views into the parking structure interior except for elevator towers or stairwells shall be minimized. Facades of parking structures shall be designed without continuous horizontal parking floor openings. Decorative architectural elements that will screen the view of parked cars in the structure shall be provided on all exterior openings.

2. Building materials and architectural design of the parking structures shall be compatible with the architectural character of buildings within the development.

N. Bus or train passenger stations.

O. Sales of Packaged alcoholic beverages, subject to Section [2.515](#) except distance shall be measured from the building in question rather than the property line of the entire site.

P. Limited amount of accessory outdoor storage of vehicles, customarily incidental to the permitted uses, not to exceed 20% of the site area occupied by the principal use, may be permitted by the Planning Commission only in the rear or side yard if determined to be essential to the conduct of business and only if screened from adjacent uses and right-of-ways by a 6' high masonry wall or equivalent.

Q. Outdoor sales and/or display of merchandise for sale.

R. Telecommunication and utility equipment, cell phone towers, antennas, satellite dishes, wireless communication equipment, public utility buildings and alternative energy devices such as wind turbines, solar panels etc. as required to serve the development, subject to the following conditions:

S. Antennas and/or other communication equipment shall be located on top of buildings where possible. Free standing communication towers shall comply with FAA requirements and shall have a clear space all around it equal to at least the height of the structure.

3.905 General Architectural and Site Design Regulations.

It is the intent of this District to provide an environment of high quality, superior architecture and site design. Special emphasis shall be placed upon methods that tend to reduce the large scale visual impact of buildings, to encourage tasteful imaginative design for individual buildings and to create a complex of buildings compatible with the streetscape and surrounding development.

Signage, lighting, landscaping and building materials for the exterior of all structures and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development.

A. Miscellaneous Design Criteria

1. The development shall consist of standalone or mixed use buildings rather than a 'strip center' unless it is demonstrated by the applicant that such a development would conserve more open space, be more desirable, responsive to current market conditions and beneficial to the City.
2. Multiple building entries for first floor retail uses shall be readily identifiable and accessible with at least one (1) main entrance facing and open directly onto a connecting walkway with pedestrian frontage.
3. Architecture will be evaluated based on its compatibility and relationships to the other buildings in the development.
4. Residential dwellings shall not occupy the first floor or below grade level of a mixed use building, nor shall retail/office uses be located above residential uses.

B. Building Massing and Form

1. Architectural interest shall be provided with repetitious patterns of color, texture and material modules. Building facades shall incorporate windows, recesses, projections, decorative finish or similar features providing architectural interest and/or detail along substantial portions of the building frontage. Atriums, lobbies, glass elevator shafts or other accent features may be used as embellishments to the principal building.
2. A minimum of 50% of the street facing building facade for shop fronts at the pedestrian level must comprise of clear windows. The City discourages the use of blank facades along street frontages. Buildings with multiple store fronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

C. Materials

1. Exterior materials shall be predominantly low maintenance brick, stone or similar materials. The use of Exterior Insulation and Finish Systems (EIFS) or similar synthetic materials shall be used only as an accent material at a height of 8 feet above grade level and may not cover more than 10% of the total wall area of any facade.
2. Other suitable materials may be substituted for the brick or stone if determined to be more appropriate during site plan review.

D. Building Roofs

1. All roof vents and roof mounted mechanical equipment shall be screened from view.
2. Where practical there shall be variations in roof lines to reduce the massive scale of the structure and add visual interest. Green roof systems are strongly encouraged.

E. Loading Docks, Dumpsters, Refuse Collection Areas and Outdoor Storage

1. Loading areas and trash receptacles shall be located in the rear or side yards only and shall be screened from the right-of-way and adjacent properties by a six (6) feet high masonry wall as per Section [4.408](#) or a twenty (20) feet wide landscaped buffer type B, Section [4.405](#).
2. Outdoor storage of equipment or materials is prohibited, except as prescribed under Section [3.904](#).
3. Exterior transformers, electrical equipment and other exterior mounted electrical equipment shall be screened from public view by plantings or screen walls as deemed necessary.

F. General Site Design Standards

1. Green Building and energy efficient buildings and site development is encouraged. Use of LEED (Leadership in Energy and Environmental Design) certified Green Buildings will result in incentives provided to the developer for increased density, parking, modification of landscape standards etc. as determined by the Planning Commission during site plan review.
2. Pedestrian walkways, bike paths, open spaces, sculpture, art work and street furniture are encouraged throughout the development to promote a pedestrian friendly and walkable environment.
3. A minimum of twenty-five (25) feet wide landscaped berm or buffer strip shall be provided along Featherstone and Opdyke Roads, planted with plant material in accordance with Section [4.406](#). Trees may be clustered or spaced at regular intervals in the buffer area.
4. A minimum of 10% of the entire site shall be landscaped.
5. No parking shall be permitted within the twenty-five (25) feet wide landscaped area along Featherstone and Opdyke Roads.
6. Traffic Impact Studies may be required by the planning commission to determine the impact of traffic on adjacent uses, streets and traffic patterns.
7. A noise study may be required for any use to determine the impact of noise on adjacent properties. The noise level shall not exceed 65 decibels adjacent to any residential use.
8. Sidewalks, greenbelts, street trees and street lighting shall be provided along all interior streets within the development in accordance with the requirements of the City Engineering Division. Sidewalks shall have a minimum width of 5 feet.
9. Single family detached Residential uses shall be buffered from other non-residential or mixed uses by means of a twenty (20) feet wide landscaped buffer type B with planting as described in Section [4.405](#).

3.906 Area, Height, Bulk, and Placement Regulations.

- A. Building setbacks along Featherstone, Opdyke Road and M-59 shall be a minimum of fifty (50) feet.

- B. Buildings having frontage on the interior streets may be built to the property lines (0' feet setback) along interior streets except for single family detached residential development the front setback shall be twenty-five (25) feet.
- C. For detached single family residential development the area, height and bulk standards applicable in the R-1 district shall apply. For multiple family and attached residential uses the area, height and bulk standards applicable in the R-3 district shall apply.
- D. Space between buildings shall be equal to half the average height of the adjacent buildings (height measured at the exterior walls of buildings on each side) with a minimum distance of twenty (20) feet between buildings.
- E. No visual obstruction shall be permitted within twenty-five (25) feet of the intersection of all street right-of-ways.
- F. Required minimum floor area per residential dwelling unit for mixed uses shall be 800 square feet.
- G. All regulations of the conventional zoning district in which a particular use falls shall be applicable unless specifically mentioned. When a conflict exists in the applicable standards specified in other districts, the standards specified in the SP District shall prevail. The Planning Commission shall be authorized to resolve any ambiguity relating to applicable standards during site plan review.

3.907 Planning Commission Site Plan Review; Approval or Rejection.

- A. The Planning Commission shall review and approve or reject the Master Site Plan (MSP) for the development of the entire site, in accordance with the site plan procedures and standards of this ordinance. The Planning Commission may modify the architectural standards and guidelines if modifications are determined to be necessary to accomplish the development goals of the City during Site Plan Review. The Planning Commission shall provide reasons and justification for the modification of the standards.
- B. The proposed development shall be under one ownership and/or control such that there is a single entity responsible for completing the project in conformity with the approved Site Plan. This provision shall not prohibit the transfer of ownership to a different entity upon notice to the City.
- C. The review process shall consist of two phases:
1. Preliminary Plan: The applicant shall submit a conceptual Site Plan for the entire site (MSP) for review by the Planning Commission. The Planning Commission shall review the conceptual plan and reject or approve the Master Site Plan (MSP) with conditions. The Preliminary Site Plan shall be valid for a period of one (1) year. If final Site Plan is not submitted within this time period the Preliminary Site Plan shall lapse and the applicant will need to recommence the review process.
 2. Final Plan: Following Preliminary Site Plan Approval the applicant shall submit within one (1) year a Final Site Plan incorporating all details and conditions of the preliminary site plan

approval. Deviations from the preliminary plan approval shall be noted on the final plan and shall be subject to Planning Commission approval.

3. The approved Site Plan shall be valid for three (3) years from date of approval. If no construction is started within this period the site plan approval shall lapse and the applicant will need to recommence the preliminary and final site plan review process.

4. Where a project construction is proposed to be phased, the planning and design shall be such that upon completion each phase shall be capable of standing on its own in terms of utilities, services and open space; and shall contain necessary components to ensure protection of health, safety and welfare of the users and residents of the surrounding area.

3.908 Performance Guarantee.

A. The applicant shall post a Performance Guarantee with the City prior to commencement of any construction activity to ensure completion of site work in accordance with an approved site plan.

B. The applicant shall submit a signed and sealed estimate of the required site work by a licensed engineer, surveyor, architect or contractor. The performance guarantee shall be in an amount sufficient to complete the required site work based on the estimated cost of site improvements.

The Performance Guarantee, subject to acceptance to the City, shall be in the form of cash, certified check, surety bond or irrevocable bank letter of credit. The performance guarantee shall be released upon completion of site work in accordance with the approved site plan, failing which the amount will be forfeit.

Chapter 10 P-1 Parking District

3.1001 Intent.

The intent of this district is to provide specific locations for public or private off-street parking for those uses which are not able to provide adequate on-site parking or parking within their own district boundaries.

3.1002 Permitted Principal Uses and/or Exceptions.

Premises in such districts shall be used for an off-street vehicular parking area and shall be developed and maintained according to regulations in Article 4, Chapter 3 and subject to such regulations as are hereinafter provided:

- A. The parking area shall be accessory to, and for use in connection with one or more businesses or industrial establishments located in adjacent nonresidential districts.
- B. The parking area shall be used for parking or passenger vehicles, for incremental periods of less than one day.
- C. No commercial repair work or service of any kind, sale or display thereof, shall be conducted in such parking area.
- D. No signs of any kind, other than signs designating entrances, exits and conditions of use shall be maintained on such parking areas.
- E. Such parking lots shall be situated on premises on premises which have an area of not less than 5000 square feet and shall be contiguous and adjacent to the use it is intended to serve. There may be a private driveway, a public street other than a major or urban thoroughfare as defined in the master thoroughfare plan or public alley between such parking district and the use that it intends to serve. P-1 districts may also be permitted within 300 feet of the use they are intended to serve, provided these additionally permitted P-1 districts are not located across a major or urban thoroughfare, super highway, or freeway, as defined in the master thoroughfare plan, from such use unless a suitable pedestrian crossing exists or can be provided such as an overpass, underpass or controlled signalized crossing.

3.1003 Permitted Accessory Uses.

- A. No building other than those for shelter of attendants may be erected upon the premises and shall not exceed 50 square feet in area or ten feet in height.
- B. Walls, fences where permitted, landscape buffers and planting in accordance with regulations set forth in Article 4, Chapter 4.

3.1004 Area, Height, Bulk and Placement Regulations.

- A. Where the P-1 district is contiguous to a residentially zoned district and has a common frontage on the same block with residential structures, there shall be a setback equal to the required residential setback (25 feet) and a Type B buffer (see Article 4, Chapter 4). The land between such

setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees, or lawn and shall be maintained in a healthy growing condition, neat and orderly in appearance. Planting shall be in accordance with Section [4.406](#).

B. All regulations set forth in Article 4, Chapter 3 shall apply.

3.1005 Site Plan Review.

The planning commission shall review and approve or reject the site plans for all proposed parking lots in accordance with the standards and requirements of this ordinance, as set forth in Article 6, Chapter 2.

Chapter 11 Medical Marihuana Districts

3.1101 Intent.

The purpose of the Medical Marihuana Overlay District (MMOD) is to provide for the placement of medical marihuana-related uses as authorized pursuant to State regulations with a goal of minimizing potential adverse impacts on adjacent property owners, neighborhoods, and the City.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

3.1102 Medical Marihuana Overlay District Uses.

The following medical marihuana uses in the Medical Marihuana Overlay Districts, provided the development also meets the design and building standards set forth in Section 3.1112 and Article 2, Chapter 5, Development Standards for Specific Uses:

- A. Provisioning center;
- B. Safety compliance facility;
- C. Secure transporter;
- D. Grower; and
- E. Processor.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

3.1103 Medical Marihuana Overlay District Permitted Accessory Uses.

- A. Off-street parking, loading and unloading as required per Section [4.307](#); and
- B. Any use that is not incidental to the permitted principal use.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

3.1104 Medical Marihuana Uses Requiring Site Plan Review.

All medical marihuana uses are subject to site plan review set forth in Section [6.202](#).

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

3.1105 Licensing.

All operators of medical marihuana facilities must obtain State of Michigan and City of Pontiac licenses.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

3.1106 Medical Marihuana Uses Requiring Planning Commission Special Exception Permit.

Medical marihuana uses outside the Medical Marihuana Overlay Districts are subject to Planning Commission approval following the standards for approval of Section [6.303](#) for special exception

permits, and Article 2, Chapter 5, Development Standards for Specific Uses.

(Ord. No. 2363, 4-9-19)

3.1107 Standards for Special Exception Approval.

For consideration of medical marihuana uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each medical marihuana facility on its location will:

- A. Not impact surrounding residential neighborhoods.
- B. Provide easy access for patients with accessible parking.
- C. Be adequately served by utilities with sufficient capacity.
- D. Corridors and streets have the capacity to accommodate potential increases in traffic volumes.
- E. Demonstrate a safe and secure environment, and uphold the public welfare of the community.
- F. Not add unintended or impromptu costs to City and municipal services.
- G. Comply with Section [6.303](#), Standards for Approval.

(Ord. No. 2363, 4-9-19)

3.1108 MMOD Location Description.

Medical Marihuana Overlay District boundaries are established on the Medical Marihuana Overlay District maps. The Medical Marihuana Overlay District maps may be a single sheet or composed of several map sheets and shall be kept on record in the City of Pontiac Clerk and Building Safety offices.

The medical marihuana uses permitted in the MMOD must meet the following requirements:

- A. **OVERLAY No. 1.** All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this MMOD.
 - 1. Not more than five licenses to operate a provisioning center shall be awarded in this Overlay District No. 1.
- B. **OVERLAY No. 2.** All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.
 - 1. Not more than five licenses to operate a provisioning center shall be awarded in this Overlay District No. 2. See Overlay Map 2 for this MMOD.
- C. **OVERLAY No. 3.** All properties within C-2 Downtown District. Not more than five licenses to operate a provisioning center shall be awarded in this Overlay District No. 3.

The overlay district is an effective regulatory tool to implement the establishment of medical marihuana businesses in the City of Pontiac. An overlay district is applied over one or more previously established zoning districts, establishing additional or stricter regulations, standards and criteria for medical marihuana uses in addition to those of the underlying zoning district.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19. Formerly 3.1106)

3.1109 Permitted Uses in Commercial Districts (Non-Overlay).

In addition to MMOD locations as described in Section 3.1108, all medical marihuana uses, excluding medical marihuana grower and processor, are permitted in C-1, C-3, C-4, M-1 and M-2 districts subject to all requirements under this chapter, including but not limited to Section 3.1110, Buffer Distance Restrictions. There shall be no more than five medical marihuana provisioning centers allowed in all of C-1, C-3 and C-4, zoning districts combined, and shall be awarded based on the highest scoring applications received for those proposed qualifying locations that are not in one of the three overlay districts described in Section 3.1108.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19. Formerly 3.1107)

3.1110 Buffer Distance Restrictions.

A. The proximity of the proposed medical marihuana facility shall not be less than:

1. One thousand feet from an operational public or private school;
2. Five hundred feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
3. Five hundred feet from a public park with playground equipment;
4. Five hundred feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and
5. Applicable only for properties located in a C-1, C-3, C-4, M-1 and M-2 zoned properties located outside the Medical Marihuana Overlay Districts:
 - i. Two hundred fifty feet from a residentially zoned property. Notwithstanding anything contained within subsection (B) of this section to the contrary, such distance between a residentially zoned property and the contemplated location shall be measured at right angles.

B. Such distance between the school, childcare center, public park, or religious institution, and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines at right angles to the centerline from the primary point of ingress to the school, childcare center, or religious institution, residential dwelling unit or from the playground equipment in a public park, and from the primary point of ingress to the medical marihuana facility along the centerline to the primary street address building entrance.

1. Vacant residentially zoned lots shall be measured to the side yard setback as defined in Article 2, Chapter 3, and Section [2.301](#), Summary of Dimension Standards.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19. Formerly 3.1108)

3.1111 Co-Location.

A. Consistent with the MMFLA and rules promulgated by the Department, any combination of growers, provisioning centers, and processors may operate as separate medical marijuana facilities at the same physical location;

B. Consistent with the MMFLA and rules promulgated by the Department, applicants for class C growers permits shall be allowed to receive multiple such permits and operate under each permit in a single facility.

C. Consistent with the MMFLA, any combination of grower, processor, and provisioning centers may operate as separate medical marijuana facilities in the same physical location. Provided, that the provisioning center is incidental to the principal use and does not exceed 20 percent of the total floor area of the establishment.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19. Formerly 3.1109)

3.1112 Building Design, Area, Height, Bulk, and Placement.

A. Building and design improvements must comply with the underlying zoning requirements of Article 2, Chapter 4, Private Frontage Design Standards, and the specific uses development standards outlined in Article 2, Chapter 5.

B. If the provisions of the MMOD are silent on building and design requirements, the requirements of the underlying district shall apply.

C. If the building and design requirements of the MMOD conflict with the requirements of the underlying district, then the building and design requirements of the MMOD shall supersede the underlying district regulations.

D. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, selling, research and warehousing. Negative air pressure shall be maintained within the rooms.

E. An alternative odor control system may be approved by the Pontiac Building Official based on a report by a registered mechanical engineer licensed by the State of Michigan, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

F. Generators must be installed to operate the air filter system in case of power outage or failure.

G. Any lighting device with intermittent fading, flashing, blinking, rotating or strobe light illumination is prohibited on any medical marijuana building, structure or property located inside the Medical

Marihuana Overlay Districts or a medical marihuana building, structure or property located outside the Medical Marihuana Overlay Districts.

- H. Luminous tube lighting (e.g., neon, rope lighting) shall not be used to outline or frame doors and/or windows.
- I. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all building/structures (e.g., along the roof line, eaves) and on all building facades.
- J. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5.
- K. It shall be prohibited to display any signs that are inconsistent with State or local law, and Article 5.
- L. It shall be prohibited to use the symbol or image of a marihuana leaf or the medical “green cross” symbol in any exterior building signage.
- M. The following sign language is not permitted on any medical marihuana facility use: Marihuana, Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.
- N. Window signs that occupy not more than ten percent of the inside surface of the window area of each floor level of a business or building are permitted.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19. Formerly 3.1110)

3.1113 Review Authority and Establishment.

- A. The Planning Commission shall be the special exception and site plan review authority for the permitted medical marihuana uses outside the Medical Marihuana Overlay Districts and site plan review authority for medical marihuana uses in the Medical Marihuana Overlay Districts.
- B. Medical marihuana uses must be in accordance with the special exception permit review standards contained in Article 6, Chapter 3.
- C. A special exception permit for medical marihuana uses requires public notice of 500 feet from the proposed medical marihuana facility.
- D. All permitted medical marihuana uses must be in accordance with the uses and development standards outlined in Article 2.
- E. Within the MMOD all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19. Formerly 3.1111)

ARTICLE 4 General Provisions

In This Article:

Chapter 1 Accessory Structures and Fences

[4.101](#) General Standards Applicable to All Accessory Structures

[4.102](#) Attached Decks

[4.103](#) Fences or Walls

Chapter 2 Generally

[4.201](#) Street Network Design Requirements

[4.202](#) Access Management

[4.203](#) Essential services

[4.204](#) Historic Districts

[4.205](#) Vehicle Storage in Residential and C-O Districts

[4.206](#) Keeping of Household Animals or Pets

Chapter 3 Parking

[4.301](#) Generally

[4.302](#) General Standards

[4.303](#) Parking Requirements

[4.304](#) Modification of Minimum Parking Requirements

[4.305](#) Parking Lot Layout and Design Standards

[4.306](#) Surfacing

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Chapter 4 Landscaping and Buffering

[4.401](#) Intent

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[4.407](#) Street Frontage Landscaping Requirements

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[4.409](#) Storm Water Management Pond Landscaping Requirements

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Chapter 5 Exterior Lighting

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Chapter 6 Low Impact Development Standards

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[4.602](#) Woodland Preservation

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[4.701](#) Airborne Emissions

[4.702](#) Odors

[4.703](#) Gases

[4.704](#) Noise and Vibration

[4.705](#) Electrical Disturbance, Electromagnetic, or Radio Frequency Interference

[4.706](#) Hazardous Substances

[4.707](#) Glare and Radioactive Materials

[4.708](#) Fire and Explosive Hazards

[4.709](#) Property Maintenance

[4.710](#) Liquid or Solid Waste

Chapter 1 Accessory Structures and Fences

Accessory buildings and structures shall comply with the requirements established for each zoning district in Article 2, Chapter 3 along with the following requirements:

4.101 General Standards Applicable to All Accessory Structures.

- A. **Principal Building Required.** Accessory structures or buildings may only be constructed on a lot that contains a principal building. No accessory structure or building may be constructed on a lot that does not have a principal building.
- B. **Appearance.** The exterior facade materials and architectural design of all accessory structures shall match the character of the use to which they are accessory. The overall appearance of the structure shall be in accordance with the purpose of the district where it is located.
- C. **Temporary Accessory Structures.** Temporary accessory structures that do not require permanent attachment to the ground but have similar characteristics as an accessory structure such as moveable carports shall comply with the setback requirements for detached accessory structures.
- D. **Accessory Structures in Residential and C-O Districts.**
1. *Swimming pool or other recreational equipment* shall be located in rear or side yards, except that such equipment shall have a setback equal to that required for a principal building in a side street yard on a corner lot having an abutting interior lot along its side street.
 2. *Communication facilities, mechanical equipment and other similar incidental equipment* may be located within the rear or side yards and shall be setback at least 15' from any side lot line except that such equipment shall have a setback equal to that required for a principal building in a side street yard on a corner lot having an abutting interior lot along its side street.
- E. **Maximum Number of Accessory Structures.** The maximum number of accessory structures located on any residentially zoned lot shall not exceed two structures and the allowable square footage outlined in each zoning district.

(Ord. No. 2291, § 1(F), 6-27-13)

4.102 Attached Decks.

- A. The outer perimeter of a an attached deck may extend up to 20 feet from the main building, but in no case may be located closer than 15 feet to a rear property line or 5 feet to a side property line.
- B. The surface of any attached deck that extends more than 8 feet from the face of the building to which it is attached may not be higher than the first floor elevation of the principal structure.

4.103 Fences or Walls.

- A. **Residential Districts.** Fences are permitted in residential and C-O districts as follows:
1. Height requirements.

- a. *Front or Side Street Yards.* In any R-1 and R-2 district, decorative, non-opaque fences such as wood picket fences or wrought iron-appearing fences not exceeding four feet in height measured above immediate ground level are permitted in front yard.
 - b. *Rear or Interior Side Yards.* Decorative or concealing or opaque type fences or walls not exceeding six feet in height above immediate ground level are permitted in side or rear yards.
2. Location. Fences may be located in any required or non-required yard.
 3. Materials. Barbed wire and other similar hazardous materials are prohibited in residential districts.
- B. **Industrial Districts.** Fences are permitted in the M-1, M-2, and IP-1 districts as follows:
1. Front Yards. Decorative fences not exceeding three feet in height are allowed within the required front yard.
 2. Rear and Side Yards. Walls or fences not exceeding eight feet in height are permitted in side yards, rear yards and non-required front yards.
- C. **Mixed Use Districts.** Fences are permitted in the mixed use districts as follows:
1. Front Yards. Decorative fences not exceeding three feet in height are allowed within the front yard (except as provided in subsection (C)(3) of this section).
 2. Rear and Side Yards. Walls or fences up to six feet in height are permitted in side and rear yards. All fences in mixed use districts shall be decorative in nature, and barbed wire and other hazardous materials are prohibited.
 3. Building Facade Wall Plane. Maximum height for fences between the building wall plane and the street is six feet.
- D. **General Requirements.** All fences shall comply with the following general requirements:
1. Materials.
 - a. *In and Near Residential Districts.* Materials used for fences and walls located within 200 feet of a residential district shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half inches in diameter or other durable and weather-resistant materials which may be approved by the building official.
 - b. *Screening Walls.* Any wall used for screening purposes shall be constructed of masonry material (e.g., brick, decorative stone) that is architecturally compatible with the materials used on the facade of the principal structure on the site. Concrete block may only be used for screening walls in the rear yard.
 2. Maintenance. Walls and fences shall be maintained in good condition. Rotten, crumbled, or

broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated so as to prolong the life of the structure.

3. Prohibited Obstructions.

a. Clear Vision Area. Fences shall not be erected within the public right-of-way or in any corner clear vision area as described in Section [2.303](#).

b. Obstruction of Adjacent Uses Prohibited. No wall or fence may be erected where it would prevent or unreasonably obstruct the use of any adjacent parcel, nor shall a wall or fence be erected where it would prevent or unreasonably obstruct the safe use of an existing driveway or other means of access to any adjacent parcel. In enforcing this provision, the City may require a wall or fence to be set back a minimum distance from a driveway or property line.

4. Orientation of finished side. Where a fence has a single finished or decorative side, it shall be oriented to face outward towards adjacent parcels or street rights-of-way (away from the interior of the lot to which the fence is associated).

5. Site drainage and utilities. Fences shall not be erected in a manner that obstructs the free flow of surface water or causes damage to underground utilities.

6. Location. Fences shall be located completely within the boundaries of the lot to which they are associated, or on a common property line with the written and notarized consent of adjacent property owners.

7. Removal of illegal or damaged fences. Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the building official shall order the property owner to remove such fences or make necessary repairs within 20 days.

If the property owner fails to take such actions within 20 days, the City may act to remove such fences at the expense of the property owner. The City may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

E. **Temporary Construction Fencing**. Temporary fencing shall be installed on all residential and nonresidential construction sites to ensure security, public safety and mitigate noise and/or dust in accordance with the following:

1. General Provisions.

a. Temporary construction fencing shall be installed at the start of any site grading, excavation or building construction, renovation or demolition and be maintained and shall be removed before issuance of a certificate of occupancy from the Building and Safety Department.

b. All construction fencing shall be constructed in a sound and sturdy manner and shall be

maintained in a good state of repair, including the replacement of defective parts, and other acts required for maintenance.

c. Temporary construction fencing shall not be permanently attached to the ground or attached to any other structure or material that is itself permanently attached to the ground.

d. All temporary construction fencing to be secured with metal posts spaced eight feet on-center.

e. Temporary construction fencing to be erected in the public right-of-way or driveway clear vision area shall be subject to the approval of DPW Director, City Engineer or designee.

f. Temporary construction fencing shall not enclose a fire hydrant.

2. Nonresidential Construction Sites.

a. Permitted Materials:

i. Six-foot chain link fence with fabric and/or vinyl screen is permitted.

ii. Temporary construction fencing shall be installed on all property lines of the construction site property/parcel with the approval of the Building Official or designee.

iii. Access opening(s) in the temporary construction fencing shall be protected by gates with chain link fence.

iv. Screening made of fabric and/or vinyl must be attached to chain link on the outside of the temporary construction fence.

b. Prohibited Materials:

i. Plywood, metal sheets, or similar materials are not permitted.

3. Residential Construction Sites.

a. Permitted Materials:

i. Four-foot snow fencing is permitted.

ii. Temporary construction fencing at a residential construction site shall be limited to the area of construction, renovation and/or demolition area on the site. If the area exceeds 60 percent of the total parcel/property area, temporary construction fencing shall be located on all property lines of the construction site parcel/property.

b. Prohibited Materials:

i. Plywood, metal sheets, or similar materials are not permitted.

4. Temporary Construction Fencing Signs.

- a. A temporary construction sign shall be installed in conformance to the Zoning Ordinance and Section [5.106](#), Temporary Signs. The provisions of this section shall precede over conflicting subsequent sections.
- b. Emergency access signs, access and safety signs, and visitor check-in signs may be attached to the fencing only on both sides of an entrance for a distance of ten feet, or at locations required by the Building Official or designee.
- c. Location of traffic control signs attached to temporary construction fencing shall be subject to the approval of DPW Director, City Engineer or designee.

(Ord. No. 2291, § 1(G), 6-27-13; Ord. No. 2371, 9-24-19)

Chapter 2 Generally

4.201 Street Network Design Requirements.

Streets in the City shall be designed to form an integrated network connecting adjacent developments and undeveloped parcels. Improved connection of newly constructed secondary streets to the existing street network will improve the network's overall efficiency by providing a greater degree of route choice for vehicle and pedestrian traffic.

A. **Purpose.** The City Council finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to connect neighborhoods, to promote walking and biking, to reduce miles of vehicle travel that result in lower air emissions and wear on the roadway, and to provide continuous and comprehensible traffic routes.

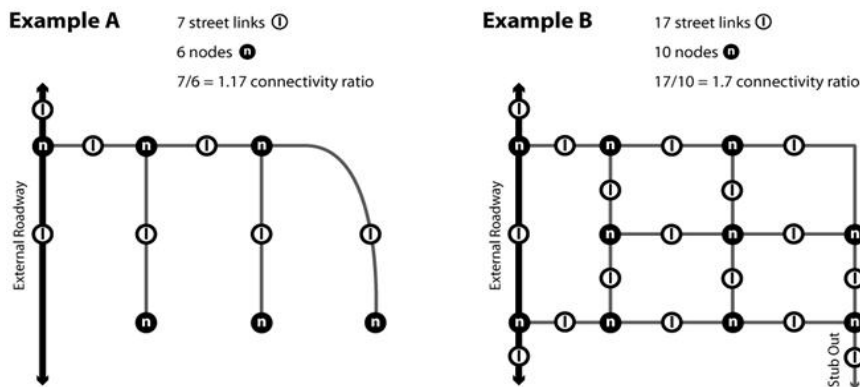
B. **Definitions.**

1. Links. A link is a segment of road between two intersections or from an intersection to a cul-de-sac or stub out. This includes interior road segments connecting to the exterior road network, exterior road network links, or connections to local streets in adjacent developments.
2. Nodes are 1) intersections of three or more road links and 2) culs-de-sac. A stub-out at the property line is not considered a node.
3. Exterior Road Network. The exterior road network consists of A and B streets as designated on the Zoning Map.
4. Stub-out. A short road segment that is constructed to and terminates at a parcel line, and that is intended to serve current and future development by providing road connectivity between adjacent developments.

C. **Internal Street Network Design.**

1. Minimum Required Connectivity. To provide adequate internal connectivity within a development, the street network shall have a minimum connectivity index of 1.5. The connectivity index is defined as the number of street links divided by the number of nodes and link ends (See Figure 8).

Figure 8. Street Connectivity Index Calculation



2. Cul-de-Sac Standards. Culs-de-sac shall have a maximum length of 600 feet, measured from the centerline of the intersection to the center point of the cul-de-sac.

D. External Connectivity.

1. Future Connections. To ensure future street connections where a proposed development abuts land that reasonably may be expected to be developed or redeveloped in the future, stub-outs shall be provided to the property line to extend the street system into the surrounding area.

External connections are not required when no reasonable expectation exists that adjacent developed parcels will be redeveloped, or when a proposed development abuts a boundary such as a railroad, limited access highway, or natural feature that precludes the extension of the local street network.

2. Existing Connections. New or proposed streets shall be coordinated with and connect to existing or planned streets on adjacent parcels.

3. Traffic Calming or Vehicle Traffic Restrictions. If the reviewing authority determines that the proposed land use is incompatible with land uses on adjacent parcels, the required street connections may incorporate barriers to restrict vehicle traffic. In such a case, the street connections shall still be provided to the common property line to facilitate non-motorized connections, and to allow for vehicular connections in the future if a compatible land use is established on the adjacent parcel. The City shall retain the right to remove the barriers in such a case.

4. Connection Spacing. Where future street connections must be provided to an external property line, such connections shall be spaced at intervals not to exceed 800 feet along each boundary that abuts potentially developable or redevelopable land.

E. Street Design and Construction Standards. Streets, or similar easements for vehicular travel, shall comply with the requirements of the City Engineering Division and all Design Standards provided by Sections 106-126 through 106-132 of City Code. The City Planning Commission, subsequent to their consideration of the recommendations of the City's Engineering Division and Traffic Safety Committee, may modify said standards, pursuant to Section 106-4 of City Code.

4.202 Access Management.

The following requirements shall apply to driveways for all non-residential and multiple family uses. Residential driveways are not subject to the requirements of this section.

A. **Driveway-Corner Separation.** The following driveway separations shall be measured from the centerline of the driveway to the intersection of property lines at the corner:

1. A & B Streets. Driveway approaches shall be separated at least 100 feet from a corner.
2. C Streets. Driveway approaches shall be separated at least 40 feet from a corner.
3. Waiver of Separation Requirements. When the above requirements cannot be met due to lack of frontage, the driveway may be located such that the radius will begin at the farthest property line from the corner.

B. **Driveway Spacing.** The minimum spacing between driveways, measured from the centerline of each driveway, shall be as follows:

Table 7. Minimum Driveway Spacing

Street Type	Minimum Spacing	
	From Driveways on Same Side of Street	From Driveways on Opposite Side of Street
A Street	200 feet	175 feet
B Street	150 feet	125 feet
C Street	100 feet	n/a

The City Engineer may approve reduced driveway spacing only when a parcel cannot gain access to a public street due to lack of frontage, and when it is not reasonably feasible to use a shared access solution to provide access to the parcel.

C. **Shared Access.**

1. Joint Driveway. A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the city engineer.
2. Cross-Access. Private cross access easements may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the city engineer.

4.203 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intention hereof to exempt such essential services from the application of this

ordinance.

4.204 Historic Districts.

New construction, additions and all exterior improvements, excepting routine maintenance and repair, of properties located within Pontiac's designated Historic Districts (see Sec. 74-53 of City Code) requires prior approval by the Pontiac Historic District Commission, pursuant to Sections 74-51 thru 74-62 of City Code.

4.205 Vehicle Storage in Residential and C-O Districts.

A. Parking for non-commercial motor vehicles and not more than one commercial vehicles of less than one-and-one-half tons capacity, not in excess of those motor vehicles owned by the occupants, plus two additional off-street parking spaces. Off-street parking of any vehicle shall not be permitted within the front yard, except within an improved driveway pursuant to Section 114-70 of City Code.

B. Permissible off-street parking lots require Site Plan Review pursuant of the requirements of this ordinance.

C. The storage of one unoccupied trailer coach or small utility trailer and/or a single watercraft which is the property of the occupant in the rear yard of such lot, provided such trailer coach or watercraft is parked at least ten feet from any dwelling.

D. No parking or storage of any vehicles, trailers, trucks, watercraft, equipment, supplies etc. shall be permitted within community gardens.

4.206 Keeping of Household Animals or Pets.

A. **Keeping of Household Animals or Pets Permitted.** The keeping of the household animals or pets is allowed without a permit under the following circumstances in any zoning district, unless there are other sections in this ordinance which are in conflict, and the raising and keeping of such animals is not for the purpose of breeding or selling them as a source of income:

1. Common household pets such as dogs, cats, etc., but not including fish or marine animals less than 20 pounds, as long as there are not more than three of any one species permanently boarded or kept. The keeping of more than three common household pets of any one species is a kennel use. Refer to Table 2. Uses Permitted by District for kennel regulations.
2. Livestock, as long as there are no more than three animals and the parcel or lot shall be at least two acres in area.
3. Poultry, if there are no more than 4 if the lot is less than one acre in area and not more than 10 if the lot is at one or more acres in area. Roosters are prohibited. Chicken coops with a minimum area of 4 sq. ft. per bird and an enclosed pen with a minimum area of 10 sq. ft. per bird shall be provided in the rear yard.
4. Litters shall be exempt from these requirements until weaned.

B. **Nuisance Prohibited.**

1. The keeping of the animals mentioned in subsection A of this section shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing in accordance with the procedures of Article 6, Chapter 4. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.

2. If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.

No person shall allow animals under the person's control or ownership to constitute a nuisance. The violation of this section may be prosecuted in the district court or may be enjoined in the circuit court. Notwithstanding anything to the contrary, this section shall not be a limitation on, lessen the effect of, nor interfere with any other City ordinance pertaining to animals and the enforcement of it.

Chapter 3 Parking

4.301 Generally.

Whenever a parking lot is built either as required off-street parking lot or is built in a parking district, such parking lot shall be laid out, constructed and maintained in accordance with the regulations of this article. The building of a parking lot is subject to the requirements for a zoning compliance permit.

4.302 General Standards.

Off-street parking, in conjunction with all land and building uses shall be provided as herein prescribed:

- A. **Existing Off-Street Parking.** Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than would by this ordinance be required for such building or use.
- B. **Public Provision of Off-Street Parking.** Required off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.
- C. **Location of Parking Spaces.**
1. Parking Within Required Front Yards. Privately provided off-street parking for nonresidential uses shall not be located within a required front yard in excess of one parking space per 20 feet of frontage of such lot.
 2. Proximity. For those uses located outside the central business district all off-street parking, whether publicly or privately provided for nonresidential uses, shall be either on the same premises as the building or within 300 feet of the building it is intended to serve, measured from the nearest point of the off-street parking lot without crossing any major thoroughfares.
EXCEPTION: where there is a parking program for a specified area carried out with public action in accordance with subsection f, the 300 foot proximity requirement may be waived by the reviewing authority.
 3. Single-family residential off-street parking shall consist of a parking strip, driveway, parking bay, garage or combination thereof and shall be located on the premises they are intended to serve. Such single-family residential off-street parking is exempt from the regulations of this article governing a parking lot.
- D. **Landscaping** of off-street parking lots shall be subject to the requirements of Section [4.406](#).
- E. **Use of Off-Street Parking Areas.** Required off-street parking shall be for use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles; the storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.
- F. **Timing of Completion of Required Off-Street Parking.** Off- street parking shall be provided as hereinafter required, prior to the issuance of a certificate of occupancy; provided that where a parking

program for a specified area to be carried out by public action is established by an official plan that proposes parking spaces comparable to the quantitative requirements of this chapter and includes a time schedule of land acquisition and construction, certificate of occupancy for all land or building uses within such officially planned area shall not be contingent upon prior provision of off-street parking.

4.303 Parking Requirements.

A. **Measurement Standards.** For the purpose of computing the number of parking spaces required, the following measurement standards are used:

1. **Floor Area.** Where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.
2. **Fractional Spaces.** When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one half (1/2) may be disregarded, while a fraction of one half (1/2) or more shall be counted as one space.
3. **Employee Parking.** Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time during the largest typical daily work shift.
4. **Places of Assembly.** For religious institutions, sports arenas, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty (20") inches of such seating shall be counted as one seat. For places of assembly without fixed seating, the parking requirement shall be calculated on the basis of the maximum permitted occupancy of the structure or facility as permitted by the fire code.
5. **Persons.** Any parking standard calculated on the basis of 'persons', 'students', or a similar group shall be based upon the maximum permitted occupancy of the structure or facility as permitted by the fire code.

B. **Minimum Parking Required.** The minimum number of off-street parking spaces shall be determined in accordance with the following Table 8. For the list of uses that are included in each category, refer to Table 2 or the use definition categories in Article 7, Chapter 2

C. **Maximum Parking Permitted.** To minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of storm water runoff, the maximum amount of off-street parking permitted for any use shall not exceed two hundred percent (200%) of the minimum parking requirements of Table 8. This requirement shall not apply to single-family or two-family dwellings. The Planning Commission may permit additional parking over and above the maximum parking limit based on documented evidence indicating that the maximum parking permitted will not be sufficient to accommodate the use on a typical day.

D. **Uses Not Listed.** For uses not listed in Table 8, the default parking requirement for the category of use shall apply, unless the reviewing authority determines that the standard for another use is more appropriate than the default parking standard.

E. **C-2 District Minimum Parking Requirements.** The minimum parking requirements shall not apply to nonresidential uses located within the C-2 central business district.

Bicycle Parking. Bicycle parking areas, including racks, are required in conjunction with off-street parking lots that are larger than 25 spaces. One bicycle space shall be provided for every 20 required vehicle parking spaces or fraction thereof. Shelters, bicycle lockers, or other methods of protecting the parked bicycles are encouraged. Bicycle parking spaces may be located anywhere on the site, including inside the building, and need not be located within the boundaries of the vehicle parking lot, but shall be located proximate to building entrances.

Table 8. Minimum Parking Requirements

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
RESIDENTIAL USES	
<i>Default Parking Requirement</i>	<i>2 spaces per dwelling unit</i>
Mixed Use Dwelling Unit	.9 spaces per bedroom
Multiple Family or Townhouse	1.1 spaces per bedroom
COMMERCIAL, OFFICE, and SERVICE USES	
<i>Default Parking Requirement</i>	<i>1 space per 500 sq. ft. of floor area</i>
Bar, Restaurant, Tavern or Alcohol Service Establishment	1 space per 2.25 persons permitted at maximum occupancy
Child Care Center	0.25 spaces per resident or client at maximum occupancy
Lodging Uses	1 space per room
Office, professional or medical	1 space per 300 sq. ft. of floor area
Places of assembly	1 space per 3 persons permitted at maximum occupancy
INDUSTRIAL USES	
<i>Default Parking Requirement</i>	<i>1 space per 550 sq. ft. of shop floor or manufacturing floor area + 1 space per 300 sq. ft. of office area</i>
Mini-Warehouse (outdoor access)	3 spaces
Mini-Warehouse (indoor access)	1 space per 50 leasable storage units
Wholesale Storage/Distribution	1 space per 2,000 sq. ft. of floor area + 1 space per 350 sq. ft. of office area
COMMUNITY, EDUCATION, and INSTITUTION USES	
<i>Default Parking Requirement</i>	<i>1 space per 3 persons permitted at maximum occupancy</i>

<i>Requirement</i>	
Assisted Living or Nursing Home	1 space per 0.5 residents or beds + 0.5 spaces per employee at maximum shift
State Licensed Residential Facility	0.25 spaces per resident or client at maximum occupancy
RECREATION USES	
<i>Default Parking Requirement</i>	<i>1 space per 3 persons permitted or anticipated at maximum occupancy</i>
Private Recreation (small indoor)	1 space per 300 sq. ft. of floor area
Private Recreation (large indoor)	1 space per 600 sq. ft. of floor area
ANIMAL and AGRICULTURE USES	
<i>Default Parking Requirement</i>	<i>No minimum parking requirement</i>
Retail sales associated with an animal or agricultural use	1 space per 500 sq. ft. of retail sales area
ACCESSORY and TEMPORARY USES	
<i>Default Parking Requirement</i>	<i>No minimum parking requirement</i>
Drive-in or drive-through facility	<ul style="list-style-type: none"> • 2 entry + 1 exit space per self-service car wash • 8 entry + 1 exit space per automatic car wash • 3 stacking spaces per general use service window or station • 8 stacking spaces per restaurant service window

4.304 Modification of Minimum Parking Requirements.

A. Modification of Minimum Parking Requirement. The Planning Commission may modify the numerical requirements for off-street parking based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future employment or customer traffic. The Planning Commission may condition the approval of a modification of the parking requirements that binds such approval to the specific use in question.

B. Deferred (Land Banked) Parking. If the intensity or level of traffic anticipated to be generated by a use is lower than the number of spaces required by Table 8 but there is a reasonable expectation that parking demand on the site will increase in the future due to an intensification or change of use, construction of the excess parking spaces may be deferred (land banked) until such time as they are needed. Planning Commission approval is required for deferred (land banked) parking, subject to the following:

1. The deferred parking shall be shown on the site plan and set aside as landscaped open space.
2. The deferred parking may be constructed at any time at the option of the property owner, or shall be constructed upon request by the Planning Commission.
3. Deferred parking shall be located in areas that are suitable for future parking, and that comply with the requirements of this Chapter.

C. **Shared Parking.** Two or more 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. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may reduce the required number of parking spaces based on the peak hour demand. Shared parking shall be located within 500 feet of the building it is intended to serve, measured from the property line of the site containing the parking facility. In granting such a reduction, the Planning Commission may require easements be granted to allow for the continued use of the shared parking facility.

4.305 Parking Lot Layout and Design Standards.

A. **Ingress and Egress.** Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided and approved by the city engineer.

B. **Maneuvering Lanes.** All parking spaces shall be provided adequate access by means of maneuvering lanes. Backing directly into any public or private street from an off-street parking space shall be prohibited.

C. **Pedestrian Circulation.** The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided, distinguished by textured paving or pavement striping and integrated into the sidewalk network.

D. **Barrier Free Parking Spaces.**

1. Barrier Free Spaces Required. Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by a sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules (Michigan Public Act No. 1 of 1966, as amended), the adopted City Building Code, and the Federal Americans with Disabilities Act.
2. Construction Standard. Each barrier-free parking space shall have no more than a nominal 3% grade and shall be not less than 8 feet in width and be adjacent to an access aisle not less than 5 feet in width. Required van-accessible barrier-free spaces must be 8 feet in width and be adjacent to an access aisle not less than 8 feet in width.
3. Number of Barrier Free Spaces Required. Barrier free spaces shall be required in accordance with the following Table 9. Table 9 is based on the most recent Department of

Justice ADA accessible parking requirements. If the accessible parking requirements are updated, the updated standards shall supersede those listed in the following Table 9.

Table 9. Barrier Free Spaces Required

Total Spaces in Parking Lot	Total Accessible Spaces Required (including both 60" and 96" aisles)	Van Accessible Spaces Required(1) (96" wide access aisle)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2% of total parking provided in lot	1/8 of total accessible spaces required
1,001 and over	20 plus 1 space for each 100 over 1,000	1/8 of total accessible spaces required

E. Parking Space and Maneuvering Lane Dimensions. The design and construction of off-street parking spaces shall conform with the following requirements:

Table 10. Parking Design Standards

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (parallel)	12 feet (one way) 24 feet (two way) ⁽²⁾	8 feet	22 feet
1° – 70° (angled)	12 feet (one way)	9 feet	20 feet
71° – 90°	12 feet (one way) 20 feet (two way) ⁽³⁾	9 feet ⁽³⁾	20 feet ⁽³⁾

F. Striping Requirements. The striping of off-street parking shall be done with either white or yellow paint. The striping of off-street handicapped parking stalls shall be identified with blue paint. All

parking spaces shall be clearly striped with four (4) inch wide lines spaced two feet apart to facilitate movement and to help maintain an orderly parking arrangement, as shown in Figure 9.

¹ Van Spaces Required are Non-Cumulative. The number of van spaces required by Table 9 is part of, and not in addition to, the total number of accessible spaces required.

² Reduction of Parking Space Dimension. The required dimension may be reduced by 2 feet if low impact storm water management methods are incorporated into the parking lot storm water management design. Refer to Section [4.601](#).

³ Additional Width Required to Accommodate Door Swing. Any parking space abutting a landscaped area on the driver's or passenger's side of the vehicle shall provide an additional 18 inches of width to allow for access without damage to the landscaped area.

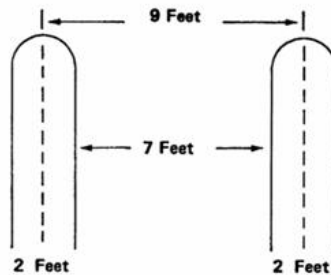


Figure 9. Parking Lot Double Striping

G. **Vehicle Overhang.** Parking vehicles may hang over the interior landscaped area or curbing no more than two feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

4.306 Surfacing.

A. **Surfacing.** The entire parking area, including parking spaces and maneuvering lanes, required under this section shall have asphaltic or concrete surfacing; or porous pavers in accordance with specification approved by the city engineer. Such facilities shall provide on-site drainage to dispose of all surface water accumulated in the parking area, unless otherwise approved by the City Engineer.

Permeable or porous paving methods are encouraged, including open joined pavers, porous concrete/asphalt, and other methods of increasing stormwater infiltration. These methods may only be used when the permeable paving will have sufficient strength to bear expected vehicle loads for the parking area, and shall be designed in accordance with Appendix D of the Low Impact Development Manual for Michigan, available at the Planning Department.

B. **Pavement Color.** All off-street parking areas are encouraged to use light-colored materials such as concrete, white asphalt, or light-colored pavers to reduce surface temperatures and to reduce the heat island effect.

C. **Low-Impact Stormwater Management.** Refer to Article 4, Chapter 6.

D. **When Surfaced.** The parking area shall be surfaced within two months of occupancy of the use it is to serve if it is for a new use, and within two months of the effective date of rezoning if parking area is to serve an existing use or uses, except when weather conditions prohibiting the pouring of concrete extend such time period or otherwise exempted by Section 4.302.F.

4.307 Off-Street Loading and Unloading.

On the same premises with every building, or part thereof where the principal use involves the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of the streets or alleys.

Such loading and unloading space shall be an area in minimum ten feet by 40 feet with a 14 foot height clearance and shall be provided according to the following Table 11:

Table 11. Required Loading Spaces

Gross Usable Floor Area (in square feet)	Loading/Unloading Space Required
0 to 20,000	0
20,000 to 49,999	1
50,000 to 99,999	2
Over 100,000	2 spaces plus one additional space for each additional 100,000 square feet or fraction thereof.

Chapter 4 Landscaping and Buffering

4.401 Intent.

Landscaping enhances the visual image of the City, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, non-residential uses. These provisions are intended to set minimum standards for the design and use of landscaping and screening, and for the protection and enhancement of the City's environmental and aesthetic quality.

More specifically, the intent of this chapter is to:

- A. Establish aesthetically pleasing, functionally appropriate, and sustainable landscape design for the long-term enhancement of the appearance of development in the community.
- B. Safeguard the public health, safety and welfare, and preserve and enhance aesthetic qualities that contribute to community character.
- C. Protect and preserve the appearance, character, and value of the City's residential neighborhoods that abut non-residential areas, parking areas, and other intensive use areas.
- D. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights of way.
- E. Increase soil water retention and natural storm water filtering, thereby helping to prevent flooding and improve water quality.

4.402 Scope.

- A. The provisions of this section shall apply to all lots, sites and parcels of property which, hereafter are developed or expanded for which a site plan is required pursuant to Article 6, Chapter 2.

The requirements in this chapter are minimum requirements, and under no circumstances shall they preclude the planning commission from requiring additional landscaping. Any landscape plan submitted for review and approval shall clearly indicate the location, number, size, and type of all species of plant materials proposed to meet the requirements of this chapter. A summary table shall be provided as part of the landscape plan, listing the required landscaping for the project and clearly indicating how each requirement is satisfied by the plan.

- B. No site plan shall be approved unless it shows landscaping consistent with the requirements of this chapter.
- C. A certificate of occupancy shall not be issued unless the provisions set forth in this chapter have been met.
- D. Following the issuance of a certificate of occupancy, any required landscaping shall thereafter be reasonably maintained consistent with the intent of the approved landscaping design plan.

E. The requirements in this chapter shall not apply to single family detached homes or any land located in the C2 Downtown Mixed Use Zoning District, unless otherwise specifically noted.

4.403 Landscaping Design Standards.

A. **Design Creativity.** Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer’s desired visual effect and, equally important, the intent of the City to create a compatible landscape appearance on adjoining properties.

B. **Visibility.** Landscaping and screening materials shall be laid out in conformance with the requirements for Clear Vision Areas as stated in Section [2.303](#) and shall not obstruct the visibility of motorists or pedestrians.

C. **Protection from Vehicles.** Wherever landscaping is proposed adjacent to a paved area traversed by motor vehicles, a six-inch concrete curb or similar measure such as bumper stops or wheel chocks shall be provided to protect plants from damage by vehicles. Except for storm water management features such as bioswales, landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

4.404 General Site Landscaping Requirements.

A. **Minimum Area.** A minimum of five percent of the total site area of any site in any Zoning District other than the R-1, R-1A, R-1B, or C-2 zoning districts shall be developed as landscape open space. Such landscape open space shall be countable only when located in the front or side yards. Pedestrian walks, plazas, planters and other decorative elements may be included in such landscape areas.

B. **Sec. 9.1.1 Residential Entranceway.** In any residential district, entranceway structures, including but not limited to walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, provided that such entranceway structures shall comply with the clear visibility standards of Section [2.303](#) and all codes and ordinances of the city.

4.405 Buffer Requirements.

A. **Buffer Types and Specifications.**

Table 12. Buffer Types and Specifications

Requirement	TYPE A		TYPE B		TYPE C	
	Option 1: Masonry Wall	Option 2: No Wall	Option 1: Masonry Wall	Option 2: No Wall	Option 1: Masonry Wall	Option 2: No Wall
Minimum Buffer Width	5 ft.	10 ft.	5 ft.	20 ft.	10 ft.	40 ft.
Deciduous Trees per 100	2	1	0	2	3	3

Lineal Feet						
Evergreen Trees per 100 Lineal Feet	0	6	0	8	0	10
Shrubs per 100 Lineal Feet	0	8	0	12	8	8
Wall Height	4'6" – 6'	n/a	4'6" – 6'	n/a	6' – 8'	n/a
Berm Required	No	No	No	Yes	No	Yes
Berm Height	n/a	Up to 3 ft.	n/a	Minimum 3 ft.	n/a	Minimum 6 ft.

General Requirements Applicable to All Buffer Strips:

1. The remainder of the buffer strip shall be covered with grass, ground cover, or other acceptable landscape elements, such as woodchips, landscape stone, boulders, etc.
2. The height of walls or berms shall be measured from the immediate ground level of property on the nonresidential side.

B. Type of Buffer Required by Use or District Abutting R-1, R-1A, R-1B or R-2 Zoning District.

The following table lists the type of buffer that must be provided by a use in a developing zoning district along a side or rear property line abutting an R-1, R-1A, R-1B or R-2 residential district.

Table 13. Type of Landscaping Buffer Required Abutting R-1 or R-2 Zoning District

Developing Use or Use District	Required Buffer
R-3, R-4 or R-5	Type A
C-0, C-1, or CC	Type A
C-3	Type A
M-1, M-2, or IP-1	Type C
Loading Areas, Hospital Ambulance Areas, and Storage Areas	Type B
Utility Buildings, Stations, or Substation	Type A
Off-Street Parking Lot	Type A

C. Wall and Berm Standards. Whenever a wall or berm is required as part of a buffer, it shall comply with the following standards:

1. Sec. 9.2.3 Location of Walls and Berms. Required walls or landscape berms shall be located on the nonresidential side and on the property line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard set-back lines in abutting residential districts. Required walls may, upon approval of the planning commission, be located on the residential side of an alley right-of-way, when mutually agreeable

to affected property owners. The location of such walls may be revised where in the opinion of the planning commission such relocation will as effectively or more effectively serve the intended screening or obscuring functions.

2. Berms. Berms shall be a landscaped earthmound with a maximum slope of 3:1, three foot horizontal to one foot vertical. All berms shall have a nearly flat horizontal area at their highest point of at least two feet.

Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded they shall be protected with straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The berm area shall be planted with lawn and trees and/ or shrubs and shall be maintained in a healthy, growing condition.

3. Sec. 9.2.4 Masonry Walls.

a. *Openings*. Masonry walls shall have no openings for any purpose except as may be required for the purpose of public safety, or for vehicular and service access to buildings.

b. *Materials*. All walls herein required shall be constructed of decorative masonry material (including paneled or pre-cast masonry material) with the surface area facing a residential district or public thoroughfare constructed of a common or face brick, decorative block, decorative poured concrete, or similar material that is compatible with the adjacent residential district.

c. *Alternate Materials with Planning Commission Approval*. The Planning Commission may at their discretion approve a fence/wall of a different material instead of the required masonry wall.

4.406 Parking Lot Landscaping Requirements.

A. Parking Lots Abutting Public Rights-of-Way. When an off-street parking lot or other vehicular use area in any zoning district abuts a public right-of-way excluding abutting alleys, landscaping shall be provided at all locations (excluding walkways and driveways) which are between any portion of the right-of-way and the parking lot or vehicular use area visible from the right-of-way as follows:

1. A minimum depth of eight feet abutting right-of-way and off-street parking area shall be landscaped with a minimum of one tree (minimum two-inch caliper or minimum ten-foot height at time of planting) for each 30 lineal feet or fraction thereof of property abutting such right-of-way. Necessary access ways from public rights-of-way through landscaped strips shall be permitted, but such access ways shall be subtracted from the lineal dimension used to determine the minimum number of trees required.

2. Shrubs, hedges, walls or other landscape barrier of at least 30 inches in height may be required along the perimeter of the property in lieu of the landscaped strip at the discretion of the planning commission.

3. Walls shall be decorative in appearance, and shall be constructed of durable materials.

Brick or stone are preferred materials. Walls shall have a brick, stone, or concrete cap, and shall have a maximum height of 42 inches.

4. The remainder of the landscaped strip shall be planted with grass, living plant material, ground cover, or other acceptable landscape elements, as defined under Section [4.411](#).
5. Landscaping shall be protected from parking spaces with curbing, bumper, blocks, wheel stops or other permanent means to prevent automobiles from encroaching more than two feet into the landscaped area.

B. Parking Lots Adjacent to Residentially Zoned or Used Land. All off-street parking lots shall be screened from adjacent residentially zoned or used properties by a buffer strip at least a ten feet in width, landscaped with at least one tree and one shrub for every ten feet (10') of buffer strip length. At least one-half of the required trees shall be an evergreen variety. The Planning Commission may approve an alternative screening mechanism, such as a 6' high decorative masonry wall, during Site Plan Review.

C. Interior Parking Lot Landscaping.

1. Interior Landscaping Required. Interior landscaping areas shall be required in parking lots with 40 or more spaces. The vehicle use area includes all areas used for vehicular circulation and parking.
2. Landscaping Required. One deciduous shade tree shall be required for every 6 parking spaces.
3. Location. Parking lot landscaping shall be in internal islands or medians between parking rows, landscaped areas surrounded on two or three sides by a parking area, or landscaped areas at the corners of parking areas unless otherwise approved by the reviewing authority. If interior landscaping is provided along the perimeter of the parking lot, it shall be in addition to the perimeter landscaping requirements.
4. Size and Area. Interior landscape areas shall have a minimum width of 8 feet and a minimum area of 180 square feet.

4.407 Street Frontage Landscaping Requirements.

- A. Street Trees Required.** One deciduous canopy tree shall be planted for each 35 feet (or fraction thereof) of street frontage.
- B. Tree Lawn Landscaping.** The area within the public right-of-way between the curb and sidewalk, referred to herein as the tree lawn, shall consist of grass and trees only. Trees shall not be planted within a tree lawn narrower than four feet wide. Where the sidewalk extends to the street edge, street trees may be planted in tree grates.
- C. Acceptable Tree Species.** Trees within the public right-of-way shall be selected and planted in accordance with chapter 25, article I, section 25-2 of the Code and by written permission of the deputy director of public works or his designee. Landscaping along state trunk line shall be provided

by approval of the state highway department only.

D. **Existing Trees** within the public right-of-way shall be removed only by a permit from the deputy director of public works or his designee after approval by the planning administrator.

E. **Front Yards in Residential and C-O Zoning Districts.** Portions of the front yard not utilized for an unenclosed porch, deck or patio and/or improved driveway shall be landscaped with living trees, shrubs, flowers, grass and/or ground cover, excepting provision of a walkway of no more than a five foot (5') width between the entry to the dwelling and the adjacent right-of-way. For every 50' of lot width, one (1) or more tree(s), of at least a 2" caliper at the time of planting shall be provided within said front yard. Alternatively, given specific approval by the City's Engineering Division, said tree(s) may be provided within the adjacent right-of-way, if the dimension between the sidewalk and back-of-curb is at least eight feet (8'). These same landscape provisions shall apply along the side street of every corner lot.

4.408 Loading, Storage, and Service Area Screening Requirements.

A. **Service Area Screening.** Trash receptacle or dumpster areas shall be indicated on-site plans, and shall be screened on at least three sides with a masonry wall at least equal to the height of the trash receptacle with a gate on the fourth side. In locating trash receptacle facilities, primary consideration shall be given to access for service, and minimizing visibility from a public right of way or from adjoining properties. The planning commission may waive the required screening when they determine that no significant negative effects will result from the waiver of such screening.

B. **Storage Areas, Loading and Unloading, and Service Areas** shall be screened from view from public right-of-ways or adjoining properties by a Type B buffer as required by Section [4.405](#) unless otherwise determined by the planning commission.

C. **Ground Mounted Mechanical Equipment** located in any zoning district (such as air compressors, pool pumps, transformers, HVAC equipment, sprinkler pumps, satellite dish or DSS antennae, and similar equipment) shall be screened on at least three (3) sides by evergreen or deciduous shrubs or trees. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

4.409 Storm Water Management Pond Landscaping Requirements.

Refer to Article 4, Chapter 6.

4.410 Existing Plant Materials.

Healthy existing trees on a site may be used to satisfy any of the requirements of this Article, provided such substitution is in keeping with the spirit and intent of this Article and subject to the following:

A. **Identification of Existing Trees.** Site plans shall show all existing trees which are located on the portions of the site and on portions of adjacent sites within 20 feet of the site that will be built upon or otherwise altered, and which are six (6) inches or greater in caliper, measured 4.5 feet above grade for deciduous trees or 20 feet in height for evergreen trees. Trees shall be labeled "To Be Removed"

or "To Be Saved" on the site plan, with tree species and caliper noted for both types of tree. Only existing trees six (6) inches or greater in caliper may be used to satisfy any landscaping requirement of this Ordinance.

B. Inspection. The Planning Commission may require City inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials.

C. Protection of Trees to Be Saved. Throughout construction, protective fencing shall be placed at the critical root zone of existing trees marked on the site plan as "To Be Saved" and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No person shall conduct activity within the critical root zone of any tree designated for preservation, including but not limited to the storage or placing of solvents, building materials, construction equipment, soil deposits, or the parking of any vehicles.

D. Replacement of Trees to Be Saved. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged, or destroyed during construction, said plant material shall be replaced with an equivalent species to the damaged or removed tree. Replacement trees shall be provided at the ratio of one (1) replacement tree for each six (6) caliper-inches measured one foot above grade level (or fraction thereof) of tree that is cut down, damaged, or destroyed, unless otherwise approved by the City based on consideration of the site and building configuration, available planting space, and similar considerations.

Alternately, a fee may be paid to the City in an amount equivalent to the value of the replacement trees, as determined by the City.

4.411 Plant Material Standards.

A. **Quality.** No plant materials used to satisfy some or all planting requirements of this chapter shall be comprised of nonliving materials, such as petrochemical plants.

B. **Native Species.** The use of native species for landscaping applications is encouraged. As an incentive to use native species, the numerical landscaping requirements may be reduced by 10% if exclusively native species are used in the landscaping plan. Following is a list of common plant species native to Southeast Michigan:

1. Trees. Basswood, American Beech, Yellow Birch, Blackgum, Butternut, Eastern Red Cedar, Northern White Cedar, Wild Crabapple, Flowering Dogwood, Hackberry, Cockspur Hawthorn, Downy Hawthorn, Bitternut Hickory, Pignut Hickory, Shagbark Hickory, Ironwood, Black Maple, Red Maple, Silver Maple, Sugar Maple, Muscledwood, Black Oak, Bur Oak, Chinkapin Oak, Dwarf Chinkapin Oak, Red Oak, Shingle Oak, Swamp White Oak, White Oak, Pawpaw, American Plum, Redbud, Sassafras, Sycamore, Tuliptree, and Black Walnut.

2. Shrubs. Speckled Alder, Highbush Blackberry, American Bladdernut, Buttonbush, Chokeberry, Chokecherry, Creeping Strawberry Bush, Northern Dewberry, Alternate-leaf Dogwood, Gray Dogwood, Redosier Dogwood, Roundleaf Dogwood, Silky Dogwood, Red-berried Elder, American Elderberry, Gooseberry, American Hazelnut, Michigan Holly, Old Field Juniper,

Leatherwood, Meadow-sweet, New Jersey Tea, Ninebark, Prickly Ash, Black Raspberry, Carolina Rose, Smooth Rose, Allegany Serviceberry, Shadblow Serviceberry, Spicebush, Fragrant Sumac, Smooth Sumac, Staghorn Sumac, Winged Sumac, Downy Arrowwood, Maple Leaf Viburnum, Nannyberry, and Witchhazel.

3. Perennials. Canada Anemone, Big Leaved Aster, New England Aster, Smooth Aster, Doll's-eyes Baneberry, Beebalm, Bellwort, Black-eyed Susan, Dwarf Blazing Star, Rough Blazing Star, Bloodroot, Blueeyed Grass, Boneset, Cardinal Flower, Blue Cohosh, Columbine, Yellow Coneflower, Culver's Root, Dutchman's Breeches, False Dragonhead, Foam Flower, Wild Geranium, Wild Ginger, Golden Alexander, Golden Ragwort, Bluestem Goldenrod, Showy Goldenrod, Stiff Goldenrod, Round-lobed Hepatica, Hairy Beard Tongue, Ironweed, Jack-in-the-pulpit, Joe-pye Weed, Wild Leek, Michigan Lily, Blue Lobelia, Marsh Marigold, Mayapple, Early Meadow Rue, Tall Meadow Rue, Butterfly Milkweed, Common Milkweed, Swamp Milkweed, Miterwort, Mountain-mint, Nodding Wild Onion, Woodland Phlox, Prairie Dock, Rue Anemone, Sneezeweed, False Solomon's Seal, Starry false Solomon's Seal, True Solomon's Seal, Spiderwort, Spring Beauty, Steeple Bush, Wild Strawberry, Rough Sunflower, Woodland Sunflower, Sweet Black-eyed Susan, Thimbleweed, Trillium, Turtlehead, Blue Vervain, Hoary Vervain, and White Vervain.

4. Grasses, Rushes, and Sedges. Big Bluestem Grass, Bottlebrush Grass, Hardstem Bulrush, Indian Grass, Junegrass, Little Bluestem Grass, Path Rush, Pennsylvania Sedge, Prairie Cordgrass, Purple Lovegrass, Canada Wild Rye, Wild Rye, Switchgrass, Tussock Sedge, and Wool-grass.

C. **Deciduous Trees** shall be species having an average mature spread or crown of greater than 15 feet and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. Deciduous trees shall have a minimum size of 2 inches caliper at time of planting.

D. **Evergreen Trees** shall be a minimum of 5 feet in height at planting, with a minimum spread of 30 inches.

E. **Shrubs and Hedges.** Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after time of planting.

F. **Ground Covers.** Ground covers used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planted.

G. **Lawn/Grass.** Lawn areas shall be planted in species normally grown as permanent lawns in Southeast Michigan and may be sodded or hydro-seeded.

H. **Landscape Elements:**

1. **Mulches.** Mulching material for planted trees, shrubs and vines shall be minimum of three-inch deep shredded hardwood bark. Straw or other mulch may be used to protect seeded areas. Mulches must be installed in a manner as to present a finished appearance.

2. **Other Materials.** Woodchips, landscape stone, boulders, may be used in landscaped strips or around plantings to compliment the landscape areas.

I. **Variety.** To ensure adequate variety, to avoid monotony and uniformity within a site, and to preserve the diversity and health of the City’s landscaping, any single tree species may not comprise more than 40% of the total required deciduous trees and no more than 40% of the total required evergreen trees.

J. **Spacing of Plantings** required under this chapter shall be as follows:

1. Plant materials (except turfgrass or groundcovers) shall not be placed closer than four feet from a fence line or property line.

2. Deciduous trees and all shrubs shall not be planted within 4 feet, and evergreen trees shall not be planted within 8 feet, of any curb (including the edge of interior parking lot landscape areas) or public walkway.

3. Trees and shrubs shall not be planted within 10 feet of a fire hydrant.

4. Where plantings are planted in two or more rows, planting shall be staggered in rows.

5. Where shrub plantings are required to form a continuous hedge or used for screening purposes, the plants shall not be spaced more than 36 inches on center at planting, and shall have a minimum height and spread of 30 inches at planting. Shrubs that will not attain sufficient width to form a complete hedge spaced 36 inches on center shall be planted at a spacing that will allow them to form a complete hedge within 2 years of planting.

K. **Modifications.** The planning administrator may approve modifications from the above specifications for appropriate landscape materials that do not meet the above minimum size requirements or are not readily available at landscape supply yards in the required size. If smaller materials are approved, the difference for the smaller materials shall be compensated with additional material being provided. In approving such a modification, the building official shall determine that the substituted plant material size will meet the intent of this chapter, and that providing a landscape material that meets the above size requirements is impractical or not feasible.

L. **Undesirable Plantings.** The use of landscape plantings that are invasive to natural habitats, that cause disruption to storm drainage, or that are susceptible to pests or disease is not encouraged. The following landscape plantings exhibit such characteristics, and therefore their use is not encouraged in the City:

Common Name	Scientific Name
Box elder	Acer negundo

Norway maple	Acer platanoides
Silver maple	Acer saccharinum
Tree of heaven	Ailanthus altissima
European barberry	Berberis vulgaris
Northern catalpa	Catalpa speciosa
Russian olive	Elaeagnus angustifolia
Ash	Fraxinus spp.
Common privet	Ligustrum spp.
Honeysuckle	Lonicera spp.
Mulberry	Morus spp.
Poplar	Populus spp.
Buckthorn	Rhamnus spp.
Willow	Salix spp.

4.412 Installation and Maintenance.

- A. All landscaping required by this ordinance shall be the responsibility of the owner and/or developer of the property which is being developed.
- B. All plant material shall be installed within 9 months after the issuance of a certificate of occupancy, and shall be maintained by the owner/ tenant to ensure growth; shall be kept in good condition so as to present a healthy, neat and orderly appearance. A maximum extension for a six month period may be granted to complete the landscaping if weather conditions prohibit the planting of landscape material.
- C. All dead plant material shall be replaced by the owner/tenant within six months. Failure to replace the plant material will be considered a violation of this ordinance.

4.413 Modification of Landscaping Requirements.

Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for landscaping, the reviewing authority may reduce or waive the minimum landscape requirements or the screening and buffer requirements of this chapter and approve an alternate landscaping plan. In making such a modification, the reviewing authority shall find that the following standards have been met:

- A. The landscaping plan will protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, air pollution, trash and debris, or nuisances.
- B. The alternate width and landscaping of the buffer or screen will ensure compatibility with

surrounding and nearby land uses because:

1. The development is compatible with and sensitive to the immediate environment of the site and neighborhood with respect to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot, or visual integrity.
2. The site has existing natural vegetation and/or topography, bodies of water, wetland areas, or other existing conditions which offer screening consistent with the standards set forth in this chapter. The preservation of these natural features in perpetuity must be ensured or else the modification may not be granted.
3. The arrangement, design and orientation of buildings on the site maximize privacy and isolate nearby land uses from any negative impacts of the development.

Chapter 5 Exterior Lighting

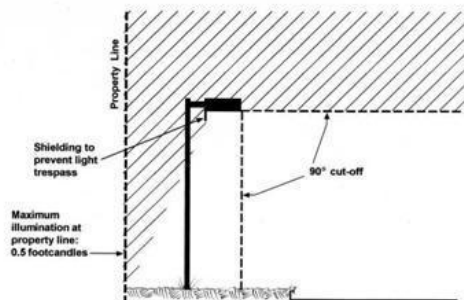
4.501 Purpose.

The purpose of this chapter is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the City through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this chapter to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

4.502 General Provisions.

The design and illumination standards of this chapter shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent parcels, except where specifically exempted herein.

A. **Shielding.** Exterior lighting shall be fully shielded and directed downward at a 90 degree angle. Oblique lenses (such as many wall-pack fixtures) are prohibited. All fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Only flat lenses are permitted on shoebox-style light fixtures; sag or protruding lenses are prohibited. (See Figure 10)



B. **Intensity.** The following light intensity requirements shall apply on all sites within the City.

1. **Maximum Intensity – Within the Site.** The intensity of light within a site shall not exceed 10 footcandles. Exception: the maximum intensity permitted in areas of intensive vehicular or outdoor pedestrian task areas, such as the area underneath gas station pump canopies, in the immediate vicinity of ATM facilities, or outdoor sales areas shall be 20 foot candles.
2. **Maximum Intensity at Street Right-of-Way.** The maximum light intensity permitted at a street right-of-way line shall be one (1) footcandle, or the average light intensity generated by public street lighting at the property line (up to a limit of 5 foot candles), whichever is greater.
3. **Maximum Intensity at Property Lines.** The maximum light intensity permitted at any property line other than a street right-of-way shall be 0.5 foot candles.

C. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or street rights-of-way. The light emitting element of any light fixture shall not be directly visible from a neighboring property, as this is the primary cause of glare.

D. **Lamps.**

1. Wattage. Lamps with a maximum wattage of 250 watts per fixture are permitted for use in the City to maintain a unified lighting standard and to minimize light pollution. The Planning Commission may permit the use of lamps with wattages up to 400 watts if the applicant can demonstrate that the higher wattage fixture is necessary to provide adequate lighting on the site and that the light fixture is in compliance with all other requirements of this chapter. The exemption for higher wattage lamps shall not be granted if the same lighting effect can be reasonably accomplished on the site by incorporating additional 250 watt or lower fixtures into the site design.

2. High traffic areas. Due to their superior color rendering characteristics, LED, tungsten-halogen, metal halide, or other lamps with full-spectrum color rendering properties should be used in parking lots and other areas of high pedestrian and vehicular traffic use.

3. LED Lighting. LED fixtures may be used for any outdoor lighting application. Any LED fixture used for parking lot or street lighting purposes shall comply with applicable Illuminating Engineering Society of North America standards.

E. **Animated lighting.** Permanent exterior site lighting intended to illuminate outdoor areas shall not be of a flashing, moving, animated, or intermittent type.

F. **Hours of operation.** All exterior lighting in non-residential districts shall incorporate automatic timers and shall be turned off between the hours of midnight and sunrise, except for lighting necessary for security purposes or accessory to a use that continues after midnight.

G. **Measurement.** Light intensity shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane at the property or street-right-of-way boundaries of the site at a height of five feet (5') above grade level.

4.503 Standards by Type of Fixture.

A. **Freestanding pole and building mounted lighting.** The maximum height of fixtures used for site lighting is 25 feet. Where a pole or building mounted fixture is located within 50 feet of a residentially zoned or used property, the maximum pole height shall be 15 feet.

B. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures will enhance the aesthetics of the site and will not cause undue off-site glare or light pollution. Such fixtures may utilize LED, incandescent, tungsten-halogen, metal halide or other lamps with full-spectrum color rendering properties with a maximum equivalent wattage of one-hundred fifty watts (150w) per fixture.

4.504 Exempt Lighting.

The following exterior lighting types are exempt from the requirements of this chapter, except that the building official may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A. **Holiday Decorations.**
- B. **Pedestrian Walkway Lighting.**
- C. **Building Up-Lighting**, provided that the light emitting element of the fixture is shielded from direct view from any vehicle or pedestrian travel or use area, and that the fixture is directed at a vertical building surface.
- D. **Single-Family Residential Lighting** with fixtures rated at 150 watts or less.
- E. **Pre-Emption.** Instances where federal or state laws, rules or regulations take precedence over the provisions of this chapter.
- F. **Temporary Emergency Lighting.**
- G. **Special Event Lighting** in conjunction with a permitted special event, provided that the lighting will not significantly impact residential areas. Special event lighting shall only be allowed for the duration of the special event.

4.505 Exceptions.

The City recognizes that there are certain uses or circumstances not otherwise addressed in this chapter, such as sports stadiums, street lighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The reviewing authority may waive or modify specific provisions of this chapter for a particular use or circumstance upon determining that all of the following conditions have been satisfied. The reviewing authority shall consider the following criteria in making its decision:

- A. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- B. The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
- C. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflective markers, lines, informational signs or other passive means.
- D. Additional conditions or limitations may be imposed by the reviewing authority to protect the public health, safety or welfare, or to fulfill the purpose of this chapter.

Chapter 6 Low Impact Development Standards

4.601 Storm Water Management.

A. **Low Impact Storm Water Options.** Whenever this ordinance refers to, or provides incentives for the use of low impact storm water management methods, it shall include the following methods:

1. Bioretention (rain gardens).
2. Infiltration practices.
3. Pervious pavement with infiltration.
4. Vegetated filter strip.
5. Vegetated swale.
6. Such methods shall be designed according to the best management practices identified in Chapter 7 of the Low Impact Development Manual for Michigan, available at the Planning Department.

B. **Storm Water Management Ponds.** Where any pond, detention or retention basin, or other storm water management facility is required, it shall comply with the following landscaping requirements:

1. Configuration. The facility shall be incorporated into the natural topography to the greatest extent possible. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression. The basin edge shall consist of sculpted landforms to filter and soften view of the basin.
2. Landscape Plantings.
 - a. Basin bottoms and side slopes should be vegetated with a diverse native planting mix to reduce maintenance needs, promote natural landscapes, and increase infiltration potential.
 - b. Vegetation may include trees, woody shrubs, and meadow/wetland herbaceous plants.
 - c. Woody vegetation is generally discouraged in the embankment.
 - d. Meadow grasses or other deeply rooted herbaceous vegetation is recommended on the interior slope of embankments.
 - e. Fertilizers and pesticides should not be used.

C. **Pre-Treatment Requirements.** High pollutant producing land uses that are characterized by the handling or storage of potentially hazardous chemicals or by very high traffic generation that results in frequent turnover of parking spaces shall incorporate water quality pre-treatment elements into the overall site design as required by Table 14. These water quality elements are intended to remove potential pollutant loadings from entering either groundwater or surface water systems.

Table 14. Required Storm Water Pre-Treatment Elements

USE	REQUIRED PRE-TREATMENT ELEMENT
Automobile Service	Spill prevention and response program, and Oil/water separators/hydronomic separators or water quality inserts for inlets or equivalent
High turnover retail uses including but not limited to fast food restaurants or convenience stores	Sediment traps/catch basin sumps, or trash/debris collectors in catch basins, or water quality inserts for inlets or equivalent
On-site storage or handling of chemicals or hazardous materials	Diversion of storm water away from environmentally sensitive areas

4.602 Woodland Preservation.

A. **Declaration.** Resurgent development in the City of Pontiac has resulted in an unregulated and, in many cases, unnecessary removal of trees and other forms of vegetation and natural resources. Regulation of such removal of trees, vegetation and natural resources will achieve a preservation of important physical, aesthetic, recreational and economic assets for both present and future generations. Specifically it is found that:

1. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding;
2. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution;
3. Trees, vegetation and associated natural resources provide a material aspect of the character of the City of Pontiac and its neighborhoods, and
4. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation and irreplaceable natural heritage

B. **Purpose.** Therefore, the purpose of this Section is as follows, to be applied throughout the City of Pontiac:

1. To provide for the protection , preservation, proper maintenance and use of trees and woodlands in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
2. To protect the woodlands (including trees and other forms of vegetation) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or

historical significance.

3. To provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents of this City, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Environmental Protection Act, No. 127 of the Public Acts of 1970.

C. **Definitions.** The following definitions shall apply in the interpretation of this Section.

1. Building Envelope. The area enclosed or to be enclosed by the exterior walls of the principal building, plus a reasonable area beyond such walls up to ten (10) feet, provided that no building envelope area may encroach into any required setback. In the interest of allowing reasonable development while preserving trees, the ten (10) feet beyond each wall may be reallocated so that the total distance that the building envelope extends away from the exterior wall on opposing sides of the building totals twenty (20) feet e.g., five (5) feet on one side and fifteen (15) feet on the other.

2. Commercial Nursery or Tree Farm. A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale to the general public in the ordinary course of the licensee's business.

3. Critical Root Zone shall mean the area where the tree's roots are located. The critical root zone area is described by a circle around the tree with one foot of radius for each one inch D.B.H. of tree.

4. Dead, Diseased, or Damaged Tree shall any tree that has been declared as "dead, diseased or damaged" by an ISA Certified Arborist, a municipal forester, or a state registered forester.

5. Diameter Breast Height (d.b.h.). A tree's diameter in inches measured by diameter tape at four and one-half (4 1/2) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

6. Driveway Envelope shall mean an area designated by the property owner to provide vehicular access to the building or parking area.

7. Grubbing shall mean the effective removal of understory vegetation, groundcover, shrubs or trees but not including removal of any trees of greater than six (6) inches D.B.H.

8. Large Tract. A non-residential lot or parcel, or a residential lot or parcel which is more than one single-family residential building site.

9. Person. An individual, partnership, corporation, association or other legal entity.

10. Protected Tree. Any tree having a diameter breast height (d.b.h.) of six (6) inches or greater. The following trees, however, are not deemed to be protected trees: Boxelder (*Acer Negundo*); Silver Maple (*Acer Saccarinum*); Poplars (*Populus Species*); Willows (*Salix Species*); Siberian Elm (*Ulmus Pumila*); Tree of Heaven (*Ailanthus Altissima*); European White Birch

((Betula Pendula); Catalpa(Catalpa Speciosa); Common Honeylocust(Gleditisia Tancunthis); Red Mulberry((Morus Rubra); White Mulberry((Morus Alba).

11. Remove or Removal. The act of removing a tree by digging up or cutting down or the effective removal through human damage.

12. Replacement Tree shall mean those trees considered by the City to be acceptable to replace trees proposed to be removed. Replacement trees should display the following characteristics:

- a. Minimal fruit litter.
- b. Upright growth of trunk; trees used for streetscape purposes should branch at a minimum height of seven (7) or more feet; trees used for other landscaping may have branching at lower heights.
- c. Resistance to disease.
- d. No thorns on trunk or branches.
- e. Resistance to drought.
- f. Salt tolerance.

13. Single Family Residence shall mean any parcel, lot, unit, or adjacent parcels, lots or units under common ownership that contain(s) a permanent, occupied and habitable single-family dwelling unit.

14. Transplant. The relocation of a tree from one place to another within the City.

15. Tree. Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.

16. Tree Survey. A minimum of one (1) inch equals 100 feet scale drawing which provides the following information: location of all protected trees, i.e., trees having six (6) inches or greater d.b.h. plotted by accurate techniques, and the common or botanical name of those trees and their d.b.h.

17. Undeveloped. A parcel of land which is unplatted and substantially unimproved. With respect to land which, on the effective date of this Ordinance, is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvement(s) shall be considered undeveloped.

D. Tree Removal Permit Required.

1. Permit Required. No person shall remove, cause to be removed, transplant, damage, or destroy, on any land in the City of Pontiac, any protected tree outside of a building envelope without first obtaining a tree removal permit.

2. Waiver for Drainage Improvements. The Planning Commission may waive the requirement for a tree removal permit when it is shown that tree removal is necessary and there is no reasonable alternative in connection with drainage improvements.

E. **Tree Removal Permit Not Required**. The following activities are exempt from the requirements of this Section.

1. Activities Within Building Envelope. No tree removal permit shall be required for construction of structures or improvements or other activities within a building envelope.

2. Commercial Nursery or Tree Farm. Tree removal or transplanting occurring during use of land for the operation of a commercial nursery or tree farm, provided, this exception shall only be applicable if the commercial nursery or tree farm has been licensed with the State of Michigan and in operation on the property for three years or more, or the property owner records an affidavit that the commercial nursery or tree farm shall continue in active operation for a period of no less than five (5) years. This exception shall apply only as long as the tree farm or commercial nursery remains in operation and shall immediately terminate when such operations cease on the premises.

3. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, insect infestation, disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the interest of the public, or to the health or safety of one or more persons, to defer cutting pending submission and processing of a permit application.

4. Governmental Agencies. Tree trimming, removal or transplanting performed by, or on behalf of, governmental entities or agencies.

5. Public Utilities. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.

6. Dead or Damaged Trees. The removal or trimming of dead, diseased or damaged trees (as described by a certified arborist or registered forester and approved by the City) provided that the damage resulted from an accident or non-human cause and provided further that the removal or trimming is accompanied through the use of standard forestry practices and techniques.

7. Tree Management. Where a tree management plan, prepared by a State of Michigan registered forester is submitted to and approved by the Planning Administrator, after consultation with the City expert, tree cutting may occur without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees. The forester shall certify that the tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees. The management plan shall include a method of felling the trees to be harvested so as to minimize damage to adjacent trees and the means by which cut trees shall be removed from the property without damaging remaining trees, and it shall include methods of correcting any drainage gradient alterations

caused by the harvesting activities. The person seeking approval and exemption under this provision shall establish an escrow with the Director of Community Development for the purpose of covering the costs of the City's expert.

8. Single Family Residences. Existing single family residential homes are exempt from the provisions and requirements of this Section.

F. Application for Tree Removal Permit.

1. Application and Fee. A person seeking a tree removal permit must submit a written application to the Department of Community Development and pay the application/permit fee as established by resolution of the Pontiac City Council.

2. Time of Application. Application for a tree removal permit shall be made before removing, cutting or transplanting trees. Where the site is proposed for development necessitating site plan or plat review, application for a tree removal permit shall be made prior to site plan or preliminary plat submittal. In cases where there are no trees on a site, no protected trees on a site, or there are no protected trees proposed to be removed from a site, the applicant or developer shall certify those facts to the Planning Administrator, who shall inspect the site to determine the need for a tree removal permit. If the Planning Administrator determines that no tree removal permit is required, then the Planning Administrator shall certify that determination to the Director of Community Development, who shall retain a record of such determinations.

3. Required Information. The permit application shall include five (5) copies of a plan drawn to scale containing the following information:

a. *Property Dimensions*. The boundaries and dimensions of the property, and the location of any existing and proposed structure or improvement, with a statement identifying the type of structure or improvement.

b. *Inventory of Trees*. Trees proposed to remain, to be transplanted, or to be removed shall be so designated.

c. *Tree Protection*. A statement describing how trees intended to remain will be protected during development.

d. *Easements and Setbacks*. Location and dimension of existing and proposed easements, as well as all setbacks required by the Zoning Ordinance.

e. *Grade Changes*. Designation of grade changes proposed for the property.

f. *Intended Tree Replacement*. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.

g. *Tree Identification*. A statement that all trees being retained will be identified by some method such as painting, flagging, etc., and, where protective barriers are necessary, that they will be erected before work starts.

- h. *Building Envelope, Utilities and Driveway.* The plan shall show the building envelope, utilities and driveway as existing and/or proposed on the property.
- i. *Plan.* A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.
- j. *Tree Survey.* A tree survey prepared by a State of Michigan registered forester for all areas for which a Tree Removal Permit is required.

G. Application Review Procedure.

1. Department Review. The Planning Department shall review the submitted tree removal permit application to verify the applicant has provided all required information. Upon request of either the applicant or the City of Pontiac, the City may conduct a field inspection or review, and the applicant shall be required to cooperate in the field inspection. In the event that the applicant fails to cooperate, the Planning Department is authorized to cease further processing of the application until such a time as it achieves the necessary cooperation.
2. Reviewing Authority. Where the site is proposed for development necessitating site plan review or the preliminary plat review by the Planning Commission, the Planning Commission shall be responsible for granting or denying the application for a tree removal permit. Where site plan review or plat approval by the Planning Commission is not required by ordinance, the grant or denial of the tree removal permit application shall be the responsibility of the Planning Department. Where the use of a consultant is reasonably required by the City in connection with a site plan or plat review, the property owner shall establish an escrow in an amount determined by City Council resolution to be a reasonable fee, out of which the consultant's fee shall be paid. The decision to grant or deny a tree removal permit by the City Planning Commission, the City Council, or the Director of Planning shall be governed by the tree permit requirements enumerated in subsection H, below.
3. Tree Removal Permit Approval. Final approval of the subdivision plat by the City Council or final site plan approval by the Planning Commission shall constitute approval under this ordinance and constitute the issuance of a tree removal permit. Whenever an application for a tree removal permit is granted, the reviewing authority shall:
 - a. *Conditions.* Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this ordinance will be fulfilled and to minimize damage to, encroachment in or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.
 - b. *Completion of Operations.* Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting and replacement operations ensuring that plantings occur at correct times of the year; and
 - c. *Security.* Require the permit grantee, in residential or commercial development cases, to file with the City of Pontiac a cash or corporate surety bond or irrevocable bank letter of credit in an amount reasonably determined necessary by the City to ensure compliance with the tree removal permit

conditions and this ordinance in regard to transplanting and replacement of trees, except that vacant small tracts involving development of one single family residential home shall be exempt from this requirement.

d. *Term of Permit.* A tree removal permit issued under this Section shall be null and void if completion of work permitted under the permit has not occurred within a reasonable time, not to exceed eighteen (18) months after issuance of the permit. The date of issuance of a permit shall be considered to be commencement of work and shall determine the beginning of the eighteen (18) month period referred to above. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. Permits are not transferable, and successors in interest are required to submit a new or renewed application for a permit.

4. Denial of Tree Removal Permit. Whenever an application for a tree removal permit is denied, the permit applicant shall be notified in writing of the reasons for denial using the application review standards in subsection H, below.

H. **Tree Permit Requirements.** The following standards shall govern the granting or denial of an application for tree removal permit:

1. Building Envelopes. The developer shall designate building envelopes for all structures. Such designation shall be made with the objective of preserving protected trees, and the Reviewing Authority shall have discretion to require reasonable adjustments in this regard.

2. Minimum Preservation Requirement.

a. *Minimum Preservation.* The developer shall preserve and leave standing and undamaged a minimum of eighty (80%) of the total number of protected trees on the lot having a d.b.h. of 6 inches or greater. However, trees contained within the designated building envelope, or within required drainage, or utility improvement areas, and/or driveway and sidewalk areas, as determined by the Reviewing Authority and City Engineer, based upon plans presented by the developer, and on-site inspection, and to the extent removal is necessary, shall not be included in the calculation for determining the required minimum preservation percentage.

b. *Reduction of Preservation Requirements.* The Planning Commission shall have the authority to reduce the preservation requirements if it finds that the following criteria have been met.

i. Unique conditions on the site make development impossible without removing additional trees.

ii. The applicant has submitted at least three (3) substantially different site layouts superimposed over the tree survey and showing tree preservation possible for each alternative in order to demonstrate that the maximum feasible tree preservation has been achieved. In order to qualify as substantially different, the alternate layouts should

incorporate different building footprint placements and shapes, different parking and maneuvering aisle locations, and alternate locations for other proposed site improvements. Plans that show proposed improvements such as buildings, detention ponds, and paved areas in essentially the same location or in the same layout on the site shall not be considered substantially different.

3. Tree Protection.

a. *Placing Materials Near Tree.* No person may conduct any activity within the critical root zone of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment or soil deposits.

b. *Attachments to Trees.* During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.

c. *Protective Barrier.* Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers to protect remaining trees. The location and construction of protective barriers on the site shall be inspected and approved by the City prior to any construction activity occurring on the site, and the protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

i. *Rights-of-Way and Easements.* Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc. from stake to stake along the outside perimeters of areas to be cleared.

ii. *Large, Separate Areas.* Large property areas separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off.

4. Preservation and Conservation. Tree preservation and conservation shall be of paramount concern and importance, provided, that an application shall not be denied solely because of the presence of some trees on the site.

5. Developmental Alternatives. Preservation and conservation of wooded areas, trees, similar woody vegetation, wild life and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures or other site improvements.

6. Land Clearing. Where the proposed activity consists of land clearing, it shall be limited to areas to be improved for roadways, sidewalks, drainage and utilities and areas necessary for the construction of buildings, structures or other site improvements as shown on an approved site plan or subdivision plat. This subsection shall not be construed to undermine other standards of this ordinance.

- 7. Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.
- 8. Compliance with Statutes and Ordinances. The proposed activity shall comply with all applicable statutes and ordinances.
- 9. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with subsection I below.

I. Tree Relocation or Replacement.

- 1. Tree Replacement Required. For each protected tree that is permitted to be removed by permit granted under this section, the developer shall provide one tree replacement credit.
- 2. Tree Replacement Credits. Replacement trees shall be provided such that the total credits as identified in the following table equal the total number of protected trees to be removed from the site.

Replacement Tree Type	Replacement Tree Size	Replacement Credit Value
Park grade deciduous tree	Minimum 1" caliper	0.25 credits
Nursery grade No. 1 deciduous tree	Minimum 1" caliper	0.33 credits
Nursery grade No. 1 deciduous tree	1.5"-2" caliper	0.66 credits
Nursery grade No. 1 deciduous tree	2.5" caliper	1 credit
Nursery grade No. 1 deciduous tree	3" caliper	1.33 credits
Nursery grade No. 1 deciduous tree	3.5" caliper	2 credits
Evergreen	5 feet	0.75 credits
Evergreen	6 feet	1 credit
Evergreen	8 feet	1.5 credits
Evergreen	10 feet+	2 credits

- 3. Replacement Tree Requirements.
 - a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees and must be approved by the City of Pontiac prior to planting. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed for two (2) years.

b. Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.

4. Replacement Tree Location.

a. *City Approval Required.* The City of Pontiac shall approve tree relocation or replacement locations in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.

b. *Relocation or Replacement Off-site.* Where it is not feasible and desirable to relocate or replace trees on site, relocation or replacement may be made at another location in the City of Pontiac approved as part of the permit. If no feasible or desirable location for replacement trees exists at the time of permit approval, the developer may provide compensation in other forms deemed acceptable by the City that achieve the overall goals of this section and equal to the current market value of the replacement credits required.

5. Replacement Tree Diversity. If fifteen (15) or more replacement tree credits are required, no one species of replacement tree shall account for more than thirty percent (30%) of all required replacement trees. If fewer than fifteen (15) replacement tree credits are required, there is no diversity requirement.

J. **Display of Permit; Stop Work, Certificate of Occupancy.**

1. Display of Permit. The tree removal permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.

2. Stop Work; Withholding Certificate of Occupancy. The Planning Director may issue a stop work order or withhold issuance of a certificate of occupancy, permits or inspections if this section is being violated and/or until the provisions of this section, including any conditions attached to a tree removal permit, have been fully met.

K. **Violations of Woodlands Preservations Ordinance.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for up to ninety (90) days, or both. Inspectors of the Community Development department or police officers may issue tickets or citations for violations of this ordinance. The Law Department may issue complaints and warrants for violations of this ordinance. The removal or damage of each protected tree shall constitute a separate offense.

L. **Variations and Rights of Appeal.** Upon the application of a person denied a tree removal permit by the Planning Commission or the Planning Department, or upon the application of a person who reasonably believes that a practical difficulty exists with respect to strict compliance with this

ordinance, the Zoning Board of Appeals may consider a variance if a finding of practical difficulty can be made. Refer to Article 6, Chapter 4.

4.603 Natural Features Setback.

A. **Intent.** It is the intent of this section to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Zoning Enabling Act.

B. **Purpose.** The purpose of this section is to establish and preserve a minimum setback from natural features to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area. This section acknowledges the unique spatial relationship between the setback and natural feature. It also acknowledges the interdependency of these areas in terms of physical location, plant and animal species diversity, over land and subsurface hydrology, water table, water quality, and erosion of sediment deposition.

If a greater setback or prohibition is required by other ordinance, or other provision of this ordinance, such greater setback or prohibition shall apply.

C. **Definitions.** Following are definitions of terms used in this section:

1. Natural Feature means a wetland, as defined by the Michigan Department of Natural Resources and Environment (MDNRE), or watercourse.
2. Watercourse. Any waterway including a river, stream, creek, lake, vernal pool, pond, or any body of surface water having a boundary or edge, a bed and visible evidence of a continued flow or continued occurrence of water.

D. **Natural Feature Setback.**

1. Setback Required. A setback of 25 feet from the edge of the natural feature measured horizontally on a line perpendicular to the natural feature shall be maintained in relation to all areas defined in this Ordinance as being a "natural feature," with the following exceptions:
 - a. Any land located in the C-2 district is exempt from the natural feature setback requirement.
 - b. It is determined to be in the public interest not to maintain such setback in accordance with subsection 4, below.
2. Prohibited Activities. There shall be no construction, removal, or deposit of any structures or soils, including dredging, filling or land balancing. No vegetation cutting or removal is permitted within a natural feature setback except in accordance with an approved site plan.

3. Permitted Activities. The following activities are permitted within a natural feature setback:
 - a. Fences and pervious accessory structures.
 - b. Maintenance of previously established lawn areas.
 - c. Grading and filling necessary in order to conform to City, County, State or Federal ordinances or requirements.
 - d. Seasonal recreational structures for watercourse use.
 - e. Planting of non-invasive trees and other vegetation listed in Appendix C of the LID Manual for Michigan, available at the Planning Department, but not the use of fertilization.
 - f. Exceptions to the above may be granted by the City Engineer when there will be no negative impact on the natural feature.
 - g. If and to the extent that the City is prohibited by its ordinances and/or law from regulating the proposed activity in or on the respective natural feature, regulation under this section shall be exempted.

4. Determination of Public Interest. In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
 - a. The relative extent of the public and private need for the proposed activity;
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity;
 - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides;
 - d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities on the natural feature to be protected;
 - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;
 - f. The size and quantity of the natural feature setback being considered;

- g. The amount and quantity of the remaining natural feature setback;
- h. Proximity of the proposed construction and/or operation in relation to the general natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected;
- i. Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted; and
- j. The necessity for the proposed construction and/or operation.

**Chapter 7
Performance Standards**

The following performance standards are established in order to preserve the environmental health, safety and welfare of the City. No activity, operation or use of land, building or equipment shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely affects the surrounding area.

Before the issuance of any building or occupancy permit, the applicant shall execute an agreement, in a form satisfactory to the city, stating that the use of the property will meet the following performance standards and that any violation of these standards in subsequent operations will be corrected. The costs of inspection by experts to determine compliance shall be borne by the applicant.

The following standards are deemed the minimum requirements to be maintained.

4.701 Airborne Emissions.

It shall be unlawful for any person, firm, or corporation to emit or create any smoke or air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Natural Resources and Environment (MDNRE).

4.702 Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.

4.703 Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive is prohibited.

4.704 Noise and Vibration.

A. **Noise** which is objectionable due to intensity, frequency, or duration shall be muffled, attenuated, or otherwise controlled, subject to the following:

1. Objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be controlled so as not to become a nuisance to adjacent uses.
2. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
3. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

In Decibels	Adjacent Use	Where Measured
55	Uses permitted in	Common lot lines

	residential districts and residential special-purpose districts	
65	Uses permitted in Mixed Use and non-residential special purpose districts	Common lot lines
75	Uses permitted in industrial districts	Common lot lines

4. Construction activity creating noise exceeding 55 decibels (dbA) as measured at the boundary or property lines is allowed only during the hours of 7 am to dusk unless otherwise approved by the City.

5. The sound level shall be measured with a type of audio output meter approved by the United States National Institute of Standards and Technology. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses even if falling below the decibel limits of subsection 3, above.

B. **Vibration.** No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:

Particle Velocity in Inches-Per-Second

<u>Frequency in Cycles per Second</u>	<u>Displacement in Inches</u>
0 to 9.99	0.0010
10 to 19.99	0.0008
20 to 29.99	0.0006
30 to 39.99	0.0004
40 and over	0.0002

If requested by the enforcement official, the petitioner shall provide evidence of compliance with the above noted vibration calculations.

Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

4.705 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations of equipment other than those of the creator of such disturbance, or cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

4.706 Hazardous Substances.

A. Any person, firm, corporation or other legal entity operating a business of conducting an activity that uses, stores, or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate Federal, State or local authority having jurisdiction. The City shall be informed of any and all inspections conducted by a Federal, State or local authority in connection with a permit and/or license.

B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall provide a description of hazardous substances and management procedures for approval by the City Fire Marshall in conjunction with the following:

1. Upon submission of a site plan.
2. Upon any change of use or occupancy of a structure or premise.
3. Upon any change of the manner in which such substances are used, handled, stored, and/or in the event of a change in the type of substances to be used, handled or stored.

4.707 Glare and Radioactive Materials.

A. **Glare from any process**, such as or similar to arc welding or acetylene torch cutting, which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

B. **Radioactive materials and wastes**, including electromagnetic radiation such as X-ray machine operation, shall not be permitted to exceed quantities established as safe by the United States National Institute of Standards and Technology, when measured at the property line.

C. **Glare from automobile headlights or commercial or industrial vehicle headlights** shall not be directed into any adjacent property so as to become a nuisance.

4.708 Fire and Explosive Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).

4.709 Property Maintenance.

All properties within the City shall be maintained in accordance with the requirements of the Property Maintenance Code.

4.710 Liquid or Solid Waste.

No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond, or lake. All methods of sewage and industrial waste treatment and disposal shall be approved by the city and state health departments or Department of Natural Resources.

**ARTICLE 5
Signs**

In This Article

Chapter 1 Generally

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Chapter 1 Generally

5.101 Purpose and Intent.

The provisions of this section shall govern the construction alteration, repair, and placement of all signs and outdoor display structures together with their appurtenant and auxiliary devices in respect to structural and fire safety, height area, setbacks, and location.

The intent of this section includes the regulation of signs and outdoor advertising so as to enhance the overall aesthetics within the city, as well as to enhance traffic safety. This is accomplished through regulation that allows and provides a means of communication that is both attractive and safe for pedestrian as well as vehicular traffic. To achieve this purpose, the following objectives are outlined:

- A. To control the location of all signs in a manner which will not obscure the signs of adjacent businesses and establishments.
- B. To keep the signs at a reasonable height and scale to ensure their legibility and compatibility with their surroundings.
- C. To prevent off-premises signs from conflicting with business, residential and public land uses.
- D. To keep street intersections clear of signs which might obstruct or distract the view of motorist.
- E. To restrict the proliferation of signs that will result in an inappropriate use of land.
- F. To prevent visual pollution and improve the appearance of the city.
- G. To prevent the obstruction of light, sunshine and air.
- H. To safeguard and enhance property values, protect private and public investment in buildings and open spaces, and to protect health, safety, and general welfare.
- I. To restrict excessive and confusing sign displays that do not relate to the premises on which they are located.

5.102 General Requirements.

- A. **Permit Required.** Unless specifically indicated otherwise, a sign may not be constructed or erected unless a permit has been issued by the City. Refer to Section [5.110](#) for permit requirements and processes.
- B. **Signs in the public right-of-way.** Only those signs maintained by the city, county, state, or federal governments may be located in, project into or overhang a public right-of-way or dedicated public easement. No permits shall be issued by the building and safety engineering division for any nongovernment sign that will project over or into public right-of-way or dedicated public easements until a review by the city engineer is conducted and approval granted by the director of the department of public works and services or his/her designee.
- C. **Measurement of Sign Area.** For the purposes of determining compliance with the sign area

requirements of this Article, sign area is calculated as follows:

1. Measurement of a sign includes the entire area within a circle, triangle, parallelogram, or polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower.
2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
3. In the case of a sphere, the total area of the sphere shall be divided by four to determine the maximum permitted sign area.

D. **Readerboard Signs.** Readerboard signs are any sign that includes a changeable copy area, either through physical means such as moveable letters or numbers, or electronic means through lighting or other effects. Readerboard signs are subject to the following regulations:

1. Change cycle. The message displayed on signs with an electronic readerboard area may change a maximum of once every 12 seconds. No message or image on an electronic readerboard sign may flash, move, be animated or use similar methods to attract attention.
2. Changeable copy area. The maximum changeable copy area for any site is 20 square feet.

E. **Maintenance.** Every sign permitted in this ordinance shall be kept in good condition as to repair and maintenance, as determined by the Building and Safety Engineering Division.

F. **Compliance and measurement.** Unless otherwise specifically outlined in the ordinance, all signs and outdoor display structures shall conform to the provisions of this ordinance as it relates to structures in report to height, setbacks and location. For purposes of determining setback, the area shall be measured from that portion of the sign that is the closest to the property line.

G. **Signs permitted as accessory use.** Signs are permitted when accessory to a permitted use, except for billboards which are a principal use.

H. **Unsafe and unlawful signs.**

1. All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the city. In event of conflict between this Code and other laws, the most restrictive shall govern.
2. All signs shall be so placed as to not interfere with visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement

on any public sidewalk or safety path.

3. No sign shall be erected, relocated, or maintained so as to obstruct fire fighting or prevent free access to any door, window, or fire escape.

4. When any sign becomes insecure, in danger of falling or otherwise unsafe or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm maintaining same, shall on written notice from the building and safety engineering division, forthwith in the case of immediate danger and in any case within not more than ten days, make such sign conform to the provisions of this ordinance, or shall remove it.

5. In situations when an improper placed sign is obstructing the point of ingress to or egress from a building or structure, the building and safety engineering division shall notify the owner or lessee of the building or structure, or the contractor, whoever shall be deemed responsible by registered or certified mail, informing them of the hazardous nature of such sign and such hazard shall be corrected within ten days after the receipt of the notification.

6. In situations where the placement and/or location of any sign that presents a danger to pedestrians or vehicular traffic, the chief of police or his/her designee shall notify the owner thereof, lessee or person having charge of the sign to cause the immediate relocation of the sign so as to alleviate the danger to the public.

I. **Temporary and emergency safeguards.** When there is a danger of actual and immediate collapse or failure of a sign or display structure or any part thereof which could endanger life, the building and safety engineering division shall remove such sign or display structure, whether or not the legal procedure herein described has been instituted. Costs incurred in the performance of such emergency work shall be paid by the municipality and the legal authority of the municipality shall institute appropriate action against the owner of the premises where the unsafe sign or display structure was located for the recovery of such costs. The owner of the premises shall be liable to the municipality for the full costs of such work.

J. **Enlarging, reduction, or relocating signs.** No sign shall be enlarged, reduced in size, or relocated except in conformity to the provisions of this ordinance nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of the original approval and the requirements of this ordinance are not violated.

K. **Illumination.** No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code. In no case shall any open spark or flame be used for display purposes unless specifically approved by the administrator of the building and safety engineering division and the city fire marshal or his/her designees.

1. In no case shall any sign illumination exceed a level of illumination of 0.08 foot candles, and

a luminous brightness of 2,400 feet lamberts, when measured from the nearest or adjacent residential zoned property.

2. Illuminated signs shall not be erected or maintained closer than 75 feet to a residential use district on which there exist structures used for residential purposes. Also, all lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent residential zoning districts. Further, these signs shall be so arranged so as to not adversely affect driver visibility on adjacent thoroughfares.

3. The director of the department of public works and services is hereby authorized to order a change in the type of illumination of red or green neon signs, which conflict with traffic lights in the city.

4. No sign shall have blinkers, flashers, or fluttering lights or other illuminating device which has a changing light intensity or brightness of color. Beacon lights are not permitted. Any form of animation or moving device shall not be permitted, unless otherwise approved by the city council.

5. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

L. **Substitution.** Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure, and any sign permitted by this Article may contain a non-commercial message.

M. **Obstruction Prohibited.** No sign shall be placed so as to obstruct any fire escape, required exit way, window, or door opening used as a means of passage or as access for firefighting purposes.

5.103 Exempt Signs.

The following types of sign are permitted without requirement for a permit, subject to any listed standards:

A. **Address signs.** Address numbers legible from the street and one nameplate sign not exceeding two square feet in area indicating name of occupant(s) is permitted per lot.

B. **Commemorative signs.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

C. **Directional signs.** Signs providing traffic or property use direction may be permitted in any nonresidential district. Such signage shall have a maximum total area of 40 square feet of sign face per property, and no single sign shall exceed ten square feet of sign face area. Entry and exit signs are allowed provided the signs are two feet from any front lot line and 20 feet from any side or rear lot line of an adjacent residential district. Horizontal directional signs on and flush with paved areas are exempt from these standards.

D. **Institutional.** Sign setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of 24 square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

E. **Murals** are a design or representation painted or drawn on the exterior surface of a structure that, in the opinion of the building official, do not advertise a business, product, service or activity. Murals that are not advertising are exempt from any sign area requirements of this ordinance and shall not be included in calculations for allowable sign area. Murals that are determined to be advertising shall be included in the calculations for allowable building mounted sign area.

F. **Occupant signs.** Signs limited in content to name of occupant, address of premises, and signs of danger of a cautionary nature which are limited to: wall and ground signs, no more than two per street front; no more than four square feet per sign in area; no more than ten feet in height above grade, signs which may be illuminated only from a concealed light source which does not flash, blink, or fluctuate; and which are not animated.

G. **Opinion signs.**

1. Location. Opinion signs shall be confined into private property, and shall be set back from any property line 10 feet or half the setback applicable to a primary building in the zoning district, whichever is greater.
2. Display Period. Opinion signs may not be installed more than 30 calendar days prior to event to which they pertain, and shall be removed within 14 days of completion of the event to which they pertain.
3. Size and Height. Opinion signs shall not exceed an area of 5 square feet or a height of 4 feet.

H. **Parking lot identification signs.** Signs located in parking lots to identify limitations on the use of parking spaces, such as "customer parking," "reserved parking," or to identify barrier free accessible spaces are permitted, subject to the following:

1. The signs shall identify limitations on parking space use only and shall not contain commercial messages of any kind.
2. The signs shall have a maximum area of 1.5 square feet (a typical accessible barrier free parking space sign has a dimension of 1 foot x 1.5 feet).

I. **Public signs.** Signs of a noncommercial nature and in the public interest, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, identification signs announcing public recreational facilities or activities, signs for public buildings or uses, and the like.

J. **Real estate signs.**

1. In Residential Districts. Signs advertising premises for sale are permitted, and shall have a maximum area of six square feet for a single dwelling or building or vacant land. Permission to locate such sign shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of such sign.

2. In Nonresidential Districts. Signs advertising the sale, rental or lease of the premises on which the signs are displayed are permitted with a maximum total area of 12 square feet. Such signs shall be removed within 14 days of the sale, rental or lease. Additional signs for directional purposes only shall be allowed.

K. **Rental signs** on the premises announcing rooms for rent, apartments or houses for rent shall not exceed one square foot in area in an R-1, R-2 and R-5 residential zoned district. Such signs shall not exceed one and one-half square feet of area for each foot of building frontage in an R-3 and R-4 residential zoned district.

L. **Seasonal decorations** that do not convey a commercial message are not considered signage and shall not require a permit.

M. **Signs within buildings.** Any sign placed inside a building may be erected without a permit but subject to the safety regulations of the building code, provided that any sign permanently attached to the interior of the structure and visible from the exterior thereof shall comply with the provisions of this section.

N. **Small signs.** Signs not exceeding one square foot in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.

O. **Street signs.** Signs erected by the city, county, state or federal government for street direction or traffic control.

P. **Vehicles.** Signs on vehicles of any kind, providing the sign is painted or attached directly to the body of the original vehicles and does not project or extend beyond the original manufactured body proper of the vehicle.

Q. **Window Signs.** Window signs that occupy not more than 25 percent of the inside surface of the window area of each floor level of a business or building are permitted.

5.104 Prohibited Signs.

The signs and sign elements are prohibited in all zoning districts:

A. **Obscene Material.** Signs that contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

B. **Hazard Generating Signs.** Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stops," "go slow," "caution," "danger," "warning," or similar words.

C. **Traffic Sign Mimicry.** Signs that are of a size, location, movement, content, coloring, or manner

of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.

D. **Obsolete or Abandoned Signs.** Signs that advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located; signs with no face or no copy; faded or peeling wall signs; or signs in poor physical condition.

E. **Mechanical or Kinetic Signs.** Signs that contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices; or signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation.

F. **Portable Signs.** Signs that are designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters, and/or hitches for towing.

G. **Parasite Signs.** Signs that are affixed to trees, public or private utility poles, rocks, shrubs, or abandoned building or structures.

H. **Advertisement Benches** are prohibited in any residential district.

5.105 Signs Permitted by Zoning District.

Signs requiring a permit include ground signs, building mounted signs, development entry signs, alley signs, and billboard signs. Such signs are subject to the requirements of this Section.

Note that signs in the C-C, G-O-T, MUD, and TC special purpose districts are subject to the sign requirements of the C-2 district.

A. **Where Permitted.** Ground signs, building mounted signs, development entry signs, alley signs, and billboard signs are allowed with a permit.

B. **Ground Signs.** Ground signs are subject to the area and placement regulations of the following Table 15 and the design standards of this section.

Table 15. Dimension and Location Standards for Ground Signs

Zoning District	Number Permitted	Maximum Area	Maximum Height	Minimum Setback
R-1, R-1A, R-1B, R-2	1 per home occupation	1 sq.ft.	3 feet	10 feet from property line or 1/2 of the front yard setback for the district, whichever is greater
R-1, R-1A, R-1B, R-2		Any commercial, office, service, industrial, community, education, institution, or recreation use may have a sign that complies with the standards of the C-O district.		
R-3, R-4, R-	1 per street	50 sq.ft.	10 feet	No minimum setback

5	frontage			
R-5	1 per dwelling	2 sq.ft.	3 feet	10 feet from property line or 1/2 of the front yard setback for the district, whichever is greater
C-O	1 per parcel	50 sq. ft.	5 feet	No minimum setback
C-1	1 per street frontage	80 sq. ft.	8 feet	No minimum setback
C-2	1 per street frontage	50 sq. ft.	8 feet	10 feet from any property line
C-3	1 per street frontage	80 sq. ft.	8 feet	No minimum setback
C-4	1 per street frontage	100 sq. ft.	20 feet	No minimum setback
IP-1	1 per street frontage	40 sq. ft. ⁽¹⁾	8 ft.	1/4 of the minimum front yard setback for the district
M-1	1 per street frontage	80 sq. ft.	10 ft.	1/4 of the minimum front yard setback for the district ⁽²⁾
M-2	1 per street frontage	80 sq. ft.	10 ft.	1/4 of the minimum front yard setback for the district ⁽²⁾
P-1	1 per street frontage	50 sq. ft.	8 ft.	10 feet from any property line

¹ Shared Parking Areas. Where more than one tenant or building share a single parking area the maximum area of the sign may be increased by 20 square feet for each additional use.

² Sign Setback on Constrained Lots. In situations where the front setback requirement cannot be adhered to due to the location of the building, ground signs shall be set back 1/4 of the available front yard area.

Design Standards Applicable to All Ground Signs:

1. Corner Clearance. In addition to any applicable sign setback requirements, all ground signs must comply with the clear vision area requirements of Section [2.303](#).
2. Materials. Ground signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred sign construction materials.
3. Landscaping. Low level landscaping should be provided around the base of the sign, but shall not obscure any part of the sign message.

4. Drive-Through Signs. Any use that includes a drive-through is permitted to have signs that relate to the drive-through facility, such as menu order board signs or information signs. The drive-through signs may have a maximum height of seven feet and a maximum area of 32 square feet per drive-through use, and shall not be included in the computation of total sign area or quantity for the parcel unless such boards are legible from a point of observation off the premises. All freestanding drive-through signs shall be monument-style signs with a decorative base at least as wide as the sign.

5. Site Plan Review Required. No ground sign may be erected, expanded, or developed until the Planning Department has administratively reviewed and approved its location. For the C-2 zone district, no ground sign may be erected, expanded, or developed until the Planning Commission has reviewed and approved its location.

6. Community and Institutional Uses in Residential Districts are permitted to have a ground sign that complies with the requirements applicable in the C-O district.

C. **Building Mounted Signs**. Building mounted signs are subject to the following standards:

1. Maximum Area. Each building may have building mounted signs with a maximum total area as follows. Where more than one tenant share a building, there shall be permitted one wall sign per tenant. The wall sign shall be allocated on a generally equal basis with the total area of all signs not exceeding that permitted in the district.

a. *Residential Districts*. Commercial, office, service, industrial, community, education, institution, or recreation uses shall comply with the building mounted sign standards of the C-O district.

b. *C-O Districts*. 2 square feet per lineal foot of ground floor frontage or 50 square feet, whichever is less. Buildings or uses with more than one street frontage may have additional wall signs with an area equal to 50% of that permitted for the primary frontage.

c. *C-2 Districts*. 3 square feet per lineal foot of ground floor frontage or 80 square feet, whichever is less. Buildings or uses with more than one street frontage may have additional wall signs with an area equal to 50% of that permitted for the primary frontage.

d. *C-1, C-3, and C-4 Districts*. 2 square feet per lineal foot of ground floor frontage or 100 square feet, whichever is less. Buildings or uses with more than one street frontage may have additional wall signs with an area equal to 50% of that permitted for the primary frontage.

e. *IP-1 Districts*.

i. Wall signs shall be permitted providing there shall be no more than one wall sign per street frontage and the signs shall be limited in size to no more than one square foot for each one foot of lineal building frontage, with a maximum area for any single sign and the total area of all wall signs not exceeding 100 square feet.

- ii. Where more than one tenant share a building, there shall be permitted one wall sign per tenant. The wall sign shall be allocated on a generally equal basis with the total area of all signs to be limited to one square foot for each one foot of lineal building frontage, with a total surface area not exceeding 100 square feet in area.
 - f. *M-1 and M-2 Districts.* Wall signs and wall mounted signs may have a maximum area equal to 15 percent of building facade area not to exceed 200 square feet maximum.
2. Location.
- a. *In All Districts.* Wall signs shall be attached directly to the building wall and the horizontal sign surface shall be parallel to the building wall.
 - b. *In Commercial Districts.* Building mounted signs shall only be located on a facade of the building that faces a street, an abutting parking area, vehicle circulation area that provides access to more than one parcel, or on a facade where a public entrance is located.
3. Wall Sign Projection. No sign shall project above any wall it is placed upon nor shall it project out from the wall more than six inches.
4. Wall Openings. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
5. Awning Signs. Sign lettering or logos may comprise up to 35% of the total exterior surface of an awning. Awnings with back-lit graphics or other kinds of internal illumination are prohibited.
6. Supports and Attachments. All signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws.
7. Clearance. Wall signs that project more than three inches from the surface of the wall shall maintain not less than 8 feet of clearance above a public sidewalk and a minimum of 15 feet above public driveways, alleys, thoroughfares, or easements, measured from ground level to the bottom of the sign.
8. Projecting Signs. The aggregate area of all wall and projecting signs per building or site shall not exceed the maximum permitted in the district.
- a. *Projection.* Projecting signs may extend up to 4 feet, measured from the wall to which it is attached to the outer surface of the sign, or one-third of sidewalk width, whichever is less.
 - b. *Ground Clearance.* Projecting signs, including the sign face and all structural supports, shall maintain a minimum clearance of 8 feet above a public sidewalk and a minimum of 15 feet above public driveways, alleys, thoroughfares, or easements. Such clearance shall be measured from ground level to the bottom of the sign or any structural supports thereto.
 - c. *Maximum Area.* Projecting signs may have a maximum area of 12 square feet.

d. *Materials.* Projecting signs, including supports, shall be constructed out of wood or metal. Internally lit plastic signs are prohibited.

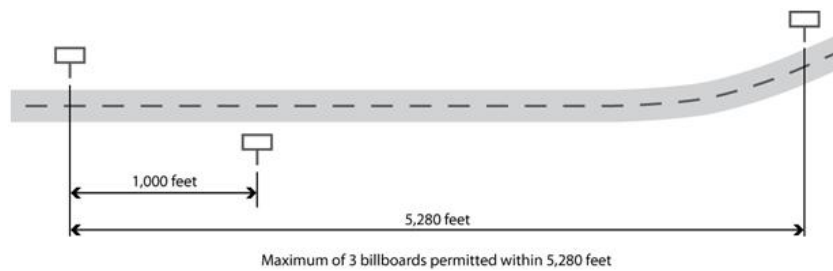
D. **Development Entrance Signs.** In any zoning district, subdivisions of single and two-family homes, housing complexes of more than one apartment or townhouse building, or commercial or industrial subdivisions with more than one parcel are permitted signs identifying the subdivision or housing complex. The size of such signs shall not exceed 200 square feet in area or 10 feet in height. Only one development entrance sign is permitted per street bordering or entering the subdivision, and each sign shall be set back a minimum of ten feet and shall be located wholly upon the premises.

E. **Alley Signs.** Any business with an entrance on an alley shall be permitted additional wall sign area of one square foot per linear foot frontage solely for signs facing such alley.

F. **Billboards.**

1. Where Permitted. Billboards may be established in the M-1 and M-2 districts.
2. Planning Commission Site Plan Approval Required. No billboard sign shall be erected, expanded, or developed until the planning commission has reviewed and approved its location in accordance with Article 6, Chapter 2, in addition to the standards of this section.
3. Spacing. Billboards shall comply with all of the following spacing standards:
 - a. *Total per mile.* Not more than three billboards may be located within one linear mile of one another, regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the municipal corporate boundaries of the city where the particular street or highway extends beyond such boundaries. See Figure 11.
 - b. *Spacing between billboards.* No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway. See Figure 11.
 - c. *Set back from residential districts.* No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
 - d. *Set back from property lines.* No billboard shall be located closer than 30 feet from a property line adjoining a public right-of-way or ten feet from any interior boundary lines of the premises on which the billboard is located.

Figure 11. Billboard Spacing Requirements



4. Sign Area. The surface display area of any face of a billboard may not exceed 300 square feet.
5. Maximum Height. The height of a billboard shall not exceed 40 feet above the grade of the ground on which the billboard sits, or the grade of the abutting roadway, whichever is higher.
6. Double-faced billboard structures (i.e., structures having back- to- back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.
7. Tandem or Stacked Billboards Prohibited. Billboard structures having tandem or stacked billboard faces (i.e., two or more parallel billboard faces facing the same direction with one face being directly above the other) are prohibited.
8. Roof Billboard Signs Prohibited. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
9. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights; rotating or oscillating lights; animated display panels that move; or video, LED, or similar screens that are designed to display video images, scrolling or animated text or graphics, or other similar effects that can unduly distract drivers and endanger the public health, safety and welfare.
10. Construction and Maintenance. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
11. Compliance with Federal Regulations. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA106, as amended) bordering interstate highways, freeways, or primary highways as defined in such Act shall, in addition to complying with the above conditions, as permitted by the state act shall also comply with all applicable provisions of such act and the regulations promulgated thereunder, as such may from time to time be amended.

(Ord. No. 2291, § 1(H), 6-27-13)

5.106 Temporary Signs.

A. Temporary sign construction standards.

1. Standards. No temporary sign consisting of a display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary materials, with or without a structural frame, shall be erected onto the facade of any non-residential commercial structure, except as permitted by subsection 2, below.

2. When Permitted. The City may issue a permit for temporary signs of the type described in the preceding subsection 1 for a period of 30 days after the commencement of a new business at the location where the temporary sign will be located. The purpose of this provision is to allow new businesses to have appropriate signs while making arrangements for permanent signs. Any such temporary signs shall comply with the area and dimension requirements applicable to a wall sign in the district where they are located.

B. **Temporary window signs.** A business shall be permitted temporary exterior window signs which occupy not more than 25 percent of inside surface of the window area of such business. No such sign shall be displayed for more than 30 days in any 60-day period.

C. **Construction signs and street banners.** The following signs may be permitted for a period of 180 days and renewable for additional 60 days periods, by approval of the administrator of building and safety engineering division, or his/her designee, except as specified below.

1. Construction signs that identify the architects, engineers, contractors and other individuals of firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprises for the purpose for which the building is intended, during the construction period, to a maximum area of 16 square feet for each firm. The signs shall be confined to the site of the construction and shall be removed before any occupant permits are issued.

2. Street banners that advertise a public entertainment or event, if specifically approved by the director of the department of public works and services and only for locations designated by the director of the department of public works and services, during and for 14 calendar days before and seven calendar days after the event.

D. **Cold air inflatable balloon signs.** Cold air inflatable balloon signs are permitted in a C-0 commercial office, C-1 local business, and C-3 corridor commercial business districts. These signs shall be firmly attached to the commercial establishment of which the advertisement is intended, and can be in place for a period not to exceed 30 calendar days.

E. **Development signs.** Temporary signs announcing the names of architect, engineers, contractors, or other individuals involved with the subdivision or development of property shall be confined to the site of the subdivision and shall be permitted for one year from the date of erection. If development of the subdivision is not completed within one year, the sign shall be permitted to exist an additional period not to exceed one year. Temporary inflated markers or signs are prohibited as

permissibly temporary signs.

F. **Construction signs.** Any sign announcing the names of architects, engineers, contractors, or other individuals involved with the construction, alteration or repair of a building (but not including advertisement of any products) or announcing the character of the building enterprises or the purpose for which the building is intended. Such signs shall be confined to the site of construction and shall be removed within 21 days after completion of the work. Signs shall conform with standards for subdivision signs.

5.107 C-2 District Sign Design Review Procedures.

All signs erected in a C-2 Central Business District shall be subject to design review approval by the DDA design committee.

A. **Submittal Requirements.** The applicant shall submit five copies of the following to the building official, all of which shall be under the seal of a registered architect, or members of American Institute of Graphics Arts, or a member of the Graphic Arts Association.

1. *Location plans:* Site plan of signs within the central business district shall indicate zoning district and location in the downtown.
2. *Sign design plan.* A detailed description of the sign, including elevation, scale, to not less than one-half inch equaling one foot, description of the materials to be used, and script, with a colored rendering of the layout of the proposed sign.

B. **Design review.** The planning administrator shall present the application with the above information (design review approval) to the downtown development authority, who shall review and approve/disapprove the proposed sign application. In making its decision, the DDA design committee record shall be expressed in writing and/or drawings as to the findings of fact and the reason for decision, with a statement of any conditions or limitations to which an approval or denial is subject to. In granting an approval, the DDA design committee shall make a findings or shall prescribe appropriate conditions and safeguards where applicable to insure the following:

1. The relationship of roadways, sidewalks, parking areas, and other right-of-way, to parking areas in the proposed development and to other right-of-way, both existing and proposed, adjacent to the site and on adjoining parcels, is conducive to the safe, efficient and expeditious movement of vehicular and pedestrian traffic, thereby avoiding undue traffic congestion and promoting public safety.
2. All signs shall be placed in a manner so as to be readily accessible, via public right-of-way, to fire and police protection, and that in any event, no structure shall be placed more than 500 feet from a public right-of-way, unless the accessibility of fire and police protection is otherwise assured.
3. The proposed sign will be compatible with the surrounding neighborhood to the extent that it will not adversely effect the development of adjacent or abutting properties.

4. The proposed sign will conform to all requirements and provisions of this ordinance.
5. The location of all proposed landscaping, fences, and lighting are shown, and are not incompatible with, or detrimental to, nearby properties or uses.
6. The height and dimensions of all signs are shown, and are not incompatible with, or detrimental to, nearby properties or uses.

5.108 Nonconforming Signs.

A. Legal Nonconforming Signs. Signs existing at the time of enactment of this ordinance and not conforming to its provision, but which were constructed in compliance with previous regulations shall be regarded as legal nonconforming signs and may continue to exist when maintained in good condition, but may not be:

1. Changed to a different nonconforming use unless such different use is found by the board of appeals appointed and acting under this ordinance, as amended, to be no more detrimental than the previous use.
2. Re-established after discontinuance for more than 12 months.
3. Extended, enlarged, relocated, or structurally altered.

B. Unsafe or Unlawful Signs. Signs that are classified as unsafe or unlawful as discussed in section 18.3, 3.7 shall be considered illegal nonconforming signs.

1. Any sign existing in violation of section 18.11 (prohibited signs) of this ordinance shall be classified as illegal nonconforming signs and shall be removed, attended, or repaired in accordance with this ordinance.

5.109 General Structural Requirements.

All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the city building code and the requirements of this section.

5.110 Licenses, Permits and Fees.

A. Filing plans and specifications and applications for permits.

1. Before any permit is granted for the erection of a sign or outdoor display structure, plans and specifications shall be filed with the building and safety engineering division showing the dimensions, materials and required details of construction including loads, stresses, and anchorage.
2. Application for sign permits shall be made upon forms provided for this purpose and shall be filed, along with the plans and specifications, in the office of the building and safety engineering division.

B. Issuance of permits.

1. No new sign shall hereafter be erected, constructed, altered or maintained except as herein provided and until after a permit has been issued by the building and safety engineering division. No permit shall be issued unless the sign complies with all of the requirements of this ordinance and all requirements of law and codes and ordinances of the city.
2. Permits for the erection of a sign shall only be issued to persons, firms or corporations licensed and qualified to carry on such work under all the provisions of this ordinance.

C. Licenses for sign erectors.

1. Every person, firm or corporation engaged in the business of erecting, altering or removing or installing signs for which permits are required by this ordinance shall be licensed to conduct such operations.
2. The license to engage in the business of erecting signs shall be known as a sign erector's license and shall only be issued to those persons, firms or corporations which show sufficient knowledge and experience to satisfy the building and safety engineering division as to their ability to erect signs in a safe and substantial manner in accordance with the provisions of this ordinance.
3. Insurance certificates: Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the building and safety engineering division, a certificate of insurance, approved by the city's risk management division, for public liability in the amount of \$100,000.00 for injuries to one person and \$300,000.00 for injury to more than one person, and property damage insurance in the amount of \$25,000.00 for damage to any property due to the actions of himself or any of his agents or employees.
4. Lapsing of insurance: At any time the insurance of any licensed sign erector is permitted to lapse, his right to hold a license and obtain permits shall automatically be revoked.
5. Bond required for sign erectors: Prior to issuance of a sign erector's license, the person desiring such a license shall file with the administrator of the building and safety engineering division, or his/her designee, a good and sufficient surety company bond running to the city in the penal sum of \$50,000.00 to indemnify, save, and keep harmless the city from any and all costs, damages, or expenses of any kind whatsoever which may be suffered by the city or which it may be put to, or which may accrue against it by charging to or recovering from the city from or by reason of the granting of permission to erect the signs, or by reason of any such acts or things done under or by authority or permission granted to erected such signs in the city or by reason of the negligence, failure, or refusal of any person to comply with all the provisions of this article applicable to such signs.

D. Application for licenses.

1. Every person, firm or corporation desiring to erect signs for which permits are required shall apply to the administrator of the building and safety engineering division, or his/her designee for a sign erector's license and shall furnish the name and address of the proprietor, president or

other senior officer in charge and such other pertinent information as may be requested. The administrator of building and safety engineering shall examine the qualifications of each applicant and shall certify in writing his approval or rejection of such license. All sign erector's certificates of insurance must be approved by the city risk management office. Sign erector's licenses shall expire on December 31st. The administrator of the building and safety engineering division, or his/her designee, may decline to approve a license for any of the reasons set forth in section 1-24 of the Code, and in the case of disapproval of an application by the administrator, the provisions of section 1-24 of the Code regarding the right of hearing before the city council shall apply.

2. Holders of sign erector's licenses shall notify the building and safety engineering division of any change in the management or address of the firm or corporation.

3. *Revoking of licenses:* In case the holder of a sign erector's license shall fail to comply with any notice relative to the improper construction or erection of any sign, the administrator shall notify the senior officer in charge of such firm or corporation to appear before him at a stated time and show cause why his firm's license shall not be revoked. The notice to appear shall be in writing and shall be delivered to the address shown upon his records. After such hearing, or if the license holder shall fail to appear the administrator of the building and safety engineering division, or his/her designee, may recommend to the city council that it commence and pursue proceedings for the suspension or revocation of the license in accordance with the provisions of section 1-24 of the Code.

E. License for maintaining signs.

1. License required: No sign for which a permit is required herein shall be maintained unless the owner thereof shall have a license therefore.

2. Permit to be original license: The permit required herein for erecting a sign shall also be a license to maintain such sign until the expiration of license in the following license period for that particular address as regulated by chapter 8 of the Code, as follows: street address beginning with the letters:

A through F expire March 31.

G through M expire June 30.

N through R expire September 30.

S through Z expire December 31.

3. *Subsequent licenses:* At the expiration of the original license, the owner of every sign shall renew his license to maintain such sign annually. All the owners of signs now maintained and not licensed shall obtain a license, as herein provided.

4. No license shall be issued for any sign that does not comply with all requirements of this ordinance and applicable laws or Codes and ordinances of the city.

F. Fees for permits and license, and requests for refunds.

1. The fees for a sign or display structure permit, special inspections, overtime inspectors and fees for license for maintaining signs shall be established by the city council resolution.
2. In case where permit fee refunds are requested and made, due to contracts no being executed, a change of contractors or for any other valid reason, administrative fees, as determined by the building and safety engineering division, shall be deducted from the total amount of the permit fee. The administrative fee shall be based on the cost to the city of issuing, inspecting, and administering the permit or license in questions.

G. Expired licenses.

1. Signs retained after the expiration of maintenance licenses shall be removed. Failure to remove such a sign shall be a violation of the ordinance for which the property owner shall be responsible, and the occupant shall also be responsible, if the occupant is responsible for the sign. If such a sign is not removed by the owner or person responsible, the administrator of the building and safety engineering division, or his/her designee, shall issue a written notice to the owner indicating that such sign shall be removed within ten days, and giving notice that if it is not so removed, it will be removed by the city at the expense of the owner or responsible party shall be billed for the cost of removal. If the obligation is not a paid in full within 30 days for the date of the bill, in such case the city may assess any portion of the obligation that is unpaid, plus the administrative costs of the city for removal, billing, and assessing the costs against the parcel of property where the sign was located, as a special assessment, in accordance with the procedure set forth in chapter 2, Article 5, section 2-80 through 2-82 of the Code.

H. Identification of signs.

1. Signs of every class which come within the provision of this ordinance, must carry the imprint of the licensed erector in clearly legible letters, as follows:
2. On projecting signs, flat signs, pole signs, and all types of ground signs, the imprint of the licensed erector may be applied in the border thereof in color or by metal tag substantially and permanently attached to each and every sign in such a place on sign as can be seen from the sidewalk or street below such signs after they are erected.
3. On all roof signs, marquees, and billboards the imprint of the licensed erector may be applied in the border thereof in color, or on a separate metal panel attached to the framework of such erection.
4. In case of re-hanging or re-erection of any such sign as is required to carry the imprint of the erector, the new erector, if he be different than the original, must remove the imprint of the former erector and place his own imprint on the sign.

5.111 Enforcement and Inspection.

- A. **Enforcement Official.** This ordinance shall be administered and enforced by the administrator of

the building and safety engineering division, or his/her designee. The director of the department of public works and services shall be authorized to administer and enforce sign provisions which involve the public right-of-way or public easements.

B. Inspection Required. All signs, signboards, projecting signs, roof signs, and marquees, for which a permit has been issued shall be inspected by the building and safety engineering division and if found to have been well constructed, supported, braced and painted in accordance with approved plans submitted and in accordance with the provisions of this ordinance, then a certificate of inspection shall be issued, upon request, without charge to the owner or erector.

C. Concealed Anchorages. In cases where fastenings, anchorages, etc., are to be installed and bricked in or enclosed in such manner that the inspector cannot easily remove material to see anchorage, or fastenings and materials used, the sign erector who has secured the permit for such erection must advise the building and safety engineering division when such will be installed and stop further construction or erection of sign until such concealed anchorages are seen or approved by the building official.

D. Unsafe or Improper Construction or Installation. Should any new sign erection of any kind be found unsafe, insecure, improperly constructed or not in accordance with approved plans or the requirements of this ordinance, the sign erector shall be required to make any such erection safe, secure and according to requirements of this ordinance or entirely remove the sign within 48 hours from the time of notification, in writing, to that effect by the building and safety engineering division.

E. Yearly Inspection. All the several classes of signs shall be inspected by the building and safety engineering division once a year as to their safety, and if found to be well supported, painted to prevent corrosion, and so secured to the building as to safely support the weight of the sign as well as resist the required wind pressure, a certificate of such inspection shall be issued upon request. If, upon such inspection, a sign of any class be found unsafe, insecure, corroded or subject to corrosion so that the sign may become unsafe, or insecure before the expiration of the ensuing year, then the owner shall be required to make the sign safe and secure by causing such necessary repairs, additions, paint, etc., within ten days from the time of notification in writing to that effect from the building and safety engineering division and if such notice is not complied with, within the time specified, the administrator of the building and safety engineering division, or his/her designee, shall cause same to be removed. The cost for the removal of such sign shall be assessed against the property owner in accordance with sections 2-81 and 2-82 of the Code. It shall also be the duty of the administrator of the building and safety engineering division, or his/her designee, to order the removal of unsafe signs for which a permit and license is not required herein, and the maintenance of such a sign in an unsafe condition after receipt of notice to remove or repair the same shall be a violation of this ordinance.

F. Removal of Illegal Signs Located within the Public Right-of-Way. The director of the department of public works and services, in the event of violations, shall cause the removal of any unauthorized signs from the public right-of-way.

ARTICLE 6 Administration

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Chapter 1 Administrative Organization

6.101 Overview.

Administration of this Ordinance is vested in the following City entities:

- A. Administrative Officer (Section [6.102](#)).
- B. Planning Commission (Section [6.103](#)).
- C. Zoning Board of Appeals (Section [6.104](#)).

6.102 Administrative Officer.

A. Establishment of Administration Officer. The provisions of this ordinance shall be administered by the building official or any of his duly authorized representatives unless otherwise noted in this Ordinance (example: the planning administrator).

B. Duties and Limitations of the Building Official.

1. The building official shall have the power to grant zoning compliance permits and certificates of occupancy, and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.
2. It shall be unlawful for the building official to approve any plans or issue a zoning compliance permit for any excavation or construction or use until he has inspected such plans in detail and has found them in compliance with this ordinance. To this end, the building official shall require that every application for a zoning compliance permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats as required by Article 6, Chapter 2.
3. If the proposed excavation construction, moving or alteration, or use of land as set forth in the application is in conformity with the provisions of this ordinance, the building official shall issue a zoning compliance permit. If any application for such a permit is not approved, the building official shall state in writing on an appropriate denial form the cause for such disapproval.
4. The building official may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the building official may on such preliminary submittal take the formal action of tentative denial or tentative approval.
5. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this ordinance.
6. The building official shall carry out the orders of the planning commission and zoning board of appeals which are duly authorized by this ordinance.
7. The building official is under no circumstance permitted to make changes to this ordinance

or to vary the terms of this ordinance in carrying out his duties.

8. The building official shall not refuse to issue a zoning compliance permit when the conditions imposed are complied with by the applicant despite violation of contracts, such as covenants or private agreements, which may result upon the granting of such permit.

6.103 Planning Commission.

A. Creation and Designation.

1. Creation. The Planning Commission created by Ordinance No. 881, adopted March 5, 1935, and as amended by Ordinance 1060 adopted June, 1964, which was charged, along with other powers and duties, with the duty of preparation of and recommending amendments to a Zoning ordinance for the City, is the body referred to herein.

2. The Planning Commission is hereby designated the commission specified in section 11, Act No. 4 of the Public Acts of Michigan of 2008 (MCL 125.3801 et. seq.), and shall perform the duties of such commission as provided in the statute in connection with this ordinance together with such powers and duties as are given to such commission by the Charter and this Ordinance.

B. Zoning Commission. The Planning Commission is hereby designated as the Zoning Commission specified in Article III of Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute.

C. Powers and Duties. The Planning Commission shall have such powers concerning the preparation and adoption of a comprehensive master plan consisting of future land use, street and thoroughfare plan, community facilities, public improvements programs, zoning ordinances, subdivision regulations, and other such rights, powers, duties and responsibilities as are expressly provided for in this Ordinance, the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

D. Sec. 14.4. Rules of procedure. The planning commission is hereby authorized to adopt rules of composition, procedure and policy consistent with the statutes of Michigan and the provisions of this ordinance.

6.104 Zoning Board of Appeals.

The Zoning Board of Appeals (hereinafter referred to as "ZBA" or "Board of Appeals") is created pursuant to Article VI of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).

A. Organization. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Section 601 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the following provisions:

1. Membership.

a. The ZBA shall consist of seven members who shall be appointed in accordance with

Section 601 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The ZBA shall represent insofar as is possible the population distribution in the City. Each member of the ZBA shall be a resident of the City of Pontiac. An employee or contractor of the City Council may not serve as a member of the Zoning Board of Appeals.

b. The City Council may appoint to the zoning board of appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.

2. Terms. The term of each member shall be for three years, except for members serving because of their membership on the Planning Commission, whose terms shall be limited to the time they are members of those bodies.

3. Vacancies. Successors in office shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

4. Ex-Officio Members. Pursuant to MCL 125.3601(4), one of the regular members of the Zoning Board of Appeals may be a member of the Planning Commission.

5. Conflict of Interest. A member of the ZBA who is also a member of the Planning Commission shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

B. Procedures.

1. Meetings. All meetings of the ZBA shall be held at the call of the chairperson and at other times as the ZBA may determine. All hearings conducted by such board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall also keep records of its hearings and other official action. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

2. Quorum and Majority Vote Required. The ZBA shall not conduct business unless at least a majority of the membership of the ZBA is present. The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a

variation in an ordinance. The concurring vote of 2/3 of the members of the zoning board of appeals shall be necessary to decide in favor of a use variance.

C. **Powers.** The board of appeals shall have the following powers including the power to order the issuance of zoning compliance permits and certificates of occupancy to implement its decisions.

1. Interpretation of the zoning ordinance and administration review.
2. Nonconformities. To decide whether or not changes in type “A” nonconformities are more detrimental than the existing use; upon conformity of alterations, extensions or enlargements of type “C” nonconformities; whether or not the type of nonconformity recorded by the building official actually exists; and to decide on the application of regulation set out in Section [6.506](#) regarding a substandard lot of record (see Article 6, Chapter 5 for nonconformity standards).
3. Interpretation of Zoning Map. To decide on any uncertainty that may exist, after applying the rules set out in Section [2.104](#) as to the exact location of a district boundary.
4. Height Exceptions. To decide upon the application of the regulations of Section 2.301.C if a question arises as to the necessity or degree of incidentalness or length of custom as set out in the aforementioned regulations.
5. Appeals of Administrative Decisions. To hear and decide appeals where it is alleged by the appellant that there is error, in regard to interpretation of the provisions of this ordinance, in any order, requirement, permit, decision, or refusal made by the building official in carrying out or in enforcing any provision of this ordinance. (see Section [6.405](#))
6. Dimensional Variance. To hear and decide requests for dimensional variances. (see Section [6.407](#))
7. Use Variance. To hear and decide requests for use variances. (see Section [6.408](#))

D. **Limitations of the Powers.** Nothing contained herein shall be construed to empower the board to change the terms of this ordinance, to effect changes in the zoning map, or to add to the uses permitted in any district, except where specifically empowered to do so.

Chapter 2 Site Plan Review

6.201 Purpose.

The procedures, standards and required information in this Chapter are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these site plan review requirements to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

6.202 Type of Site Plan Review Required.

Four levels of site plan review are established by this Ordinance: site plan review not required, administrative review, sketch plan review, and site plan review.

The submittal requirements for each kind of review are listed in Table 17 in Section [6.208](#).

A. **Site Plan Review Not Required.** Site plan review is not required for the construction of single family dwellings and small accessory structures and other activities and improvements that will not generate material off-site impacts. However, any activity or use that is exempt from site plan review may still be subject to the requirements of Article 6, Chapter 7, Permits, Fees, Violations and Penalties.

B. **Administrative Review** is required for certain small scale projects that do not impact neighboring properties.

1. **Authority.** The planning administrator shall have the authority to approve, approve subject to conditions, or deny any plan requiring administrative review. The planning administrator shall from time to time provide the Planning Commission with a summary of administrative review decisions made pursuant to this section.

2. **Request for Planning Commission Review.** The planning administrator or the applicant shall have the option to request Planning Commission consideration of plans eligible for administrative review.

3. **Appeals** of administrative site plan decisions made by the planning administrator shall be made to the Planning Commission. In such cases, the Planning Commission shall review the plan in accordance with the site plan review procedures set forth in Section [6.204](#).

C. **Sketch Plan Review** is a Planning Commission review process for smaller scale projects and expansions or changes in use for existing sites. Less detailed information is required for sketch plan review compared to site plan review, and the level of information required is intended to be only that necessary to verify compliance with applicable Ordinance standards.

The application requirements and review procedures for sketch plan review are the same as those

established for a one-step site plan review in Section [6.204](#).

D. **Site Plan Review** is required for larger and more intense projects, including most new developments, major expansions, and redevelopment. Site plan review procedures and requirements are listed in Section [6.204](#).

Table 16 summarizes what kind of site plan review is required for various development activities. When a combination of more than one kind of development activity is proposed on a site, such as parking improvements required with the construction or expansion of a building, all site improvements shall be reviewed according to the highest level of review required for any one of the individual components of the overall development.

Table 16. Type of Site Plan Review Required

Key:	NR: Not Required	AR: Admin. Review	Sk: Sketch Plan	SP: Site Plan Review			
DEVELOPMENT ACTIVITY				NR	AR	Sk	SP
NEW CONSTRUCTION							
Accessory Structures (smaller than 200 sq. ft. or residential) In any district, up to 200 sq. ft. in area and accessory structures of any size accessory to a single family dwelling unit (building permits are required)				•			
Accessory Structures (nonresidential larger than 200 sq. ft.) 200 sq. ft. in area or greater that are accessory to any use other than a single family dwelling unit. The planning administrator may require sketch plan review if the accessory structure could create negative impacts on the surrounding area.					•	•	
Manor House New construction of a new 3-4 unit manor house structure on a single lot, or conversion of an existing structure to a 3-4 unit manor house						•	
Non-Residential or Multiple Family Construction of any non-residential structure, multiple-family apartment building with 3 or more units, or manufactured housing community							•
One or two family dwellings on a single lot				•			
BUILDING ADDITIONS, MODIFICATIONS, and ALTERATIONS							
<i>Increases in floor area to existing multiple-family or non-residential buildings based on the cumulative total of expansions in the previous 5 years shall be reviewed as follows. Note that associated site improvements that are required due to the increase in floor area such as parking or landscaping may require a different level of review.</i>							

<p>Architectural Changes Modifications to a building facade or architectural features that comply with the standards of this ordinance</p>		•
<p>Increase in Floor Area (minor) An increase of up to 10% of the existing floor area for any non-residential or multiple family building when all of the following apply. If any of the following do not apply, sketch plan review is required. Ñh is located on a rear or side facade Ñh will not be visible from a major or minor thoroughfare Ñh will not negatively impact surrounding property in the opinion of the planning administrator</p>		• •
<p>Increase in Floor Area (moderate) An increase of more than 10% but less than 15% of the existing floor area for any non-residential or multiple family building</p>		•
<p>Increase in Floor Area (major) An increase of more than 15% of the existing floor area for any non-residential or multiple-family building</p>		•
<p>Limited Reconstruction without Expansion Demolition of less than 50% of the existing footprint area of a building and reconstruction that expands the building footprint by less than 10%</p>		•
<p>Limited Reconstruction with Expansion Demolition of less than 50% of the existing footprint area of a building and reconstruction that expands the building footprint by more than 10%</p>		•
<p>Major Reconstruction Demolition and reconstruction of more than 50% of the existing footprint area of a building</p>		•
SITE IMPROVEMENTS WITHOUT SIGNIFICANT BUILDING EXPANSION		
<p>Landscape Changes Changes in approved landscaping plans to similar species consistent with the standards of this Ordinance and that do not reduce the total amount of landscaping on the site</p>		•
<p>Minor Changes During Construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies</p>		•
<p>Park improvements</p>		•

official or representative of the City. The purpose of this conference is to allow discussion with the city to better inform the applicant of the acceptability of any proposed plans or use prior to incurring extensive engineering and other costs which might be necessary for preliminary plan review and final site plan approval. A request for this conference shall be in writing and shall contain whatever information the applicant deems necessary so that full disclosure and discussion of the proposed plan may be held. The committee's decision shall have no binding effect on the Planning Commission or City Council but be designed simply to advise the applicant of the feasibility of the proposal.

6.204 Site and Sketch Plan Review Procedure.

A. **Application.** The owner, tenant, or purchaser having an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Planning Department. The site plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by Section [6.208](#). A site plan that does not meet the stipulated requirements for either preliminary or final site plan approval shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

B. **Technical review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate City officials and staff for review and comment. If deemed necessary the plans shall also be submitted to applicable outside agencies and designated City consultants for review and comment.

C. **Preliminary Site Plan Review.** The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Section [6.205](#) (Standards for Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:

1. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.
3. **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose

of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

D. **Final Site Plan Review.** The planning administrator shall review the final site plan, including items of information required by Section 6.208 for a final site plan and any requested reports and recommendations from City staff, consultants, and other reviewing agencies. The planning administrator shall then make a determination based on the requirements of this Ordinance, the standards of Section 6.205 (Standards for Approval), and the following considerations:

1. The proposed final site plan is consistent with the approved preliminary site plan in terms of building location and architecture, amount and quality of landscaping, and site details including but not limited to lighting, parking, signs and circulation layout.
2. All conditions imposed during preliminary plan approval are met.
3. The engineering requirements applicable at final site plan approval are met.

E. **Single-step sketch or site plan approval.** Nothing in this ordinance shall prohibit the Planning Commission from granting sketch plan or final site plan approval without first granting a preliminary site plan approval if the plans are in compliance with the requirements of this Ordinance for a sketch plan or final site plan.

F. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside state and county agencies. All federal, state and local laws and ordinances shall be met and no unresolved negative comments issued by any governmental agency or public utility shall exist prior to the issuance of a certificate of occupancy.

G. **Records Copy of Approved Plans.** Two copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. Each copy shall be signed and dated by the chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

H. **Appeal.** The decision of the Planning Commission may be appealed to the City Council by the applicant. A request for appeal must be made in writing to the planning administrator within ten days from final action taken on the site plan review and appearance standards approval.

6.205 Standards for Approval.

In reviewing an application for any type of sketch or site plan, the reviewing authority for the type of review required shall be governed by the following general standards:

A. **Circulation.** There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. The Planning Commission may request, at their discretion, that a traffic study be conducted by an independent source and paid for by the developer, and the results submitted to the Planning Commission prior to final site approval.

B. **Buildings.** The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.

C. **Natural Features.** As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

D. **Site Layout and Screening.** Any adverse effects of the proposed development and activities emanating therefrom that affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.

E. **Applications Requiring Site Plan Approval** must comply with all current provisions and standards of the zoning ordinance and the subdivision control ordinance, as applicable.

F. **Applications Requiring Sketch Plan Approval.**

1. Proposed improvements that are part of a sketch plan application shall comply with all ordinance requirements.

2. Existing improvements or features of the site that do not comply with current ordinance standards shall be brought into compliance as nearly as is reasonably possible. The requirement to bring existing improvements into compliance on a site requiring sketch plan approval shall be proportionate and commensurate with the scale of the proposed improvement requiring sketch plan approval. The reviewing authority shall determine what constitutes proportionate and commensurate improvements based on existing conditions on the site and the cost of proposed improvements.

G. **Approval Contingent Upon Variance(s).** The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance(s) with the understanding that without the variance(s), the site plan is disapproved.

If the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals within 60 days of site plan approval. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission. This shall not preclude the applicant from seeking a variance or variances from the Zoning Board of Appeals prior to obtaining site plan approval.

6.206 Conformance with Approved Site Plan/Design Appearance.

A. **Suspension by planning administrator.** Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design appearance shall be suspended by the planning administrator by written notice of the revocation being posted upon the premises involved and mailed to the last known address of the owner.

Upon suspension of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has approved a modification in the site plan or design appearance in accordance with Section 6.207.C.

B. **Rescinding Site Plan Approval.** Approval of a site plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special exception approval. Such action shall be subject to the following:

1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Article 6, Chapter 9 of this Ordinance (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. Determination. Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to the property owner or his or her designated agent.

6.207 General Provisions.

A. **Expiration of site plans.**

1. Preliminary site plans shall expire one year after the date of preliminary approval, unless the final site plan for the project has been submitted to the planning department for review prior to the expiration date.
2. Final site plans.
 - a. Final site plans shall expire one year after the date of final approval, unless building permits have been issued or construction has commenced. The date of final approval is established by the most recent date stamp on the final plans.
 - b. If building permits have been issued or construction has commenced, final site plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than 180 continuous days, said approval shall immediately expire.
3. Extensions. Upon written request received by the City prior to the expiration date, the Planning Commission may grant up to 2 one-year extensions to any site plan application. The

extensions may be granted for either preliminary or final approvals, provided that the approved site plan conforms to current Zoning Ordinance standards.

B. Resubmission. A site plan that has been denied shall not be resubmitted for a period of 180 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

C. Revisions to Approved Site Plans. Minor revisions to an approved site plan may be administratively reviewed by the zoning administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the planning administrator to be minor shall be reviewed by the Planning Commission as an amended site plan, following the procedures of Section 6.204 and the criteria of Section 6.205.

D. Performance Guarantee. The reviewing authority and the planning administrator shall have the right and authority to require the developer to file a performance agreement in a form provided by the City at the time of application for a building permit to ensure the development of the site in accordance with the approved site plan/design appearance, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site. If required, the performance guarantee shall comply with the following requirements:

1. The applicant shall submit a signed and sealed estimate of the required site work by a licensed engineer, surveyor, architect or contractor. The performance guarantee shall be in an amount sufficient to complete the required site work based on the estimated cost of site improvements.
2. The performance guarantee, subject to acceptance to the City, shall be in the form of cash, certified check, surety bond or irrevocable bank letter of credit. The performance guarantee shall be released upon completion of site work in accordance with the approved site plan, failing which the amount will be forfeit.

6.208 Required Information.

The information listed in Table 17 is required for all site plan applications, except where the planning administrator or the Planning Commission determines that certain information is not necessary or applicable to the particular site plan application.

Table 17. Required Information

Key:	SP: Site Plan	Sk: Sketch Plan	AR: Administrative Review Plan
DEVELOPMENT ACTIVITY			SP Sk AR
DESCRIPTIVE INFORMATION			
Name, address, email (if available), telephone and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan, and the property location (address, lot number, tax identification number).			. . .

Total area of land in acres or square-feet.	•	•	•
Existing and proposed use(s) of the site	•	•	•
Zoning classification of the property and surrounding parcels (including parcels separated by a street right-of-way).	•	•	•
Legal description of the property.	•		
Architect's, engineer's, surveyor's, or landscape architect's seal.	•		
SITE PLAN DATA AND NOTES			
Site plans shall be drawn to an engineer's scale of not less than one inch equals fifty feet (1" = 50'). A general plan sheet drawn at scale of not less than one inch equals two hundred feet (1" = 200') shall be provided if the project covers more than one plan sheet at 1" = 50'.	•	•	
Title block, including the scale, north arrow, revision date, name of the City, and a location map drawn at one inch equals 2,000 feet (1" = 2,000') showing surrounding land, water features and streets within one (1) mile of the site boundaries.	•	•	
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.	•	•	•
Detailed parking (including accessible and van accessible parking), residential density and lot coverage calculations.	•	•	•
Construction type and use group of all buildings as defined by the Michigan Building Code. If two or more uses not in the same occupancy classification are proposed, indicate if the structure is being designed for separated or non-separated uses.	•	•	
EXISTING CONDITIONS			
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains and wetlands, with surface drainage flow directions, including high points, low points and swales.	•		
Existing topography on site and 50 feet beyond the site boundaries at two-foot contour intervals.	•		
Slopes greater than 20% with a 10' or greater elevation change.	•	•	
Buildings located on adjacent properties within 100 feet of any property line.	•	•	•
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	•	•	•
Existing tree survey including the location of all trees 6" or greater diameter at breast height. The tree survey shall include a key showing the tag number, size, species, and condition of all trees located on the site.	•	•	•

Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements. The site plan shall clearly note which features will be removed, altered or preserved and provide information regarding the method of preservation or alteration.	•	•	•
Existing and proposed right-of-way lines and the centerline of adjacent roads.	•	•	
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).	•	•	
Location, outside dimensions, setback distances and proposed uses of all site improvements.	•	•	•
Gross and usable building floor areas.	•	•	•
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, access and drainage.	•	•	
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamp types and methods of shielding.	•	•	
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles. All light intensities shown on the plan shall reflect overlapping illumination zones created by proposed fixtures.	•	•	
Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.	•		
Waste receptacle locations and methods of screening.	•	•	
Transformer pad location and method of screening, if applicable.	•	•	
Outdoor sales, display or storage locations and method of screening, if applicable.	•	•	
Locations, sizes, heights, types and methods of illumination of all proposed signs.	•	•	
BUILDING and ARCHITECTURAL DETAILS			
General architectural drawings sufficient to convey the intended look and appearance of the building, and to indicate the type and color of building materials, detailing, and other architectural features.	•	•	•
Detailed building facade elevations, drawn to an appropriate scale and indicating type and color of building materials, roof design, projections, canopies, awnings, window openings, entrance features, doors, overhangs, other architectural features and any building-mounted mechanical equipment, such as air-conditioning and heating units.	•		
Building floor plans with all exits clearly delineated.	•		

Entrance details, including signs and details of signs.	•		
Carport locations and details, if applicable.	•		
ACCESS and CIRCULATION			
Names of abutting streets, and the width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces.	•		
Loading and unloading areas.	•		
Designation of fire lanes and signs stating “no parking” and “fire lane.”	•	•	
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	•		
Location and dimensions of existing and proposed interior sidewalks and sidewalks or paths within public rights-of-way.	•	•	
Parking space and maneuvering aisle dimensions (including accessible parking space and access aisle dimensions), pavement markings, traffic control signage, designation of fire lanes and location and dimension of loading areas.	•	•	
Proposed accessible routes from accessible parking spaces to accessible building entrances, with sufficient grade information along the route to verify compliance with the City’s adopted building code.	•	•	
Accessible routes and ramp slopes by indicating point elevations at the perimeter of such areas.	•	•	
Details along the proposed accessible route(s), including accessible parking signs, curb ramps, ramps, and maneuvering clearances of accessible building entrances/doors, as applicable.	•	•	
LANDSCAPING and SCREENING			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved. All landscape plans shall be signed and sealed by a registered landscape architect.	•	•	
Planting list for proposed landscape materials with quantity, caliper-size and height of material, botanical and common names, and standards of installation.	•	•	
Location, dimensions, construction materials, cross-section and slope ratio for any required or proposed berms or greenbelts.	•		
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.	•		
Complete irrigation system design.	•		
A basic annual landscape maintenance program.	•		

Include drawing details, dimensions, proposed locations, and materials for all temporary construction fencing.	•	•	•
Temporary construction fencing required as determined necessary by the Planning and Zoning Administrator.	•	•	•
UTILITIES, DRAINAGE, and the ENVIRONMENT			
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	•	•	•
General location of sanitary sewers and building leads upon which no structures or earth berms shall be located.	•		
Detailed location of sanitary sewers and building leads	•		
Water mains, hydrants and building services and sizes.	•		
General stormwater runoff calculations and approximate size and location of retention basins	•		
Detailed storm sewers, site grading, drainage, detention basins, and/or other pertinent facilities.	•		
ADDITIONAL REQUIRED INFORMATION			
Propane tank locations and methods of screening, any overhead utilities, or any outside storage of materials, chemicals, gases, liquids, etc., if applicable.	•	•	
Other information as requested by the building official, planning administrator, Planning Commission, or city consultants to verify that the site and project are developed or improved in accordance with this Ordinance and the City's Master Plan. Such information may include traffic impact studies, market analyses and evaluations of the demand on public facilities and services. A reviewing authority may also require that information be submitted even if this table indicates that the particular information is not required.	•	•	

(Ord. No. 2371, 9-24-19)

Chapter 3 Special Exemption Permit Review

6.301 Purpose.

The development and execution of this ordinance is based upon the premise that the city is divided into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special exception uses which, because of their unique characteristics, cannot be properly classified as a principal permitted use in any particular district or districts without considering, in each case, the impact of those uses upon the surrounding neighborhood. These include public and private uses that are of such an unusual nature that their operation may give rise to unique problems that impact upon neighboring property or public facilities.

This Chapter is intended to provide a consistent and uniform method for review of special exception permit applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, minimize or prevent adverse impacts on neighboring properties and districts, protect natural resources, and facilitate development in accordance with the land use objectives of the Master Plan and any sub-area or corridor plans.

6.302 Procedures and Requirements.

- A. **Initiation of Special Exception Permit.** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest and which is specifically enforceable, may file an application to use the land for one or more of the special exception uses provided for in this section in the zoning district in which the land is located.
- B. **Submission of Application.** Any application shall be submitted through the planning administrator on a special form for that purpose and shall be accompanied by the payment of the proscribed fee. No part of any fee shall be refundable after planning staff has begun review of the application.
- C. **Data Required.** Every application shall be accompanied by the following information and data:
1. Application form filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section [6.303](#).
 2. Site plan or plot plan that complies with the site plan submittal requirements of Section [6.208](#).
- D. **Planning Commission Public Hearing.** Prior to making a decision on a special exception permit, the Planning Commission shall hold a public hearing for the purposes of soliciting public input and establishing a record of public comment on the special exception permit application. The public hearing shall be held in compliance with the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), as set forth in Article 6, Chapter 9.

E. **Planning Commission Decision.** The Planning Commission may approve, approve with conditions, or deny a special exception permit application. The decision on a special exception permit shall specify the basis for the decision, and any conditions of approval imposed on the application.

1. Approval. Upon determination that a special exception permit proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.

2. Approval with Conditions. The Planning Commission may impose reasonable conditions with the approval of a special exception permit. Conditions imposed shall further one or more of the following criteria:

a. Conditions shall be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole. Such considerations may include, but are not limited to vehicular or pedestrian traffic, compatibility with the Master Plan, potential impact on surrounding land uses, off-site impacts, and aesthetic quality.

b. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

c. Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.

3. Denial. A special exception permit application shall be denied upon determination by the Planning Commission that the proposed use or development does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, or orderly development of the City.

F. **Coordination with Site Plan Review.**

1. Two-Step Site Plan Process (preliminary and final). When a two-step site plan review process is used, the Planning Commission shall consider the preliminary site plan and special exception permit simultaneously, and shall act upon the special exception use prior to any action on the preliminary site plan.

2. One Step Site Plan Process. If the applicant chooses a one-step site plan approval process (see Section 1.101. A), the Planning Commission shall act upon the special exception permit prior to acting upon the final site plan.

G. **Resubmission.** A special exception permit application that has been denied shall not be resubmitted for a period of 180 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

H. **Appeals.** The decision of the Planning Commission may be appealed to the City Council by the

applicant or any owner of property within 300 feet of the property in question. Request for appeal must be made by written letter to the planning administrator within ten days of the final action taken on the special exception permit by the Planning Commission.

I. **Permit Expiration.** A special exception permit issued under this section shall be valid for a period of 365 days from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the planning administrator shall notify the applicant and Planning Commission in writing of the expiration or revocation of said permit. Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special exception use conforms to current Zoning Ordinance standards.

J. **Revocation.** A special exception permit can be revoked by the Planning Commission under the same procedure as the section used to approve it if it is found that it no longer meets the standards of this ordinance.

K. **Conditions and Guarantees.** Prior to the granting of any special exception permit, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special exception permit as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Ordinance. In all cases in which special exception permits are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the special exception permit are being, and will be, complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. Planning staff or the building official shall maintain a record of any granted changes to the conditions.

6.303 Standards for Approval.

A. The request for special exception permit approval must meet the following general standards, as well as any specific requirements for the requested land use in Article 2, Chapter 5. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:

1. Be harmonious with and in accordance with the general principles and objectives of the comprehensive master plan of the City of Pontiac.
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity by way of size, character, or location.
3. Not change the essential character of the area in which it is proposed, and not adversely affect the development or redevelopment of the surrounding neighborhood.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
6. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, or odors out of proportion to that normally prevailing in the particular district.
7. Maintain all proposed structures, equipment, or materials in a readily accessible manner for police and fire protection.

6.304 Operation and Maintenance in Accordance with Special Exception Permit Approval.

It shall be the responsibility of the owner of the property and the operator of the use for which a special exception permit has been granted to develop, improve, operate and maintain the use, including the site, buildings and all site elements, in accordance with the provisions of this Ordinance and all conditions of special exception permit approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The City may make periodic investigations of developments for which a special exception permit has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special exception permit approval.

Chapter 4 Variances and Appeals

6.401 Jurisdiction, Powers, and Duties.

A. **Powers and Duties.** The Zoning Board of Appeals shall have the power and it shall be its duty to:

1. Generally. Hear and decide on all matters referred to it by the provisions of this Ordinance.
2. Appeals of Administrative Decision. Hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building, planning, or public services department in the enforcement of this ordinance. See Section [6.405](#) for additional considerations.
3. Interpretation. Interpret the text of this Ordinance and all matters relating thereto whenever a question arises in the administration of this ordinance as to the meaning and intent of any provision or part of this ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general. See Section [6.406](#) for additional considerations.
4. Variances. Where there are practical difficulties or unnecessary hardships, within the meaning of state law and this ordinance, in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done. See Section [6.407](#) and Section [6.408](#) for additional considerations.

B. **Review Considerations.** In consideration of all appeals and all proposed variances to this ordinance the Zoning Board of Appeals shall, before granting any variance to this ordinance in a specific case, first determine that the proposed variance 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.

C. **Majority Vote Required.** Except for use variances, the concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, or decision, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.

D. **Limitations of Authority.**

1. Nothing contained in this section shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this ordinance or the zoning map or to rezone, such power and authority being reserved to the City Council.
2. Nothing in this section shall be construed to authorize the Zoning Board of Appeals to hear, review or decide any appeal from a decision of the City Council or Planning Commission to

approve, approve with conditions, or deny a site plan or special exception use.

E. **Conditions.** In authorizing a variance or taking any other action within its jurisdiction, the Zoning Board of Appeals may attach such conditions as may be deemed necessary in the furtherance of the purposes of this ordinance, provided any conditions are in compliance with the standards for imposing conditions as contained in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).

6.402 Exercising Powers.

In exercising the powers described in Section [6.401](#), the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official from whom the appeal is taken.

6.403 Notice.

The Zoning Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by such board. Notice such hearing shall be provided in the manner established in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). Refer to Article 6, Chapter 9 for a summary of the noticing requirements and procedures set forth in the Michigan Zoning Enabling Act.

6.404 Effect of Actions.

A. Expiration of Approval.

1. No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than 6 months 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 the permit.
2. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than 6 months unless such use is established within such period; however, where such use permitted is dependent upon the erection or alternation of a building, such order shall continue in force and effect if a building permit for the 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. **Resubmittal.** No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of 6 months, unless, as determined by Staff, one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the Zoning Board of Appeals' application of the relevant review standards to the request or appeal.
2. New or additional information is available that was not available at the time of the original review that might reasonably affect the Zoning Board of Appeals' application of the relevant review standards to the request or appeal.

3. The new request or appeal is materially different from the prior request or appeal.

C. **Appeal.** The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Oakland County, as provided in Public Act No. 110 of 2006. An appeal to the Circuit Court for Oakland County shall be filed within 30 days after the board certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

6.405 Appeals of Administrative Decisions.

A. **Authority.** An appeal may be taken to the zoning board of appeals by any person, business or corporation or by an officer, department, board or bureau affected by a decision of an administrative officer. Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by filing with the planning administrator and with the zoning board of appeals a notice of appeal, specifying the grounds of the appeal. The planning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

In exercising the powers granted in this chapter, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, 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 administrative official from whom the appeal is taken.

B. **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the planning administrator certifies to the zoning board of appeals 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 the zoning board of appeals or by a court of record on application, on notice to the planning administrator and on due course shown.

C. **Public Hearing.** The board shall select a reasonable time and place for the hearing of the appeal and shall give due notice in accordance with the public hearing requirements of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in Article 6, Chapter 9 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. **Fee.** The City Council shall, from time to time, determine by resolution a fee which shall be paid to the secretary of the zoning board of appeals at the time notice of appeals is filed, which the secretary shall forthwith pay over to the City to the credit of the general fund of the City.

E. **Required Findings.** The Zoning Board of Appeals may reverse an administrative action only if it finds that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

6.406 Interpretation of Zoning Ordinance Provisions.

The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intents and purposes of the Zoning Ordinance and Master Plan.

6.407 Dimensional Variance.

A. **Authority.** The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

B. **Practical Difficulty.** A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created.
5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 6.401.B.
7. There is compliance with the standards for discretionary decisions as contained in Section [6.303](#).

6.408 Use Variance.

A. **Authority.** The Zoning Board of Appeals may grant a use variance to authorize a land use which is not otherwise permitted by this ordinance in the district where the property is located, upon the concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals.

B. **Remedies Exhausted.** An application for a use variance shall not be submitted or considered unless the applicant has first received a written determination from the planning department that the proposed land use is not permitted under this ordinance in the district where the property is located.

C. **Unnecessary Hardship.** A use variance shall not be granted unless the Zoning Board of Appeals finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary

hardship in the way of carrying out the strict letter of this ordinance. In determining that an unnecessary hardship exists, the Zoning Board of Appeals must find that:

1. The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use to be authorized by the variance will not alter the essential character of the area and locality.
4. The problem is not self-created.
5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 6.401.B.
7. There is compliance with any applicable standards for discretionary decisions as contained in Section [6.303](#).

Chapter 5 Nonconformities

6.501 Intent.

It is the intent of this ordinance to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provision of this ordinance is as much a subject of health, safety, and welfare as is the provisions of this ordinance. It is also the intent of this ordinance that any elimination of nonconforming uses or nonconforming structures shall be effected so as to avoid any unreasonable invasion of established private property rights.

6.502 Type "A" Nonconformity.

A type "A" nonconformity is a use, lawfully existing at the time of enactment of this ordinance or an amendment thereto, that does not conform to the provisions of this ordinance and that is located in a building that, because of its design, bulk, arrangement or other features, cannot be readily remodeled or adopted to serve a use that does conform to the provisions of this ordinance for the district in which such building is located.

Any type "A" nonconformity existing at the time of enactment or amendment of this ordinance may be maintained in good condition and continued, but may not be:

- A. Changed to a different nonconforming use, unless such different use is found by the board of appeals to be no more detrimental to the district than the previous use.
- B. Re-established after discontinuance for 12 months.
- C. Extended or enlarged.
- D. Rebuilt or repaired, after damage, if the expense of reconstruction of the building or structure exceeds 50 percent of the insurable value of the building or structure at the time such damage occurred.

6.503 Type "B" Nonconformity.

A type "B" nonconformity is a use, lawfully existing at the time of enactment of this ordinance or an amendment thereto, that does not conform to the provisions of this ordinance and that is located in a building that can be readily adopted to serve a use that does conform to the provisions of this ordinance, or a use similarly lawful located on open land.

Any type "B" nonconformity existing at the time of enactment or amendment of this ordinance may be maintained in good condition and continued, but may not be:

- A. Changed to a different nonconforming use.
- B. Re-established after discontinuance for three months.
- C. Extended or enlarged.

D. Rebuilt or repaired, after damage, except for occupancy by a conforming use, if the expense of reconstruction of the building or structure exceeds 50 percent of the insurable value of the building or structure at the time such damage occurred.

6.504 Type “C” Nonconformity.

A type “C” nonconformity is a building or structure, lawfully existing at the time of enactment of this ordinance or an amendment thereto, that does not conform to a dimensional requirement of this Ordinance.

Any type “C” nonconformity existing at the time of enactment or amendment of this ordinance may be continued, but may not be altered, extended or enlarged, unless such alteration, extension, or enlargement conforms, in the opinion of the board of appeals, as nearly as is reasonable to the provisions of this ordinance.

Alterations that do not change the degree of nonconformance in reference to area, height, bulk and placement regulations or any supplementary regulation pertaining to the district in which the nonconforming use is located, such as minor repairs and maintenance work, do not under this paragraph require board of appeals approval.

6.505 Record of Nonconformity.

The building official shall maintain a complete record of all cases of type “A” and type “B” nonconformities. Such record shall contain the names and addresses of the owners and of any occupant thereof other than the owner, together with the legal description of the premises, and the classification of nonconformance in accordance with the definitions, and the basis for such classification.

After such a record is prepared and similarly after each subsequent annual review of such record, owners of such premises shall be informed by the building official by certified mail of the recordation of the premises as being in nonconformity with this ordinance and the provisions thereof for such nonconformity.

The board of appeals shall decide on appeals pertaining to whether or not the type of nonconformity above recorded actually exists.

6.506 Application to Lots of Record.

A. Except as provided in Subsection C, below, where the owner of a lot of record does not own and cannot reasonably acquire sufficient abutting land to enable him to conform to the open space and other requirements herein prescribed, such lot may be used by such owner as a building site provided the open space and other provisions conform as closely as possible in the opinion of the board of appeals to the requirements for the district in which it is located.

B. Except as provided in Subsection C, below, where two or more abutting lots of record are held in one ownership, either in fee simple and/or under a vendee’s land contract interest, or subsequently come to be held in one ownership, they shall be considered the same as a single lot of record for the purpose of this ordinance, and the provisions of this ordinance shall not thereafter be circumvented or

avoided by the willful sale or conveyance of a part or portion of any parcel or parcels, except as in Subsection C, below.

C. For the purpose of erecting a single-family detached dwelling within the R-1 One-family Dwelling District and R-2 Two-family and Terrace Dwelling District, a previously platted (or otherwise legally created) non-conforming lot, including those which are contiguous with one (1) or more other lots under the same ownership, shall be considered conforming with respect to the applicable minimum required lot width and lot area requirements of this ordinance IF the proposed development or said lot would conform to all other applicable requirements and standards, including but not limited to: building appearance and placement, minimum floor area and height etc. AND any one or more of the following circumstances apply:

1. The planning administrator has determined the lot in question is the same size or larger, with respect to its lot width and lot area, than the majority (50% or more) of those lots in the surrounding area that are developed with existing single-family dwellings. For purposes of this section, "surrounding area" shall mean all of the lots abutting either side of the street(s) that abut the lot in question and which are also located within 500 feet of said lot.
2. Neither the current owner nor prospective purchaser of the lot in question owns the adjacent property(s), and the lot in question is at least 40 feet wide and provides a lot area of no less than 4,800 sq. ft.

If none of the above two circumstances apply, such lot(s) shall not be developed, divided, utilized or sold in a manner that diminishes compliance with the lot and/or area requirements of this Ordinance.

D. Any variance request to the Zoning Board of Appeals for any provisions of this section shall include a survey, floor plan and building elevations that clearly indicate conformance or non-conformance with all Ordinance requirements including, but not limited to appearance, placement, minimum floor area, maximum accessory building size and height.

E. In addition, the Zoning Board of Appeals, on hearing any appeals and/or variance requests from this Section, shall consider the following in their decision:

1. The width, size and general character of the existing lots and single-family dwellings in the neighborhood and/or area.
2. The width and shape of the lot leaves adequate buildable area to allow the construction of a dwelling that is in harmony with the character of the neighborhood and/or area.
3. The extent to which other developed lots in the neighborhood and/or area have maintained required yards, lot area and width.

Chapter 6 Modifications

6.601 Purpose and Limitations.

The reviewing authority for an application may grant a modification to certain dimensional and design requirements of this Ordinance as specifically identified throughout this Ordinance. The modification process is applicable only to certain development standards that regulate aesthetic qualities of development, and is permitted based on the recognition that aesthetic regulation must necessarily establish rules and standards that may, from time to time, be altered without negatively impacting the overall aesthetic quality of development in the City.

The modification process is intended as a way to provide design flexibility, and is not intended as a way to reduce or lessen the quality and aesthetic interest of development in the City.

Modifications are separate and distinct from dimensional variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of design and aesthetic standards would not further the public purpose, and where a relaxed or alternate standard will still meet the intent and purpose of this Ordinance.

Whenever a standard may be altered through the modification process, specific bounds within which the standard may be altered are listed. If an alteration to a design or aesthetic standard is requested that is greater than the identified bounds, the applicant must apply for a variance following the procedures and review standards in Article 6, Chapter 4.

6.602 Application and Review Procedures.

The applicant shall clearly identify all requested modifications on the application and site plan. The reviewing authority shall evaluate the requested modifications and approve, approve with conditions, or deny the modification request. In evaluating a modification request, the reviewing authority shall take into account the following considerations:

- A. Approval of the modification will not result in development that is incompatible with, or will negatively impact existing or potential future development in the vicinity of the subject property.
- B. The requested modification is consistent with the intent and purpose of this Ordinance.
- C. The modification will result in a superior development when compared with what could be achieved through a strict application of the design and aesthetic requirements of this Ordinance.
- D. A lesser modification will not accomplish the same purpose as the requested modification.

Chapter 7 Permits, Fees, Violations and Penalties

6.701 Zoning Compliance Permit.

A. **Permit Required for Construction.** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure including accessory building costing more than \$200.00, until the building official has issued for such work a zoning compliance permit including a certification of his opinion that plans, specifications and intended use of such structure do in all respects conform to the provisions of this ordinance.

B. **Permit Required for Change of Occupancy.** It shall be unlawful to change the type of occupancy of land, or to change the type of occupancy of any building, or to extend any occupancy on any lot on which there is a nonconforming use, until the building official has issued for such intended use a zoning compliance permit, including a certification of his determination that the proposed occupancy does in all respects conform to the provisions of this ordinance.

C. **Application.** All zoning compliance permit applications shall be made in writing to the building official on forms provided for that purpose. A record of all such applications shall be kept on file by the building official.

1. When In Conjunction With Building Permit. In all cases where a building permit is required, application for a zoning compliance permit shall be required, and application for a zoning compliance permit shall be made coincident with the application for a building permit.

2. When Not In Conjunction With Building Permit. In all other cases, a zoning compliance permit application shall be made not less than ten days prior to the time when a new or enlarged occupancy of a building or premises or part thereof is intended to begin.

D. **Period of Approval.** Any zoning compliance permit issued under the provisions of this ordinance shall be valid only for a period of six months following the date of issuance thereof.

E. **Cases Requiring Planning Commission Action.** When application is made for a zoning compliance permit which requires a special exception permit or other planning commission approval, the application shall be mandatorily referred to the planning commission by this ordinance. The administrative official shall inform the applicant and shall transmit the application along with all papers constituting the record to the planning commission. Following a planning commission decision of approval, the building official shall issue a zoning compliance permit that is subject to and limited by all of the conditions of approval imposed by the planning commission.

F. **Cases Requiring Board of Appeals Action.** When the building official receives an application for a zoning compliance permit which requires resolution by the board of appeals in accordance with the provisions of this ordinance, he shall so inform the applicant and shall transmit such application along with all the paper constituting the record to such board of appeals: and subsequently on receipt from the board of appeals of their findings the building official shall issue a zoning compliance permit that is subject to and limited by all of the conditions imposed in the said opinion of the board of

appeals.

6.702 Fees.

A. **Fee Required.** Before any permit shall be issued covering building erection, site plan review or other operations, procedures, or actions regulated by the zoning ordinance, a fee in an amount fixed by resolution of the city council shall be paid. Fees shall be in an amount sufficient to cover the City's administrative and review costs for all applications, including the cost of public hearing notices.

B. **Sec. 12.4.1 Site Plan Surety Bond.** Before any temporary certificate of occupancy shall be issued under the terms of this Ordinance, a surety or cash bond or letter of credit shall be submitted to and approved by the city. The bond shall be in an amount determined to be sufficient to complete the site improvements on the approved site plan. The amount, type and form of the bond shall be determined by the building and safety engineering division and shall be approved by the city attorney to assure the agreement of the applicant that any construction on the site will be in accordance with the site plan as approved, including any requirements or conditions attached thereto by the city.

All site work shall be completed within nine months of issuance of a temporary certificated of occupancy. Failure to complete site work within the specified time will result in forfeiture of the applicant's bond, but shall not relieve the applicant from the obligation to complete the site work pursuant to the approved site plan.

The city shall be authorized to enter the premises and use the bond proceeds (in the case of a cash bond) to complete the site work after forfeiture of the bond. The owner/applicant shall be responsible for repayment of any excess cost incurred by the city for the site work.

6.703 Certificate of Occupancy.

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

A temporary certificate of occupancy may be issued for a period not exceeding 9 months pursuant to a surety bond being posted for incomplete site improvements in accordance with Section 6.702.B.

6.704 Violations.

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

6.705 Violation a Civil Infraction.

Any applicant that receives an approved site plan from the Planning Division or Planning Commission and fails to strictly adhere to all the requirements of the approved Site Plan is responsible for a municipal civil infraction as defined at Section 86-500 et. seq. of the Municipal Code of Pontiac. This

does not limit any other remedy the City may otherwise have at law or equity.

6.706 Penalties.

For each and every day the violation continues beyond the permissible grace period, a separate municipal civil infraction offense shall be declared. Any person, firm, corporation, or legal entity violating any provision of this ordinance shall be adjudged responsible for a municipal civil infraction, as set forth below:

A. The words "municipal civil infraction" mean an act or omission that is prohibited by this ordinance, but which is not a crime under this ordinance or other ordinances, and for which civil sanctions, including without limitation fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 et seq.), as amended. A municipal civil infraction is not a lesser included offense of a violation of this ordinance that is a criminal offense.

B. The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by this ordinance, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 et seq.), as amended, and other applicable law.

1. Unless otherwise specifically provided for in this ordinance, the civil fine for a municipal civil infraction violation shall not be less than \$100.00, plus costs and other sanctions.

2. Increased civil fines may be imposed for repeated violations by a person, firm, corporation, or legal entity of any requirement or provision of this ordinance. As used in this section, the term "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:

a. Committed by a person within a six-month period (unless some other period is specifically provided by ordinance); and b. For which the person admits responsibility or is determined to be responsible.

3. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs and other sanction.

b. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500.00, plus costs and other sanctions.

C. The person who shall receive the municipal civil infraction by the building official shall be the owner, tenant, firm, corporation, or legal entity violating any provision of this ordinance.

D. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this ordinance, including any omission or failure to act where the act is required by this ordinance.

E. In addition to any remedy available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this ordinance.

F. The building official shall have the authority to issue municipal civil infraction tickets pursuant to this ordinance, after an investigation and authorization by the city attorney, pursuant to MCL 600.8707(2).

6.707 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 changes subsequent to the time of passage of this section 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.

6.708 Rights and Remedies are Cumulative.

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

Chapter 8 Amendments

6.801 Initiation of Amendment.

The City Council may, from time to time, on recommendation from the City Planning Commission or on its own motion or on petition, amend, supplement, modify or change this ordinance in accordance with the authority of Public Act No. 110 of 2006 (as amended).

6.802 Amendment Review Procedure.

The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

- A. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials and staff for review and comment. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated City consultants for review.
- B. **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in Article 6, Chapter 90, Public Hearing Procedures.
- C. **Planning Commission Recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this chapter and shall report its findings and recommendation to the City Council.
- D. **City Council Decision.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.

6.803 Submittal Requirements.

All applications for amendments to this ordinance, without limiting the right to file additional material, shall contain at least the following:

- A. The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition.
- B. The nature and effect of the proposed amendment.
- C. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing:

1. The land which would be affected by the proposed amendment;
2. A legal description of such land;
3. The present zoning classification of the land;
4. The zoning classification of all abutting districts; and,
5. All public and private rights-of-way and easements bounding and intersection the land under consideration.

D. If the proposed amendment would require a change in the zoning map, the names and addresses of the owners of all land within the area to be changed by the proposed amendment.

E. The alleged error in this ordinance, if any, which would be corrected by the proposed amendment together with a detailed explanation of such error in the ordinance, which is alleged, and detailed reasons as to how the proposed amendment will correct the same.

F. The changed or changing conditions, if any, in the area or in the municipality generally, which make the proposed amendment reasonably necessary.

G. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

6.804 Criteria for Amendment of the Official Zoning Map.

In considering any petition for an amendment to the official zoning map, including the designation of street type (A, B, and C) and designation of small front setback lots, the Planning Commission and City Council shall consider any of the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.

A. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

B. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.

D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

E. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- H. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
- I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

6.805 Re-application.

Whenever an application for an amendment to this Ordinance has been denied by the City Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of 180 days, unless the Planning Commission determines that one or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
- B. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
- C. The new application is materially different from the prior application.

6.806 Protest Petition.

An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:

- A. **Petition Submittal Requirements.** The protest petition shall be presented to the city clerk and forwarded to the city council before final legislative action on the amendment, and shall be signed by one or more of the following:
 - 1. The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
 - 2. The owners of at least 20% 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. Publicly owned land shall be excluded in calculating the 20% land area.
- B. **Vote.** If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3

vote of the City Council.

6.807 Rezoning With Conditions.

Pursuant to MCL 125.3405, the City Council, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

A. Conditional Rezoning Agreement. The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:

1. A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City.
2. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
3. Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
4. The date upon which the rezoning with conditions becomes void, as specified in Section C, below. If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.
5. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section C, below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
6. Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
7. A legal description of the property affected by the rezoning with conditions.

8. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.

9. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

10. A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Council in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as the case may be.

B. **Amendment.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.

C. **Period of Approval.** Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

1. Expiration. In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the two (2) year time limit expires. The landowner must show good cause as to why the extension should be granted.

2. Effect of Expiration. If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:

- a. The property owner may seek a new rezoning of the property; and/or
- b. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

D. **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "C-2 Downtown Mixed Use District with CR Conditional Rezoning," with a Zoning Map designation of "C-1 CR."

E. **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in Section 6.802, with the exception that the conditional rezoning agreement shall be executed between the applicant and the City Council at the time of City Council approval of a rezoning with conditions.

F. **Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.

G. **Violation of Conditional Rezoning Agreement.** If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the conditional rezoning agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance.

Chapter 9 Public Hearing Procedures

6.901 Public Hearings.

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), MCL 125.3103.

The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

6.902 General Public Hearing Procedures.

The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in Section [6.903](#), below.

A. **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

B. **Personal and Mailed Notice.**

1. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
2. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
3. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. 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 leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
4. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
5. The City shall prepare a list of property owners and occupants to whom notice was mailed.

C. **Content.** Any notice published in a newspaper or delivered by mail shall:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request.
3. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
4. When and where the public hearing will occur.
5. When and where written comments may be submitted concerning the request.

6.903 Zoning Ordinance Amendment Public Hearing Procedures.

Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:

- A. **Map or Text Amendments Affecting 10 or Fewer Parcels.** If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in Section [6.902](#).
- B. **Map or Text Amendments Affecting 11 or More Parcels.** If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in Section [6.902](#), with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.
- C. **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
- D. **Additional Information Required in Notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

ARTICLE 7
Definitions

Chapter 1 Generally

7.101 Rules of Construction.

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

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof. The word “dwelling” includes “residence”. The word “lot” includes the words “plot” or “parcel”.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for.”
- G. The word “person” includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a “person” under the laws of Michigan.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or” or “either ... or,” the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. “Or” indicates that all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., “or” also means “and/or”).
 - 3. “Either ... or” indicates that the connected items, conditions, provisions or events may apply singly.
- I. The terms “this Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of the City of Pontiac and any amendments there to.
- J. The terms “abutting” or “adjacent to” include property “across from”, such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
- K. The word “he” includes “she.”

- L. The phrase “such as” shall mean “such as, but not limited to.”
- M. The word “including” shall mean “including, but not limited to.”
- N. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

7.102 Index of Terms.

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Chapter 2 Use Definitions

7.201 Residential Uses.

The following is a description of the uses listed in Section [2.203](#).

- A. **Boarding or Lodging House.** A dwelling having one kitchen and used for the purpose of providing meals or lodging a period of 2 or more weeks for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.
- B. **Mixed Use Building.** A building containing a mixture of residential and non-residential uses.
- C. **Multiple Family Manor House (3-4 units).** A building containing 3 or 4 dwelling units that has a size, scale, and outward appearance consistent with that of a one family house.
- D. **Multiple Family Apartment Building (3+ units).** A building used exclusively for residential purposes containing five or more residential dwelling units. A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.
- E. **One Family Dwelling Unit.** A building designed exclusively for residential occupancy by not more than one household.
- F. **State Licensed Residential Facility.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

Note that wherever the term "*private home*" is used in the state licensed residential facilities definitions, it shall mean 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.

1. Foster care means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
2. Adult foster care facility means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).
 - a. The following types of adult foster care facilities are provided for by this Ordinance:
 - b. *Adult foster care family home* means a private home with the approved capacity to receive not more than six adults to be provided with foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

- c. *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive not more than 12 adults to be provided with foster care. Facilities with the approved capacity for seven or more adults are subject to conditional use approval.
- d. *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.
- e. Adult foster care facility does not include any of the following:
- f. A licensed child caring institution, children's camp, foster family home, or foster family group home, subject to the limitations contained in section 3(4f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).
- g. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).
- h. An establishment commonly described as an alcohol or a substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.
- i. A veterans' facility created by 1885 PA 152, MCL 36.1 to 36.12.
3. Adult foster care congregate facility means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.
4. Family day 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 day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
5. 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 or marriage, or who are not placed in the household under the Michigan adoption code, 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.
6. Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, 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.

7. **Group child day care home** means a private home in which more than 6 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. Group child day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Table 18. Summary of State Licensed Residential Facilities

Type of State Licensed Residential Facility	Number of Persons	Private Home?
Less Than 24-Hour Care		
Family Day Care Home	1-6	Yes
Group Child Day Care Home	7-12	Yes
24-Hour Care		
<i>Persons under age 18</i>		
Foster Family Home	1-4	Yes
Foster Family Group Home	4-6	Yes
<i>Persons age 18 and Over</i>		
Adult Foster Care Family Home	1-6	Yes
Adult Foster Care Small Group Home	1-12	Yes
Adult Foster Care Large Group Home	13-20	No
Adult Foster Care Congregate Facility	20 or more	No
Nursing Home	2 or more	No

G. **Townhouse (3+ units)**. A building containing three or more dwelling units where each dwelling unit is divided by a party wall extending the full height of the building with no visible separation between walls or roof, and where dwelling units have a horizontal separation but not a vertical separation. Each townhouse dwelling is capable of individual use and maintenance without trespassing on adjoining dwellings and access, and utilities and service facilities are independent for each dwelling. Each dwelling unit has a first floor entrance into the unit directly from the exterior of the building.

H. **Two Family Dwelling Unit**. A building designed exclusively for residential occupancy by two households with the character of a single family structure, and with separate kitchen, sleeping, and sanitary facilities for each household.

7.202 Commercial, Office and Service Uses.

A. **Automobile Service (Commercial)**. A place of business serving auto-related needs including, but not limited to: gas station, car wash, or mechanic offering routine service, minor repairs or

customization. Minor repairs generally include any repair or service that does not require removal of the engine head, transmission, or differential.

Major mechanical work; body repair work; painting; welding; storage of vehicles not in operating condition; commercial parking lots or garages; or any work involving undue noise, glare, fumes or smoke are automobile service (industrial) uses and are not considered automotive commercial establishments.

Vehicle sales or auto parts sales that occur entirely within an enclosed building are considered retail sales (indoor). Vehicle sales or any sales activity that occurs outdoors are considered retail sales (unrestricted outdoor).

B. Bakery or Confectionary. A place for preparing and selling baked goods primarily for final consumption on the premises or sale directly to customers. Bakeries may include incidental food service, and products manufactured on the site may be sold or distributed to other retailers for distribution to customers as an incidental use.

C. Bank or Financial Institution. A business that offers financial services.

D. Bar, Tavern, or Alcohol Service Establishment. A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages. This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for consumption on the premises as the principal use (such uses are listed in Section 537 (mcl 436.1537) of the Michigan Liquor Control Act, PA 58 of 1998, as amended).

Manufacturers of alcoholic beverages that are not listed in Section 537 of PA 58 of 1998 (as amended) shall be considered a manufacturing and processing use for the purposes of compliance with this Ordinance.

E. Business Service Establishment. An establishment or place of business primarily engaged in the provision of services to other business or service establishments, which are usually but not always recurrent in nature. Such facilities may include, but are not limited to branch locations for shipping companies, copying and printing establishments, computer service establishments, and the like. Business service establishments do not include the manufacture or repair of any products, implements, or goods.

F. Child Care Center or Day Care Center. 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 are not immediately available to the child, as defined in Public Act 116 of 1973.

G. Funeral Home or Mortuary. A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

H. Gallery or Studio. An establishment engaged in the sale, loan, or display of art, books, painting, sculpture, photography, or other works of art.

I. **Learning Center.** A facility other than a K-12 school or a college or university that offers training, tutoring, or instruction in subjects such as languages, music, fine arts, or dance. This may include provision of electronic testing or distance learning.

J. **Lodging Uses.**

1. *Bed & Breakfast.* A group of 10 or fewer lodging units located in a one family dwelling unit that may provide services for dining, meeting, or recreation.

2. *Inn.* A group of 25 or fewer lodging units that may provide services for dining, meeting, or recreation.

3. *Hotel.* A group of more than 25 lodging units that may provide services for dining, meeting, or recreation.

K. **Medical Clinic.** A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours. Medical clinics include immediate care or urgent care facilities, where emergency treatment is the dominant form of care provided at the facility.

L. **Office.** A room or group of rooms used for conducting a business profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, finance companies, real estate companies, insurance companies, financial planners, or corporate offices. Offices exclude manufacturing activities, but may include research and development activities.

M. **Pawn Shops.** A person, corporation, or member or members of a co-partnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

N. **Personal Service Establishment.** An establishment or place of business primarily engaged in the provision of services of a personal nature related to the care, hygiene, or appearance of the human body or the maintenance of items worn or carried by persons. Such services are usually but not always recurrent in nature. Examples of personal service uses include, but are not limited to, beauty and barber shops, shoe repair shops, health spas, therapeutic massage, tailor shops, and the like.

O. **Place of Assembly.** A commercial facility for public assembly including but not limited to arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, and theaters and performing arts centers.

P. **Provisioning Center.** A commercial entity that purchases medical marijuana from a grower or processor, and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning centers include any commercial property where marijuana is sold at retail to registered, qualifying patients or registered primary

caregivers.

1. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

Q. **Restaurant.** A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.

R. **Retail Sales.** Any generally recognized retail business that supplies commodities on the premises to the general public where all sales and display of goods shall occur entirely indoors. Commodities supplied may include groceries and similar food products for consumption off the premises.

External off-site impacts for retail sales establishments are in the majority of cases directly and proportionately related to the size of the retail establishment. These impacts include traffic and parking generation, truck deliveries, and building scale in relation to surrounding development. There are three categories of indoor retail sales establishment, distinguished by the size of the ground floor area:

1. Retail Sales (small indoor). Up to 5,000 square feet of gross first floor sales area on the site or within the development.
2. Retail Sales (medium indoor). Between 5,001 and 75,000 square feet of gross first floor sales area on the site or within the development.
3. Retail Sales (large indoor). Greater than 75,000 square feet of first floor sales area on the site or within the development.
4. Retail Sales (unlimited outdoor). A retail, wholesale, or service use involved in the sale of goods where the outdoor display or sales of goods constitutes the principal use on the site. Examples of unrestricted outdoor retail sales include vehicle or large equipment sales areas, landscape supply yards, or other retail uses which require large land areas in proportion to indoor sales or use areas.
5. Accessory Outdoor Retail Sales. See OUTDOOR RETAIL SALES (accessory to a permitted use) in Section [7.207](#), below.

S. **Safety Compliance Facility.** A commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

T. **Secure Transporter.** A commercial entity located in this State that stores marihuana and transports medical marihuana between medical marihuana facilities for a fee.

U. **Sexually Oriented Business.** Sexually Oriented Businesses and their operational

characteristics are further defined as follows:

1. Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specific anatomical areas".
2. Adult Bookstore or Adult Video Store means an establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
 - a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions, slides or other visual representation which depict or describe "sexually explicit activities" or "specified anatomical areas"; or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities"; or
 - c. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as "sexually explicit activities" or depict or describe "specified anatomical areas".
 - d. For purposes of this Section, "principal business purpose" means:
 - e. The devotion of a significant or substantial portion, meaning at least twenty-five (25%) percent of its in-store inventory (either measured by display area or retail value) in the items listed above; or
 - f. The receipt of twenty-five (25%) percent of more of its revenues from the sale of the items listed above; or
 - g. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".
 - h. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas", and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.

3. Adult Cabaret means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are sold, which features:
 - a. persons who appear in a state of restricted nudity; or
 - b. live performances, exhibitions, shows, dances, revues, floorshows, songs or other similar presentation which are characterized by the partial exposure of "specified anatomical areas"; or
 - c. films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
 - d. This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and that have no adverse secondary effects.
4. Adult Massage Parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. An Adult Massage Parlor, in contrast to a Myotherapy Establishment, is considered a sexually oriented business for purposes of these regulations.
5. Adult Motel means a hotel, motel or similar commercial establishment which:
 - a. offers accommodations to the public for any form of consideration and provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; or which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or
 - b. permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or
 - c. offer a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - d. allow a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
6. Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or

description of "sexually explicit activities" or "specified anatomical areas".

7. Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities". This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and that have no adverse secondary effects.

8. Adult Use Business means an adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the City to be an adult use, due to the activities of the business which involve characteristic of adult uses, such as nudity, semi-nudity, exposure of "sexually explicit activities" and/or "specified anatomical areas". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrists or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

9. Employee means a person who works or performs in and/or for an adult use business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

10. Entertainer means a person who performs some type of activity or poses with the intent of allowing others to witness that activity or pose.

11. Escort means a person, who for consideration in any form, agrees or offers to act as a companion guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing, the performance of a dance or skit, or the providing of specified sexual activities for another person. Under this definition, "privately" shall mean a performance for an individual, or that individual's guests.

12. Escort Agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

13. Establishment means and includes any of the following:

- a. the opening or commencement of any sexually oriented business as a new business;
- b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c. the location or relocation of any sexually oriented business.

14. Licensee means the individual listed as an applicant on the application of a sexually

oriented business license, or a person whose name a license to operate an adult use business has been issued.

15. Licensing Officer means the Clerk of the City of Pontiac or his/her designee.

16. Manager means an operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the sexually oriented business.

17. Massage means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefore. For purposes of this Ordinance, the term "bodywork" shall mean massage.

18. Myotherapy Establishment means any individual, group of individuals, person or business which engages in the practice of massage as defined herein, and which has a fixed place of business where any person, firm, association, partnership, limited liability company or corporation carries on any of the activities as defined herein. Myotherapy establishment shall also include, but not be limited to, a Turkish bath parlor, steam bath, sauna, magnetic healing institute, health club, health spa, or physical fitness club or business that offers massages on occasion or incidental to its principal operation, as well as an individual's home where a person is engaged in the practice of massage for consideration. The definition of sexually oriented business shall not include the practice of massage in a licensed hospital, sanitarium, nursing home, medical clinic or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker and family counselor, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.

19. Nude Model Studio means any place where a person appears in a state of nudity or displays "specific anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.

20. Operator means the owner, licensee, manager or person in charge of any premises.

21. Peep Booth means an adult motion picture theater with a viewing room or cubical of less than one hundred fifty (150) square feet of floor space.

22. Premises or Licensed Premises means any premises that requires a sexually oriented business license and that is classified as a sexually oriented business.
23. Principal Owner means any person owning, directly or beneficially: a) ten percent (10%) or more of a corporation's equity securities; b) ten percent (10%) or more of the membership interests in a limited liability company; or c) in the case of any other legal entity, ten percent (10%) or more of the ownership interests in the entity.
24. Private Room means a room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
25. Semi-Nude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
26. Sexual Encounter Center means a business or commercial enterprise that, as one (1) of its primary business purposes, offers a place where two (2) or more persons may congregate, associate or consort for the purpose of "sexually explicit activities" or the exposure of "specified anatomical areas" for any form of consideration, including, but not limited to:
- a. physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
 - b. activities when one or more of the persons is in a state of nudity or semi-nudity; or
 - c. permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.
27. Sexually Explicit Activities means and includes any of the following:
- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - b. sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
 - c. masturbation, actual or simulated; or
 - d. any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or
 - e. human genitals in a state of sexual stimulation, arousal or tumescence; or
 - f. excretory function as part of or in connection with any of the activity set forth in (a) through (e) above.
28. Sexually Oriented Business means an establishment that provides adult entertainment appealing to the sexual interests of its customers, including adult arcade, adult bookstore or

adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the internet, film, motion picture, videocassette, DVD, Blue-Ray or other similar photographic reproduction.

"Sexually oriented" when used to describe film, motion picture, videocassette, DVD, slides, or other photographic reproductions shall mean film, movies, motion picture, videocassette, DVD, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing "sexually explicit activities" or "specified anatomical areas" offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy or a myotherapy establishment.

29. Specified Anatomical Areas means and includes any of the following:

- a. less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
- b. human genitals in a state of sexual arousal, even if opaquely and completely covered.

30. Specified Criminal Acts means sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including, but not limited to, the distribution of obscenity, prostitution and/or pandering.

31. Significant or Substantial Portion means twenty-five percent (25%) or more of the term modified by such phrase.

32. Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five percent (25%), as the floor area exists on the date of adoption of this ordinance.

33. Tenant Space means a securable area separated from other area by walls and doors that are available for lease or rent within a multi-tenant building, such as tenant spaces typically found within a shopping mall or strip.

34. Transfer of Ownership or Control of a sexually oriented business means and includes any of the following:

- a. the sale, lease or sublease of the business;
- b. the transfer of securities which constitute a controlling interest in the business, whether

by sale, exchange or similar means; or

c. the establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

V. **Workshop/Showroom.** Offices and showrooms for plumbers, electricians, decorators, contractors, or similar uses such as the repair or servicing of goods or products other than motor vehicles where goods or services associated with the service use are displayed, offered, or serviced. Goods offered for sale may be produced on the site.

(Ord. No. 2291, § 1(I), 6-27-13; Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

7.203 Industrial Uses.

A. **Automobile Service (Industrial).** A facility conducting activities associated with the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment; paint and body work; major overhaul of engine or engine parts; vehicle impound or wrecking yard; and government vehicle maintenance facilities. This includes auto related uses not otherwise allowed within the automotive service use category listed under commercial uses.

B. **C-2 Downtown Medical Marihuana Overlay District.** See Map 3.

C. **Cesar Chavez Medical Marihuana Overlay District.** See Map 2.

D. **Grower.** A commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a processor or provisioning center. As used in this ordinance, grower shall include class A growers, class B growers, and class C growers.

1. "Class A grower" means a grower license to grow not more than 500 marihuana plants.
2. "Class B grower" means a grower license to grow not more than 1,000 marihuana plants.
3. "Class C grower" means a grower license to grow not more than 1,500 marihuana plants.

E. **Heliport.** A facility for the landing or take-off for rotorcraft which may include a passenger terminal and/or routine servicing of rotorcraft.

F. **Manufacturing, Fabrication and Processing (light).** The finishing or processing of materials from premade or pre-structured materials or components, and where the operations create little or no noise, odor, vibration, glare, and air/water pollution. The operating characteristics of these uses create little or no impact on surrounding properties.

This type of use includes uses or products in the following NAICS groups¹:

1. 314 Textile Product Mills;
2. 315 Apparel Manufacturing;

3. 334 Computer and Electronic Product Manufacturing;
4. 339 Miscellaneous Manufacturing.

G. **Manufacturing, Fabrication and Processing (general).** A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. These uses do not produce or use in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare and/or air/water pollution is produced, and therefore, these uses have minimal impact on surrounding properties. or uses that qualify as Hazardous Group H occupancy uses under the Michigan Building Code. This definition includes all uses or products in the following NAICS groups¹:

1. 311 Food Manufacturing (except 311223 Other Oilseed Processing, 311225 Fats and Oils Refining and Blending, 311311 Sugarcane Mills, 311312 Cane Sugar Refining, 311313 Beet Sugar Manufacturing, 311611 Animal (except poultry) Slaughtering, 311613 Rendering and Meat Byproduct Processing, 311615 Poultry Processing, 311711 Seafood Canning, 311712 Fresh and Frozen Seafood Processing, 311942 Spice and Extract Manufacturing).
2. 312111 Soft Drink Manufacturing.
3. 312112 Bottled Water Manufacturing.
4. 313 Textile Mills.
5. 316 Leather and Allied Product Manufacturing.
6. 321 Wood Product Manufacturing (except 321114 Wood Preservation).
7. 322 Paper Manufacturing (except 32211 Pulp Mills, 322121 Paper (except newsprint) Mills, 322122 Newsprint Mills, and 32213 Paperboard Mills).
8. 323 Printing and Related Support Activities.
9. 326 Plastics and Rubber Products Manufacturing (except 326211 Tire Manufacturing).
10. 332 Fabricated Metal Product Manufacturing (except 332111 Iron and Steel Forging and 332112 Nonferrous Forging).
11. 333 Machinery Manufacturing.
12. 335 Electrical Equipment, Appliance, and Component Manufacturing.
13. 336 Transportation Equipment Manufacturing.
14. 337 Furniture and Related Product Manufacturing.
15. 511 Publishing Industries.

H. **Manufacturing and Processing (heavy).** A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. These uses may produce or use in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Noise, odor, dust, vibration, glare, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

This definition includes uses all uses or products in the following NAICS groups²:

1. 311 Food Manufacturing uses that are not included in General Manufacturing uses, including:
 - a. 311223 Other Oilseed Processing.
 - b. 311225 Fats and Oils Refining and Blending.
 - c. 311312 Cane Sugar Refining.
 - d. 311313 Beet Sugar Manufacturing.
 - e. 311611 Animal (except poultry) Slaughtering.
 - f. 311613 Rendering and Meat Byproduct Processing.
 - g. 311615 Poultry Processing, 311311 Sugercane Mills.
 - h. 311711 Seafood Canning.
 - i. 311712 Fresh and Frozen Seafood Processing.
 - j. 311942 Spice and Extract Manufacturing.
2. 312 Beverage and Tobacco Product Manufacturing.
3. 321114 Wood Preservation.
4. 322 Paper Manufacturing uses that are not considered General Manufacturing uses, including:
 - a. 32211 Pulp Mills.
 - b. 322121 Paper (except newsprint) Mills.
 - c. 322122 Newsprint Mills.
 - d. 32213 Paperboard Mills.
5. 324 Petroleum and Coal Products Manufacturing.
6. 325 Chemical Manufacturing.

7. 326211 Tire Manufacturing.
8. 327 Nonmetallic Mineral Product Manufacturing.
9. 331 Primary Metal Manufacturing.
10. 332111 Iron and Steel Forging.
11. 332112 Nonferrous Forging.

I. **Mini-Warehouse.** A building or group of buildings containing separate storage spaces used for the storage of personal property.

J. **Outdoor Storage or Outdoor Yard (major).** A use involving primarily the keeping of personal or business property or motor vehicles outside of a building, or a use where the use is characterized primarily by its outdoor component. Examples of such uses include, but are not limited to contractor's supply yards, lumber yards, recreational vehicle storage yards, and commercial vehicle storage.

K. **Processor.** Commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a provisioning center.

L. **Provisioning Center.** A commercial entity that purchases marihuana from a grower or processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning centers include any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.

1. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

M. **Recycling Center.** A facility at which recoverable resources such as newspapers, magazines, glass, metal, cans, plastic materials, tires, grass and leaves, and similar items (except mixed, unsorted municipal or medical waste) are collected, stored, flattened, crushed, bundled, or separated by grade or type; compacted baled, or packaged for shipment to others for the manufacture of new products.

N. **Recycling Plant or Scrap Processing.** A facility at which recoverable resources such as newspapers, magazines, books and other paper products, glass, metal and aluminum cans, waste oil, iron and steel scrap, rubber, and/or other products are recycled and treated to return such products to a condition in which they may again be used for production. This definition includes, but is not limited to SIC group 5093 Scrap and waste materials.

O. **Research Facility (general).** A facility for research and development of technical, medical, biological, or other similar fields or products that does not involve the use of animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or the sale of products.

P. **Research Facility (major).** A facility for research and development of technical, medical, biological, or other similar fields or products that may involve the use of animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, or processing.

Q. **Safety Compliance Facility.** A commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

R. **Salvage Yards/Resource Recovery Facilities/Junk Yards.** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Examples of such uses include but are not limited to automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used equipment in operable condition or used or salvageable materials as part of manufacturing operations.

S. **Secure Transporter.** A commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

T. **Service and Repair (industrial).** Establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities, and including but not limited to building maintenance services, laundry or dry cleaning plants, equipment rental and leasing, refrigeration service and repair, welding repair, armature rewinding shops, and the like.

U. **Terminal, Public Transportation.** Facilities associated with local or regional transit operations, including parking areas, stations, and associated uses.

V. **Terminal, Freight.** Facilities for handling freight, with or without storage and maintenance facilities. Examples of such uses include, but are not limited to trucking and courier services, trucking terminal facilities, railroad terminal facilities, and the like.

W. **Walton Blvd. Medical Marihuana Overlay District.** See Map 1.

X. **Wholesale Storage/Distribution (nontoxic, nonhazardous).** Establishments primarily engaged in selling durable and nondurable goods to retailers; industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots. Operations with more than 25 percent of sales to retail customers are considered a retail use, and shall be located in an appropriate zone.

This definition includes, but is not limited to all uses or products in the following SIC groups:

1. 502 Furniture and home furnishings.
2. 503 Lumber and construction materials.
3. 504 Professional and commercial equipment.

4. 506 Electrical goods.
5. 507 Hardware, plumbing, and heating equipment.
6. 509 Miscellaneous durable goods (except 5093 scrap and waste materials).
7. 511 Paper and paper products.
8. 512 Drugs, proprietary's, and sundries.
9. 513 Apparel, piece goods, and notions.
10. 514 Groceries and related products.
11. 518 Beer, wine, and distilled beverages.
12. 519 Miscellaneous durable goods (except 5091 Farm supplies).
13. The sale at wholesale and/or storage of nontoxic, nonhazardous materials as determined by the fire department.

Y. Wholesale Storage/Distribution (toxic or hazardous materials). Establishments primarily engaged in selling durable and nondurable goods to retailers; industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots. Operations with more than 25 percent of sales to retail customers are considered a retail use, and shall be located in an appropriate zone. This definition includes, but is not limited to all uses or products in the following SIC groups:

1. 501 Motor vehicles, parts, and supplies (except 5015 motor vehicle parts).
2. 505 Metals and minerals, except petroleum.
3. 508 Machinery, equipment, and supplies.
4. 515 Farm product raw materials.
5. 516 Chemicals and allied products.
6. 5191 Farm supplies.
7. The sale at wholesale and/or storage of toxic or hazardous materials as determined by the fire department.

(Ord. No. 2361, 3-12-19; Ord. No. 4-9-19)

7.204 Community, Institutional, and Educational Uses.

A. Assisted Living Facility. A facility providing responsible adult supervision or assistance with activities of daily living in instances where the individual's condition necessitates that supervision or

assistance.

B. **Cemetery.** Land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbarium, mausoleums and mortuaries.

C. **Community Center Building.** A building that is controlled by and for the primary use of residents living in the residential development or neighborhood in which it is located and serves.

D. **Community Service Facility.** A privately or publicly operated facility for the benefit of and service to the general public or individual persons. Community service facilities include:

1. Shelters providing temporary housing for abused individuals or the homeless.
2. Halfway Houses which provide assistance to emotionally or mentally disturbed persons, or temporary lodging for persons readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.
3. Substance Abuse Rehabilitation Centers. Facilities that provide drug or alcohol rehabilitation. Such uses must hold a Substance Abuse License (or its successor license) issued by the State of Michigan Department of Community Health (or its successor department).
4. Adult foster care facilities are in some cases similar to community service facilities. If a facility is licensed pursuant to Michigan Public Act 218 of 1979 (as amended), and falls under the definition of one of the types of State Licensed Residential Facility as defined in this Ordinance, the use shall be regulated as a State Licensed Residential Facility. If it is not licensed by PA 218 of 1979, it shall be regulated as a community service facility.

E. **Crematorium.** A facility consisting of one or more cremator furnaces or cremation retorts for the ashes. A crematorium may be an accessory use to a funeral home or veterinary clinic, or part of an independent facility or a service offered by a cemetery.

F. **Cultural or Municipal Use.** A public or private non-profit facility for the benefit of and service to the general public, including, but not limited to cultural facilities such as libraries or museums, police and fire stations, and municipal and government uses.

G. **Hospital.** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the health department and the state, and that is used for primarily inpatient services. Hospitals may include related facilities such as laboratories, outpatient departments, central service facilities, and staff offices.

H. **Nursing Home.** A home for the care of children, the aged, the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. A convalescent or nursing home is subject to the licensing requirements of applicable State laws (Public Act 139 of 1956, as amended).

I. **Private Club, Fraternal Organization, or Lodge Hall.** A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining

facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests.

J. **Public Parking Lot/Structure.** A publicly owned, or privately owned for-profit parking facility available to the general public for parking motor vehicles, including both parking lots and parking structures.

K. **Religious Institution.** A facility used for regular organized religious worship and related activities, including living quarters for church ministry or other members of the religious order who carry out their duties primarily on the site, religious education classes, and limited recreation facilities.

L. **School, College or University.** A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools.

M. **School, Primary or Secondary.** A facility offering instruction at the pre-school to high school level.

N. **School, Vocational.** A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations. This classification excludes training and education in any activity that is not otherwise permitted in the zoning district.

O. **Utility (minor).** The erection, construction, alteration or maintenance by public utilities or municipal departments which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare., and that include underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, buildings with a footprint of less than 990 square feet, and similar equipment in connection therewith, but not including outdoor storage yards or substations.

P. **Utility (major).** The erection, construction, alteration or maintenance by public utilities or municipal departments of any utility facility that includes utility buildings with a footprint greater than 990 square feet, substations, and storage yards.

7.205 Recreation Uses.

A. **Golf Course.** A tract of land for playing or practicing golf, typically improved with trees, greens, fairways, hazards, and which may include clubhouses, shelters, and practice facilities including driving ranges.

B. **Private Recreation (small indoor).** Small scale entertainment and recreation uses that do not require large areas such as arcades, billiards halls, bowling alleys, and similar uses. The floor plate for small indoor private recreation uses should not exceed 30,000 square feet, and the maximum occupancy should not exceed 150 persons.

C. **Private Recreation (large indoor).** Large scale indoor recreation uses that require large areas or facilities for activities such as soccer, hockey, tennis, swimming, or other similar uses that require floor plates greater than 30,000 square feet or have maximum occupancies greater than 150 persons.

D. **Private Recreation (small outdoor).** Small-scale for-profit outdoor recreation uses that cover two acres or less. Typical uses may include miniature golf, swimming pools, tennis courts, volleyball courts, and similar uses.

E. **Private Recreation (large outdoor).** Large-scale for-profit outdoor recreation uses that cover more than two acres. Typical uses may include soccer, baseball, go-cart tracks, batting cages, golf driving ranges (not associated with a golf course), amusement parks, and similar uses.

F. **Park or Recreation Facility.** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment. Parks or recreation facilities may be privately owned, so long as they are not operated as a for-profit enterprise.

7.206 Animal and Agricultural Uses.

A. **Agriculture, Urban.** The growing of food crops through plant cultivation for sale to or consumption by persons other than the cultivators of the plot. Urban agriculture does not include animal husbandry activities, but may include accessory uses such as greenhouses or storage sheds that have lot coverage of 10% or less.

B. **Bee Keeping.** The keeping of bees as a source of income.

C. **Gardening and Cultivating of Plants (including Community Gardens).** The raising of plants for consumption or enjoyment by the owner of the lot upon which they occur, or the cultivators of the community garden plot, excluding the keeping of animals, fowl, or bees.

D. **Greenhouse or Nursery.** A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment. As defined in this section, a greenhouse or nursery is a principal use when the greenhouse or nursery includes retail sales on the site, or when the total area of greenhouses or buildings involved in the nursery use have lot coverage of greater than 10%.

E. **Keeping of Household Animals or Pets.** The keeping of ordinary household animals or pets within the dwelling or accessory building.

F. **Kennels.** The breeding or raising of three or more dogs, cats, or other household pets of three months age or older 1) not owned by the owner or occupant of the premises or 2) for commercial gain.

G. **Pet Boarding Facility.** A business for the temporary boarding and care of common household pets. Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.

H. **Veterinary Hospital or Clinic.** A place for the care, diagnosis, and treatment of sick or injured animals. A veterinary clinic may include customary pens or cages within the walls of the clinic structure.

7.207 Accessory, Temporary and Other Uses.

A. **Accessory Building or Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

B. **Boarders or Roomers (up to 2 per d.u.).** A person who regularly receives lodging with or without meals at another's home in exchange for pay or services.

C. **Drive-Through Facility (accessory to any principal use).** A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carryout.

D. **Helipad.** A landing and take-off area for rotorcraft that is associated with a principal use.

E. **Home Occupation.** An occupation or profession customarily carried on by the occupant of a dwelling unit at the dwelling as a secondary use that is clearly subservient to the use of the dwelling for residential purposes.

F. **Outdoor Dining (sidewalk or patio).** Areas located outdoors in the open air or under canopies that are open to the elements where food or drinks are served to patrons. Outdoor dining may occur on a public sidewalk, or on a patio, deck, rooftop, or other similar location located on private property.

G. **Outdoor Retail Sales (accessory to a permitted use).** Outdoor display or sales of goods that are accessory to a principal use that do not exceed one square foot of sales or display area for every five square feet of indoor sales or display area.

H. **Outdoor Retail Sales (temporary or seasonal).** Short-term outdoor sales of goods or products. Such sales events may include special sidewalk sales for retail businesses, or seasonal sales events such as but not limited to farmers' markets, roadside stands, or Christmas tree sales.

I. **Outdoor Storage (accessory).** Outdoor storage areas for commercial vehicles, equipment, or materials that are accessory to a principal use, and that do not exceed 20% of the floor area devoted to the principal use.

J. **Sustainable Energy Generation.**

1. **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to reduce on-site consumption of utility power.

2. **Solar Energy System.** A cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, including any energy storage devices.

3. **Utility Wind Energy System.** A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to provide wholesale or retail energy to the electric utility grid.

K. **Temporary and Special Event.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.

L. **Temporary Construction Facilities.** Temporary buildings and structures used during periods of construction.

M. **Wireless Telecommunication Facilities.** Wireless telecommunication support facilities and antennas.

N. **Mobile Food Vehicle Vendors.** A stand, trailer, wagon, or vehicle where patrons may purchase food, drink, or retail merchandise.

(Ord. No. 2317, § 1, 3-17-14)

¹ See: <http://www.census.gov/eos/www/naics/index.html> for detailed descriptions of all of the NAICS categories referenced in the above definitions.

² See: <http://www.census.gov/eos/www/naics/index.html> for detailed descriptions of all of the NAICS categories referenced in the above definitions.

Chapter 3 General Definitions

7.301 General Definitions.

Adjacent. Lots are adjacent when at least one boundary line of one lot touches a boundary line or lines of another lot. Exception: when the only touching boundary lines are located within a road easement or right-of-way.

Agriculture. The art or science of cultivating the ground, the production of crops or livestock on a farm, excluding commercial greenhouses, the sale of nursery stock, riding stables, mink, fox and similar so-called fur farms, hog or poultry farms using garbage as a feed, processing of milk other than milk produced on the farm on which the processing is located.

Alley. A public or legally established private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property.

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

Awning. A retractable or fixed shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

A Street. See STREET TYPE.

Basement. See: STORY.

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

Board of Appeals. See: ZONING BOARD OF APPEALS.

Buildable Area. The buildable area of a lot is the space remaining after compliance with the minimum required setbacks of this Ordinance.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

Building Height. The vertical distance measured from the bottom of the floor joists or floor slab of the first story to the highest point of the roof for flat roofs; and to the deck line of mansard roofs; and to the average height between eaves and ridges for gable, hip, and gambrel roofs. Where buildings have multiple or conflicting roof styles, the most restrictive method of measurement applies. See Figure 12. Building Height.

Building Official. The primary administrative officer of this Zoning Ordinance or his or her designee,

established in conformity to the City Charter shall be known throughout this ordinance as the building official.

B Street. See STREET TYPE.

Canopy. A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Court. A yard, other than a required open space, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

C Street. See STREET TYPE.

District. This term is synonymous with the term “zone” or “zone district” a portion of the City of Pontiac within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Erect. Build, construct, attach, hang, place, suspend, affix, move upon, or any physical operations on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered a part of erection.

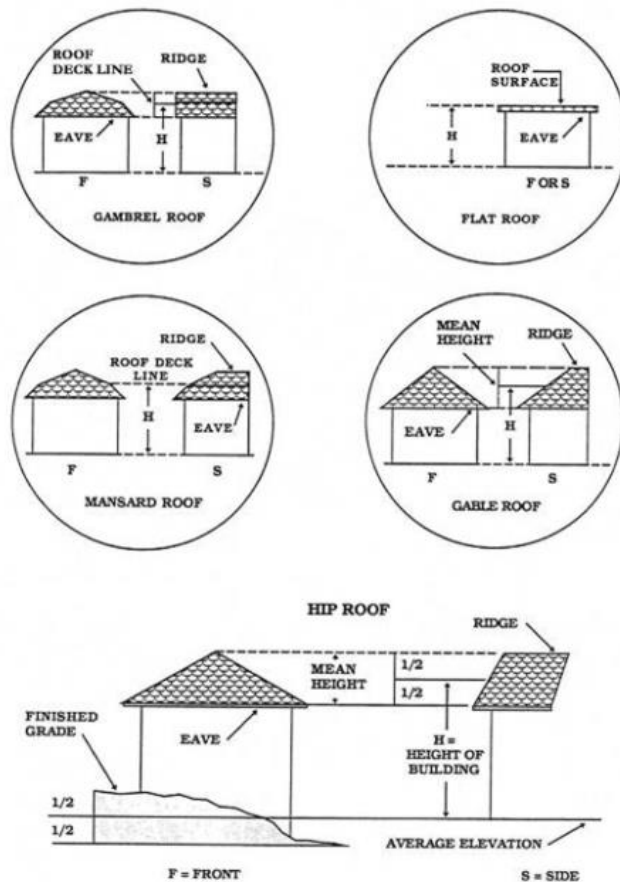


Figure 12. Building Height

Essential Services. The phrase “essential services” means the erection, construction, alteration, or maintenance by a public utility of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety, or general welfare; such essential services, however, do not include buildings, electric substations, gas regulator buildings, pole or storage yards.

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

Facade. That portion of any exposed exterior elevation of a building extending from grade to top of the parapet, wall or eaves and the entire width of the exposed building elevation.

Family.

A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than two additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition does not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

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

Floor Area.

A. Gross Floor Area. 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, which is what this normally is referred to as, includes the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included. See Figure 13. Floor Area Terms.

B. Usable Floor Area. That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or

merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms, sanitary facilities, or service hallways or corridors. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. See Figure 13. Floor Area Terms.

Garbage. Garbage shall mean putrescible, animal, fish, fowl, fruit and vegetable wastes resulting from the storage, handling, preparation, cooking, or consumption thereof.

Grade. For the purposes of determining building height:

- A. For buildings adjoining one street only, it is the elevation of the sidewalk directly opposite the center of that wall which adjoins the street; in such case where the average elevation of the finished ground surface adjacent to the exterior walls of the building is lower than the elevation of the sidewalk grade, or where there is no sidewalk grade, or where there is no sidewalks, the grade shall be the average elevation of the ground on the lowest side adjacent to the exterior walls of the building.
- B. For buildings adjoining more than one street, it is the elevation of the sidewalk directly opposite the center of the wall adjoining the street having the lowest sidewalk elevation.
- C. For buildings having no wall adjoining the street, it is the average level of the finished ground surface adjacent to the exterior walls of the building.
- D. All walls which are approximately parallel to and not more than 25 feet from a front lot line shall be considered as adjoining the street. In alleys, the surface of the paving shall be considered to be the sidewalk elevation. Where the elevation of the sidewalk or alley paving has not been established, the city engineer's office shall determine such elevation for the purpose of this ordinance.

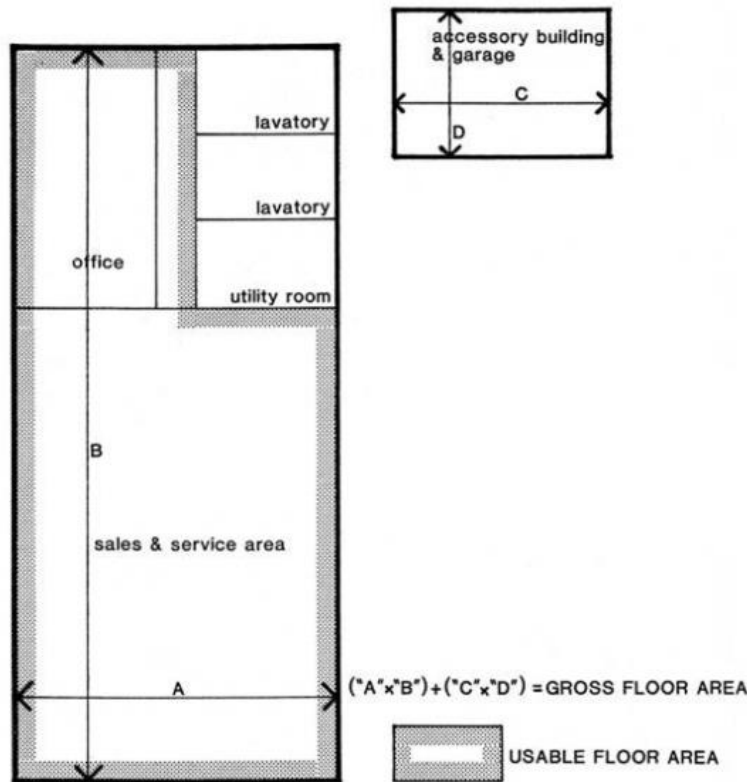


Figure 13. Floor Area Terms

Home Occupation. An occupation or profession customarily carried on by the occupant of a dwelling unit at the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes. Home occupation includes a bed and breakfast operation.

Industrial District. An M-1, M-2, or IP-1 zoning district.

Junk Yard. The term “junk yard” includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobile or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Junk. For the purpose of this ordinance, “junk” in addition to including garbage and rubbish shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which renders them incapable of performing the function for which they were intended.

Lake, private. Any body of water, other than a public lake, which is owned by one person, group of persons, partnership or corporation for their use only.

Lake, public. Any body of water, which is not private, and which is accessible to the public via public

owned lands, waters, or highways contiguous thereto, or via the bed of a navigable stream and which may be used for navigation, fishing, hunting or other lawful purpose, and reasonably capable of supporting a beneficial public interest.

Lot. A lot of record or a parcel of land including, in addition to the land required to meet the regulations of this ordinance, all of the land area shown in a request for a zoning compliance permit, used or intended to be used as the site for a principal and accessory building or use.

Lot Area. The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of such private street.

Lot, Corner A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this ordinance if the arc is a radius of less 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. See Figure 14. Lot Terms.

Lot Coverage. The part or percent of the lot occupied by buildings or structure, including accessory building or structures.

Lot Depth. The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

Lot, Double Frontage. 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 such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See Figure 14. Lot Terms.

Lot, Interior. Any lot other than a corner lot. See Figure 14. Lot Terms.

Lot Line. Any line dividing one lot from another lot, or from a street right-of-way or from any public place:

A. Front Lot Line. In the case of an interior lot, the line separating such lot from the street. In the case of a corner or through lot, the line separating such lot from that street which is designated as the front street in the request for zoning compliance permit.

B. Rear Lot Line. The lot boundary opposite the most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to the farthest from the front lot line, not less than ten feet long and wholly within the lot.

C. Side Lot Line. A side lot line is any lot not a front lot line or a rear lot line. A side lot line separating a lot from a side street is an side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

D. Side Street Lot Line. In the case of a corner lot, the side street lot line is the line separating such

lot from the street which is not designated as the front street in the plat or in the application for a building permit or zoning occupancy permit.

Lot of Record. A parcel of land, which is set forth as a separate parcel on any plat on record with the county register of deeds or any parcel which has been separated therefrom in accordance with the provisions of the Plat Act, and which exists as described.

Lot, Through. A double-frontage lot having a street for both front and rear lot lines. See Figure 14. Lot Terms.

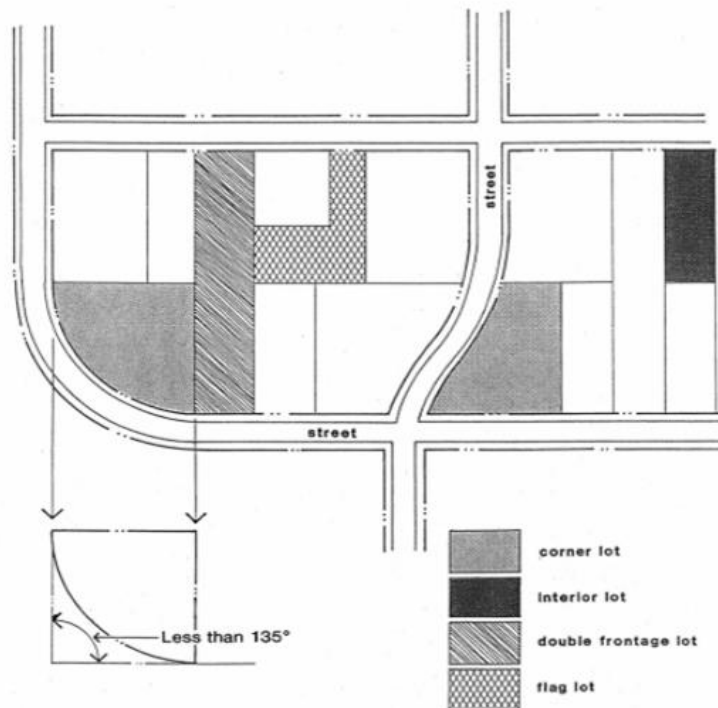


Figure 14. Lot Terms

Lot Width. The length of a straight line drawn between the points where the front required setback intersects the side lot lines.

Master Plan. A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Medical Marihuana Facility. A location at which a grower, processor, provisioning center, secure transporter, or safety compliance facility is licensed to operate under the MMFLA.

Mixed Use District. Any C-O, C-1, C-2, C-3, C-4, C-C, G-O-T, MUD, TC, or SP zoning district.

MMLFA. The Medical Marihuana Facilities Licensing Act, Act No. 281 of the Public Acts of 2016, being Sections 333.27101 to 333.27801 of the Michigan Compiled Laws.

MMMA. The Michigan Medical Marihuana Act, Initiated Law 1 of 2008, being Sections 333.26421 to 333.26430 of the Michigan Compiled Laws.

Nonconformities.

A. Nonconforming Structure. A structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and city laws, ordinances, regulations and codes.

B. Nonconforming Use Of Land. A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and city laws, ordinances, regulations and codes.

C. Nonconforming Lot of Record. A platted or unplatted parcel of land lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located.

D. Nonconforming Site. A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current zoning ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.

E. Illegal Structure. A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and city laws, ordinances, regulations and codes.

F. Illegal Use of Land. A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and city laws, ordinances, regulations and codes.

G. Cessation. To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this ordinance, would prevent the use from being resumed.

Nonresidential District. Any C-O, C-1, C-2, C-3, C-4, M-1, M-2, IP-1, C-C, P-1, G-O-T, MUD, TC, or SP district.

Occupied. Including the word "occupancy" shall mean in fact used at the time in question.

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

Open Space, Required See YARD.

Parking Lot. A land area for the parking of automobiles consisting of more than three parking spaces. Off-street parking required in relation to one-family dwelling residential use is not include in this

definition.

Parking Space. An area of land adequate to carry out the regulations of section 10.5, Parking Lot Layout, Entrance and Exit, or for situations not covered by section 10.5 an area of not less than ten feet wide by 20 feet long.

Person. Any individual, corporation, association, firm, partnership and the like, singular or plural.

Planning Commission. The Planning Commission of the City as designated in accordance with Public Act No. 33 of 2008.

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

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

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, water, or sewer.

Quarry Excavation. Any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care. (See also Excavating.)

Residential District. The term "residential district" includes district classifications R-1 through R-5, PURD, and R-O.

Reviewing Authority. The person or body charged with review and approval authority by Article 6 of this Ordinance.

Rubbish. Rubbish shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as ashes, paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Setback, Required. The distance required to obtain the front, side or rear open space or buffer strip stipulated in this Ordinance. See Figure 15. Setback Terms.

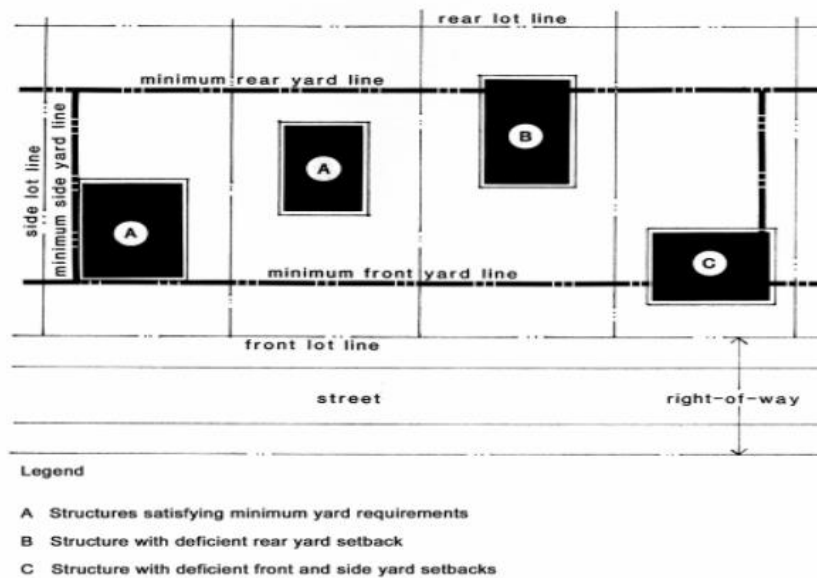


Figure 15. Setback Terms

Site Plan. A plan to scale, showing uses and structures proposed for parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, building, major landscape features-both natural and man-made; and, depending on requirements, the locations of proposed utility lines.

Special Exception Permit. A use specified in this ordinance as permissible in a specific use district only after special conditions are met.

Story. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

- A. Top Story Attic. A half story when the main line of the eaves is not above the middle of the interior height of said story.
- B. First Story. The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.
- C. Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. A basement is considered a story if over fifty percent (50%) of its height is above the level from which the height of the building is measured. (See Figure 16. Determination of Basement vs. Story)
- D. Half-story. that part of a building between a pitched roof and the uppermost full story, such part

having a floor area which does not exceed one-half (1/2) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

E. **Mezzanine.** A full story when it covers more than thirty-three percent (33%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

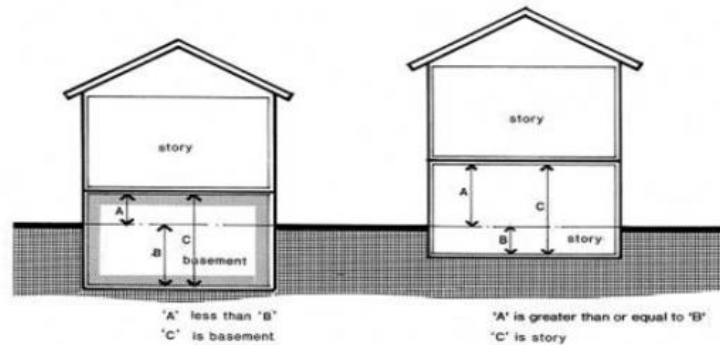


Figure 16. Determination of Basement vs. Story

Street. A dedicated and accepted public street, or a permanent unobstructed private easement of access with a roadway suitable for vehicular travel at least ten feet wide which affords the principal means of vehicular access to abutting property; such private easement having a right-of-way of 60 feet or more, excepting where an easement of access of lesser width exists prior to the adoption of this ordinance. Where under the provisions of Mapped Improvements Act, Act 22, P.A. 1943, the city commission has adopted a precise plat showing the exact location of proposed future outside lines of new, extended or widened streets, such outside lines shall constitute a street as above defined for the purpose of this ordinance, including provisions for required setback.

Street Type.

A. **A Street.** A streets connect to and are part of the regional road system. The purpose of these streets is generally to facilitate free traffic flow with 35 mph or greater speed limits and to accommodate higher traffic volumes exceeding 15,000 cars per day. A Streets typically have right-of-way sections of 120 feet or wider.

B. **B Street.** B streets distribute traffic within the City. B Streets can accommodate cross-town traffic, but are not part of the regional road system. B streets generally have a maximum 35 mph speed limit and accommodate moderate traffic volumes of 10,000 to 20,000 cars per day. B Streets typically have right-of-way sections greater than 60 feet in width.

C. **C Street.** C streets provide local access to parcels from A and/or B streets. C streets are not intended to accommodate high volumes of traffic or long distance trips, and generally have maximum 25 mph speed limits and accommodate low traffic volumes below 10,000 cars per day. C Streets typically have 60 foot or less right-of-way width.

Structure. Any constructed or erected materials or combination of materials the use of which requires location on or connection to the ground; including, but not limited to buildings, stadia, radio towers, sheds, storage bins, fences and signs.

Use, Accessory. A subordinate use which is customarily incidental to the principal use on the same lot. (See section 2.9 “Building, Principal,” “Building, Accessory,” and section 2.6 “Lot.”)

Used. This term is synonymous with the terms “use” and “uses” and means the purpose for which land or premises or a building thereon is designed, erected, arranged, or intended, or for which it is occupied or maintained, let or leased.

Yard. An open space other than a courtyard located on the same lot as a main building or use, unoccupied or unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a yard, the minimum horizontal distance between the lot line and the main building shall be used. See Figure 17. Yard Terms.

A. **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, a proposed right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

B. **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 or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a proposed right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

C. **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 of the side lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a proposed right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

D. **Side street yard.** The area extending between the front yard and the rear yard situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

E. **Required yard.** A yard, as defined herein, that occupies the area of a required setback.

F. **Nonrequired Yard.** A yard, as defined herein, that occupies the area between a required setback line and a principal building.

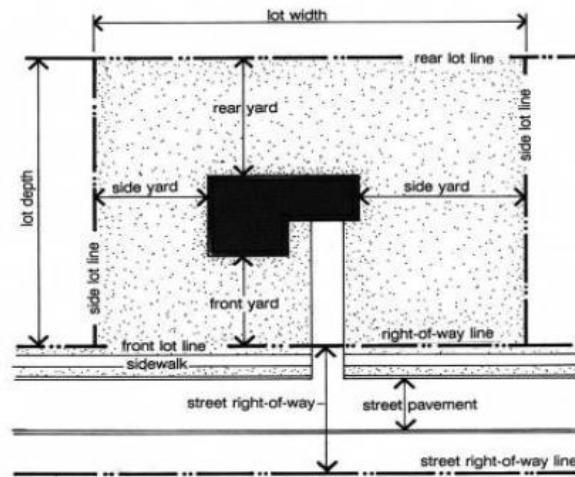


Figure 17. Yard Terms

Zoning Board of Appeals. The Zoning Board of Appeals of the City of Pontiac.

(Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19)

Chapter 4 Private Frontage Definitions

7.401 Private Frontage Definitions.

Following is a description of terms used in Article 2, Chapter 4.

Base, Middle, Cap. The base, middle, and cap are areas on a vertical building wall. These areas are defined by building features such as horizontal elements such as cornices or belt courses, or by changes in building material.

1. The base is the ground floor level, including mezzanines for tall buildings.
2. The middle is upper stories above the ground floor,
3. The cap is the top portion of the building including the area above the uppermost windows and the roof.

Cap. See: Base, Middle, Cap.

Front Building Wall. The exterior wall of a building that is roughly parallel to and facing the front street.

Front Street. The primary street onto which the building faces. If a site has frontage on two or more streets with different level designations, the front street shall be the higher level street (i.e. A street vs. B street). If a site has frontage on two or more A streets, each A street frontage shall be treated as a front street. If a site has frontage on two or more streets with a B or C designation, the property owner may choose which street will be the front street, and which street will be the side street.

Middle. See: Base, Middle, Cap.

Side Street. The non-front street on a lot with more than one street frontage. See: Front Street for a description of how the front street is determined.

Transparency. The percentage of the building facade which contains windows or doors. Transparency is calculated separately for each floor of the building.

Chapter 5 Sign Definitions

7.501 Sec. 18.2. Sign Definitions.

For the purpose of this Ordinance, certain terms, words and tenses used herein, shall be interpreted and defined as follows:

Abandoned Sign. A sign which no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity, or service. A sign is considered abandoned if:

1. It does not display a well-maintained message for a consecutive 30 day period;
2. The use to which the sign is accessory is discontinued or terminated for more than one hundred eighty consecutive (180) days;
3. The owner of the sign cannot be located at the owner's last known address as reflected on the records of the City; or
4. A structure designed to support a sign no longer supports the sign for a period of 30 consecutive days.

Accessory Sign. A sign that is subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.

A-Frame Sign. A moveable sign designed to stand on its own that is usually placed along public sidewalks to attract pedestrians to adjacent businesses.

Animated Signs. A sign with action or motion, flashing, color changes requiring electrical energy, electronic or manufactured sources of supply, revolving or changeable message signs, but not including wind actuated elements.

Architectural Projection. Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Awning Sign. See: BUILDING MOUNTED SIGN.

Background Area. The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces that can be seen from any one direction at any one time will be counted.

Banner. A sign that is mounted on or attached to a non-rigid surface such as cloth fabric or paper with no enclosing framework.

Billboard. An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. An outdoor sign consisting of the display of characters, lettering or illustrations produced on paper sheet, applied to the surface of the structure. An outdoor sign designed and intended to advertise nonaccessory items, goods or services as well as an outdoor sign

that actually advertises accessory items, goods or services. An outdoor sign shall also include billboards that are painted or contain no message at that particular time.

Bench Signs. An outdoor stationary bench of which the primary purpose is to function as an advertising device for products, services, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the bench is located.

Building Directory Sign. A sign that is mounted adjacent to building entrances identifying tenants that occupy space in the building that is accessed from an internal hallway.

Building-Mounted Sign. A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs include, but are not limited to awning, canopy, projecting, and wall signs.

1. Awning or Canopy Sign. A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
2. Marquee Sign. A display 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.
3. Projecting Sign. A sign so constructed and erected as to be attached to a building surface or a sign structure attached to a building surface and projecting therefrom.
4. Wall Sign. A display sign which is attached or painted directly to an exterior building wall and the surface of which is parallel to the building wall.

Copy Area. The actual area of a sign applied to any background. Copy area shall be completed by drawing straight lines as closely as possible to the copy extremities encompassing individual letters or words.

Canopy Sign. See: Building Mounted Sign.

Changeable Copy Sign. See: READERBOARD SIGN.

Cold Air Inflatable Balloon. A temporary sign composed of a nonporous bag of tough, light material filled with unheated air, which may or may not float in the atmosphere.

Community Special Event Sign. A sign, other than a public building bulletin board, which is erected for a limited time period that shall not exceed seven consecutive calendar days, to call attention to special events of interest to the general public and sponsored by nonprofit groups, associations, or corporations.

Construction Sign. A ground or wall sign erected on a site designated on a building permit issued by the city as the site for construction of a new building which advises the public of pertinent facts regarding the construction, management and leasing of the new building.

Decorative Display. A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

Development Entrance Sign. A sign which identifies a residential or commercial subdivision.

Directional Sign. Any sign which solely serves to designate the location or direction of any place or area located on the premises on which the sign is located.

Display Sign. A structure or device that is arranged, intended, designed or used as an advertisement, announcement or direction.

Double-Faced Sign. A sign containing two sign faces located back-to-back an parallel to each other on the same structure.

Electronic Readerboard. See: READERBOARD SIGN.

Festoon Sign. A sign consisting of strings of exposed incandescent light bulbs, balloons, or strings of pennants hung over head to draw attention to items on display or a particular business establishment.

Flashing Sign. A sign which contains an intermittent of flashing, scintillating, blinking or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.

Ground Sign. A freestanding sign supported by a base, the width of which should be at least 50 percent of the width of the sign, having location upon the ground, shall be considered a monument sign. Such signage shall not exceed a height of five feet above the ground.

Illegal Sign. A sign for which no valid permit was issued by the City at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

Illuminated Sign. A sign that provides artificial light direction on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

Incombustible Material. Shall mean any material which will not ignite at or below a temperature of 1,200Ña Fahrenheit and will not continue to burn or glow at that temperature.

Legal Nonconforming Sign. Any sign that legally does not comply and conform to the provisions of this ordinance, at the time of the effective date of this ordinance.

Location. A lot, premise, building, wall, or any place whatsoever upon which a sign is located.

Marquee Sign. See: BUILDING MOUNTED SIGN.

Monument Sign. See: GROUND SIGN.

Mural. A design or representation painted or drawn on the exterior surface of a structure which does or does not advertise a business, product, service, or activity.

Off Premises Sign. A sign other than an on-premises sign.

On Premises Sign. A sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located.

Opinion Sign. A temporary sign that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.

Political Sign. See OPINION SIGN.

Portable Sign. A sign and sign structure which is designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters, illuminated and/or hitches for towing.

Premises. The contiguous land in the same ownership or control which is not divided by a public street.

Projecting Sign. See: BUILDING MOUNTED SIGN.

Readerboard Sign. A sign that uses an array of light emitting elements to create images or words that are intended to be legible to passing motorists. An electronic readerboard is not necessarily a type of sign itself, but instead is an element of another kind of sign (i.e. gas station ground signs may use an electronic readerboard to display the price).

Real Estate Sign. A sign pertaining to the sale, lease, or rental of a building or land.

Roof Sign. A display sign which is erected, constructed, and maintained above any portion of the roof or exterior walls of a building or structure or which is attached to any exterior wall at a height in excess of three feet above the horizontal plane of the roof abutting such wall (see Illustration A).

Sign. Shall mean any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign, whenever the proximity, design, content, or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts. Sign shall include any, but not limited to, banner, bulbs, or other lighting devices, streamer, pennant, balloon, insignia, emblem, logo, painting, placard, poster, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing letters or not, illuminated or non-illuminated, which is visible from a public place, including but not limited to, highways, streets, alleys, or public property, or is located on private property and exposed to the public, which directs attention to a product, service place, activity, person, institution, business, or solicitation.

Sign Height. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign Structure. The supports and frame work which supports a sign on or independent of any building.

Special Purpose or Seasonal Signs. A sign other than an on or off-premises sign, including, but not limited to, traffic signs, restroom signs, vending machines, door opening directions, residential merchandise sale signs, and signs, such as Christmas decorations, used for a historic holiday and installed for a limited period of time.

Subdivision Signs. See: DEVELOPMENT ENTRANCE SIGN.

Substantially Altered. A change in a sign or sign structure, as differentiated from maintenance or repair including a change in height, location, area, shape, or material. In the case of manual or automatic changeable copy signs, a change in copy, does not constitute a substantially altered sign.

Surface. The part of the sign upon, against, or through which the message is displayed or illustrated.

Temporary Sign. Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.

Total Surface Area of Sign. The sum total of all exterior surfaces of the sign computed in square feet.

Wall Sign. See: BUILDING MOUNTED SIGN.

Window Sign. A sign applied or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window. Merchandise for sale on the premises that is located in a window display shall not be considered a window.