CHAPTER 45. ZONING[1]

ARTICLE 1. SHORT TITLE

Sec. 5.1. Title.

This chapter shall be known, and may be cited, as the City of Southfield Zoning Ordinance.

ARTICLE 2. DEFINITIONS

Sec. 5.2. Definitions.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

The word *"person"* includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 1707 , § 1, 9-26-19)

Sec. 5.3. Definitions (A—B).

For the purpose of this chapter, certain terms are herewith defined:

(1) ADULT ARCADE: any place to which the public is permitted or invited which coin-operated, slug operated, or for any form of consideration, or electronically, electrically or mechanically controlled still or motion-picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(2) ADULT BOOTH: a partitioned area of less than one hundred (100) square feet inside an adult regulated use which is:

(a) Designed or regularly used for the viewing of books, magazines, periodicals, or other printed matter, photographs, films, motion-pictures, video cassettes, slides, or other visual representations, recordings, and novelties or devices including which are distinguished or

[1]Editor's note(s)—The Southfield Zoning Ordinance, being Ord. No. 678, adopted October 6, 1969, as amended through Ord. No. 1554, enacted November 19, 2007, is set out herein as chapter 45. Amendatory legislation has been cited in history notes following each amended section. Absence of a history note indicates said section derived from the original ordinance. Obvious misspellings have been corrected. Text appearing in brackets has been added by the editor for clarification purposes only.

characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas by one (1) or more persons.

(3) ADULT CABARET: an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.

(4) ADULT MODEL STUDIO: any place where a person who displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Such an establishment includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performance or dance performances, barber shops or hair salons, car washes, and/or convenience stores. An adult model studio shall not include a proprietary school licensed by the state or a college, community college, or university supported entirely or in part by public taxation, a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation, or in a structure:

(a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; and

(b) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(c) Where no more than one (1) nude or seminude model is on the premises at any one (1) time.

(5) ADULT MOTEL: a hotel, motel or similar commercial establishment which:

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction;

(b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) Allows 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 OR ADULT LIVE STAGE PERFORMING THEATER: an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

(7) ADULT RETAIL STORE (BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE): a commercial establishment having twenty (20) percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

(8) ALTERNATIVE FINANCIAL SERVICES: any non-chartered financial institution offering check cashing services, currency exchange, pay-day loans and/or similar services as its primary function.

(9) AN ALLEY: is a dedicated public way of less than thirty (30) feet (9.15 meters) in width affording a secondary means of access to abutting property and not intended for general traffic circulation.

(10) ANTHROPOMORPHIC DEVICE: a robotic device sex robot ("sexbots"), sex droids, love droid, or artificial intelligence that resembles a human being.

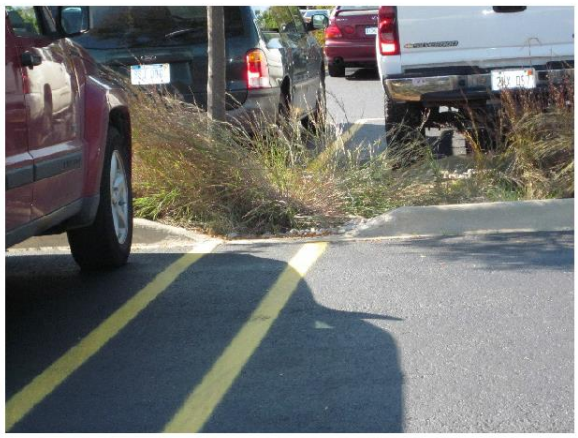
(11) ARCADES: any place of business or amusement, or any place of business or amusement located within a building or any portion thereof in which more than three (3) tokens, coins or otherwise operated mechanical and/or electrical amusement devices are installed, whether or not intended as a principal use or accessory use of that building or structure, in accordance with the provisions of chapter 81, recreation, amusement and games, section 7.286 and section 7.287 of the City Code.

(12) ATTIC: the space between the ceiling beams of the top habitable floor and the roof.

(13) A BASEMENT: a portion of a building partially underground but having less than half its clear height below the grade plane (see cellar).

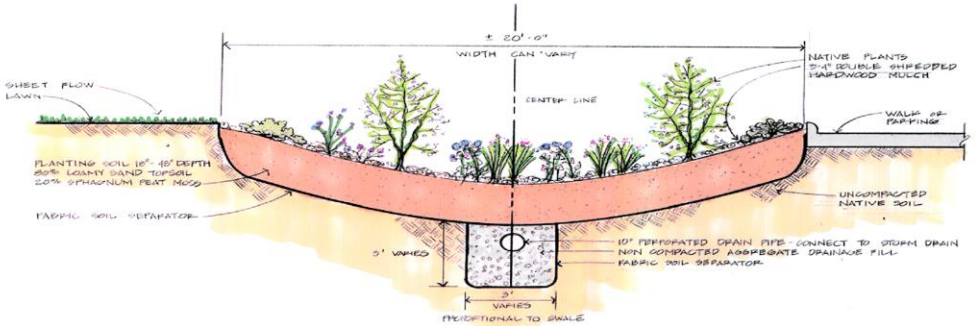
(14) BED AND BREAKFAST (B&B): a dwelling of residential character containing rooms designed for overnight lodging, or transient guests, for compensation, including provisions for breakfast for guests; provided that such food is not advertised to the general public as a restaurant. Additional names include but are not limited to: "bed-n-breakfast," "guest house," "boarding house."

(15) BIORETENTION: a stormwater management practice that utilizes landscaping and soils to treat stormwater runoff by collecting it in shallow depressions before filtering through an amended soil medium.

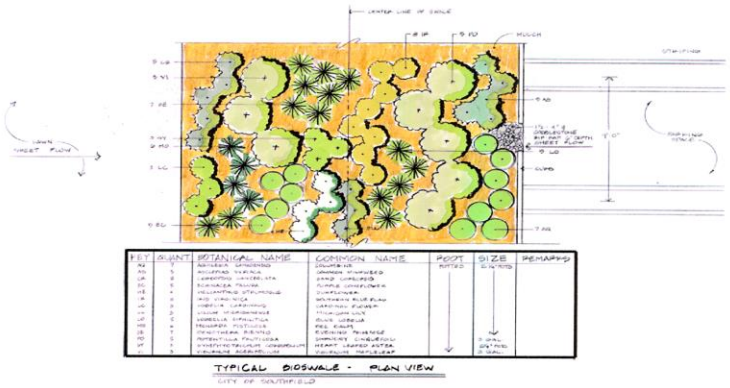


BIO SWALE DETAILS - CITY OF SOUTHFIELD

For further information on our innovative storm water management techniques please see the Southeastern Michigan Council of Governments (SEMCOG) Low Impact Development manual at http://semcog.org/LowImpactDevelopment.aspx.



BIOSWALE INFILTRATION SECTION
CITY OF SOUTHFIELD



TYPICAL BIOSWALE - PLAN VIEW
CITY OF SOUTHFIELD

Bioswale Maintenance

- Visual inspections shall be conducted after heavy rain to ascertain that standing water drains from swales within 5 days of a major storm.
- Visual inspections shall be conducted at least once a month during the dry season to ascertain that water is not forming deep pools.
- Remove all sediment by hand. Ensure that cobblestone or other energy dissipaters do not become embedded in sediment.
- Keep swale free of debris/litter; remove any accumulation that could cause clogging. If blockage is found, the soil shall be tilled and replanted.
- Areas of slope failure shall be repaired and replanted, eroded or mucky areas near inlets or outlets may also need to be lined with riprap on a case by case basis. Consult the City of Southfield for inspection.
- Weeds and invasive species shall be promptly removed.
- Bioswales and bioretention planters need to be irrigated until plants become established. Irrigation water to be seasonally adjusted so that adequate and not excessive water is being used.
- Maintenance shall vary according to plant species. Application of pesticides and fertilizers shall be minimal if at all. Physical and biological controls are the preferred method of maintenance.

(16) BOARD OF APPEALS: shall mean the zoning board of appeals of the city.

(17) BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP: a treatment or counseling relationship between a physician and patient in which all of the following are present:

(a) The physician has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient.

(b) The physician has created and maintained records of the patient's condition in accord with medically accepted standards.

(c) The physician has a reasonable expectation that he or she will provide follow-up care to the patient to monitor the efficacy of the use of medical marihuana as a treatment of the patient's debilitating medical condition.

(d) If the patient has given permission, the physician has notified the patient's primary care physician of the patient's debilitating medical condition and certification for the use of medical marihuana to treat that condition.

(18) BUFFER: a strip of land of definitive width and location reserved to separate existing uses or districts from proposed uses located within an ODD. The buffer may include existing topography, vegetation, and waterways; right(s)-of-way; and landscaped site features (including walls and decorative fencing).

(19) BUFFER STRIP: a strip of land of definite width and location reserved for planting of shrubs and trees to serve, either solely or in combination with fencing or walls, as an obscuring screen. A buffer strip may incorporate the installation or preservation of plantings capable of filtering and managing stormwater runoff.

(20) BUILDING: any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

(21) BUILDING, ACCESSORY: is a building subordinate to the main or principal building on the lot and used for the purposes customarily incidental to those of the main building.

(22) BUILDING, HEIGHT OF: the height of a building is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface, if a flat roof; to the deck line for mansard roofs; and to the mean height level between eaves and the ridge for gable, hip and gambrel roofs.

(23) BUILDING LINE: a line parallel to the front lot line at the minimum required front setback line.

(24) BUILDING, PRINCIPAL: a building in which is conducted the primary use of the lot on which it is situated.

(Ord. No. 1102, 9-27-82; Ord. No. 1597 , § 1, 11-11-12; Ord. No. 1603 , § 1, 4-7-13; Ord. No. 1637 , § 1, 4-5-15; Ord. No. 1678 , § 1, 7-6-17; Ord. No. 1699 , § 1, 12-27-18; Ord. No. 1707 , § 1, 9-26-19)

Sec. 5.4. Definitions (C—D).

(1) CABARET: any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(2) CARPORT, PRIVATE: a permanent roofed structure, not exceeding one (1) story in height, permanently open on at least two (2) sides, designed for or occupied by private passenger motor vehicles.

(3) CELLAR: that portion of a building partially or wholly, underground, having half or more than half of its clear height below the grade plane. A cellar shall be uninhabitable and shall not be counted as a story.

(4) CHECK CASHING FACILITY: (see also alternative financial services) a person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing facility" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business.

(5) CHILD CARE CENTER (OR DAY CARE CENTER): a facility, other than a private residence, receiving one (1) or more preschool-age children for care for periods of less than twenty-four (24) hours a day, where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before-or after-school program, or drop-in center.

A child care center or day care center does not include the following:

(a) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve-month period.

(b) A facility operated by a religious organization where children are in the religious organization's care for not more than three (3) hours while persons responsible for the children are attending religious services.

(c) A program that is primarily supervised school-age child-focused training in a specific subject, including, but not limited to: dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(d) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to: youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

(6) CHILD CARE HOME, FAMILY: a private home in which a permanent occupant of the dwelling provides for the care of fewer than seven (7) minor children unrelated to the care provider for periods of less than twenty-four (24) hours a day for more than four (4) weeks in a calendar year unattended by the children's parents or legal guardians and must be licensed and/or registered by the state.

(7) CHILD CARE HOME, GROUP: a private home in which a permanent occupant of the dwelling provides for the care of more than six (6) but not more than twelve (12) minor children unrelated to the care provider of periods of less than twenty-four (24) hours a day, for more than four (4) weeks in a calendar year unattended by the children's parents of legal guardians, and must be licensed and/or registered by the state.

(8) CHILD CARE, PRIVATE HOME: a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

(9) CIGAR BAR: an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere.

(10) CISTERN: containers designed and installed to store quantities of stormwater above or below ground, with a capacity greater than that of a rain barrel, as defined in this chapter, and generally between one hundred twenty (120) and six thousand five hundred (6,500) gallons.

(11) COMMERCIAL ESTABLISHMENT: any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain.

(12) COMMISSION: shall mean the planning commission of the city.

(13) COMMUNITY IMPACT STATEMENT: an informational document, the purpose of which is to provide the city with detailed information about the effect which a proposed rezoning or a proposed project is likely to have on the environment and the community; to list ways in which any adverse effects of such a rezoning or proposed project might be minimized.

(14) COUNCIL: shall mean the city council.

(15) A COURT: is an open, unoccupied space other than a yard and bounded on at least two (2) sides by a building. A court extending to the front lot line or front yard, or the rear lot line or rear yard, is an outer court. Any other court is an inner court.

(16) CURRENCY EXCHANGE: (see also alternative financial services) a commercial use that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity. This shall not include a properly chartered financial institution.

(17) DEBILITATING MEDICAL CONDITION: means one (1) or more of the following:

(a) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions.

(b) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of Multiple Sclerosis.

(c) Any other medical condition or its treatment approved by the department, as provided for in Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), as amended.

(18) DEPARTMENT: the Michigan Department of Licensing and Regulatory Affairs.

(19) DEPARTMENT STORE: a department store is defined as one (1) retail store providing shopping goods, general merchandise, apparel and home furnishings in full depth and variety or one (1) retail store containing a minimum floor area of forty-five thousand (45,000) usable square feet (4,185 square meters).

(20) DETENTION BASIN: any constructed basin that temporarily stores water before discharging into an approved location.

(21) DEVELOPMENT AREA: a tract of land of five (5) acres (2.025 hectares) or more which may be subsequently subdivided into parcels of less than five (5) acres (2.025 hectares). The development area may be owned by or controlled by one (1) or more parties who are acting with the single purpose of developing the contiguous parcels in accordance with the provisions of a single zoning district.

(22) DISPLAY, OUTSIDE: the outdoor standing or placement of immediately usable goods which are available for sale, lease, or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

(23) DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON: the dominant or principal theme of the object so described. For example, "films which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexually activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

(24) DISTRICT: a portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

(25) DWELLING, MULTIPLE FAMILY: is a building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other.

(26) DWELLING, MULTIPLE FAMILY HIGH RISE: a multiple family dwelling of three (3) or more stories in height.

(27) DWELLING, MULTIPLE FAMILY LOW RISE: a multiple family dwelling not more than two (2) stories in height.

(28) DWELLING, ONE FAMILY: is a building designed exclusively for, and occupied exclusively by, one (1) family.

(29) DWELLING, TWO FAMILY: is a building designed exclusively for occupancy by two (2) families living independently of each other.

(30) DWELLING UNIT: is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

(31) DWELLING UNIT, EFFICIENCY TYPE: a dwelling unit consisting of not more than one (1) room in addition to kitchen and sanitary facilities and containing not less than four hundred and twenty-five (425) square feet (39.525 square meters) of usable floor area.

(Ord. No. 1331, 2-10-92; Ord. No. 1588 , § 1, 12-25-11; Ord. No. 1597 , § 1, 11-11-12; Ord. No. 1613 , § 1, 8-18-13; Ord. No. 1619 , § 1, 3-9-14; Ord. No. 1637 , § 1, 4-5-15; Ord. No. 1678 , § 1, 7-6-17; Ord. No. 1707 , § 1, 9-26-19)

Sec. 5.5. Definitions (E—F).

(1) EMERGENCY SHELTER FOR THE HOMELESS: a facility which provides congregate style temporary lodging with or without meals and supportive services on the premises to primarily the homeless for more than four weeks in any calendar year. An emergency shelter does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law.

(2) EMPLOYEE: a person who performs any service for any consideration on the premises of an adult regulated use on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage, or other compensation by the operator of said adult regulated use. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

(3) ENCLOSED LOCKED FACILITY: an indoor closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient.

(4) ESTABLISHMENT: the site of premises on which an adult regulated use is located, including the interior of the establishment or portions thereof, upon which certain activities or operations are being conducted for commercial gain.

(5) A FAMILY: is any number of persons living together in a room or rooms comprising a single housekeeping unit, doing their cooking on the premises and related by blood or marriage and including the domestic employees thereof. Any group of persons not so related, but inhabiting a single house, shall, for the purpose of this chapter, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in such group.

(6) A FARM: is a parcel or parcels of contiguous unplatted land of not less than ten (10) acres (4.05 hectares) which is directly farmed or used in the normal pursuits of agriculture by one (1) farmer, and which may include establishments operating as greenhouses, nurseries, orchards, chicken hatcheries, or apiaries. But establishments operating as fish hatcheries, stockyards, recreational parks, stone quarries, gravel pits, breeding or raising furbearing animals or game, or keeping more than the normal number of dogs or livestock usually kept on a farm shall not be considered farms hereunder as to the particular part or portion of the premises used or engaged in the operation of said enterprises; and provided, any other matter which emits an offensive odor and/or is obnoxious, detrimental, or dangerous to the public health or safety, or interferes with the peaceful enjoyment of property, shall be and is hereby declared to be a nuisance per se, on a parcel of land of less than ten (10) acres (4.05 hectares); the growing and selling of produce, animals, and fowl, and the keeping of bees shall be permitted under this chapter, provided same is produced on said parcel of land and does not become a nuisance or obnoxious to the public health, morals, general welfare, or safety of the community.

(7) FINANCIAL INSTITUTION: a bank, savings and loan, credit union, mortgage office, or automated teller machine, which is chartered under federal or state law. Financial institutions shall not include a currency exchange.

(8) FLOODPLAIN: the land adjacent to a body of water which has been or may be hereafter covered by floodwaters which has the same boundaries as the one hundred (100) year base flood level as delineated on the flood insurance rate map of the City of Southfield, Community Panel No. 260179-0010 B, prepared by the United States Department of Housing and Urban Development and the profiles prepared by the Federal Insurance Administration in conjunction with said map. Specifically, the floodplain controls apply to the main River Rouge, Pebble Creek, Franklin Branch, Evans Ditch, Farmington Branch, and Carpenter Branch.

  (a) REGULATORY FLOODPLAIN: the channel of a river or other watercourse and the adjacent land areas designated by the profiles in the flood insurance study, for the City of Southfield, Michigan 1978, and prepared by the Federal Insurance Administration which must be reserved in order to discharge the base flood, or that flood which has a one (1) percent chance of being equaled or exceeded in any given year.

  (b) FLOODPLAIN FRINGE: that portion of the floodplain outside of the regulatory floodplain (one hundred-year flood) and designated as zone "B" (one hundred- to five-hundred-year flood) on the flood insurance rate maps and the flood insurance study.

(9) FLOOR AREA: is the sum of the horizontal areas of each story of the dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, common halls, and stairways in two (2) family or multiple family structures, and enclosed and unenclosed porches.

(10) FRONTAGE: that portion of any property abutting a street; a corner lot and a thru lot have frontage on both abutting streets.

(11) FRONTAGE BLOCK: for the purposes of this chapter, a frontage block shall mean all land fronting on both sides of a street between the nearest streets intersecting said streets.

(Ord. No. 1347, 6-8-92; Ord. No. 1597 , § 1, 11-11-12; Ord. No. 1637 , § 1, 4-5-15; Ord. No. 1654 , § 1, 3-20-16; Ord. No. 1707 , § 1, 9-26-19)

Sec. 5.6. Definitions (G—K).

(1) GARAGE, PRIVATE: a private garage is a structure enclosed on all sides by walls which extend up from the ground to the full height of the structure for the storage principally of private passenger motor vehicles, or for the private use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees and shall be not more than one (1) story or fifteen (15) feet (4.575 meters) in height. No service for profit may be conducted within the structure. A carport is not a garage.

(2) GASOLINE STATION:

  (a) GASOLINE FILLING STATION: a place for only the dispensing, sale or offering for sale of motor fuel and ancillary retail sales as permitted in this chapter.

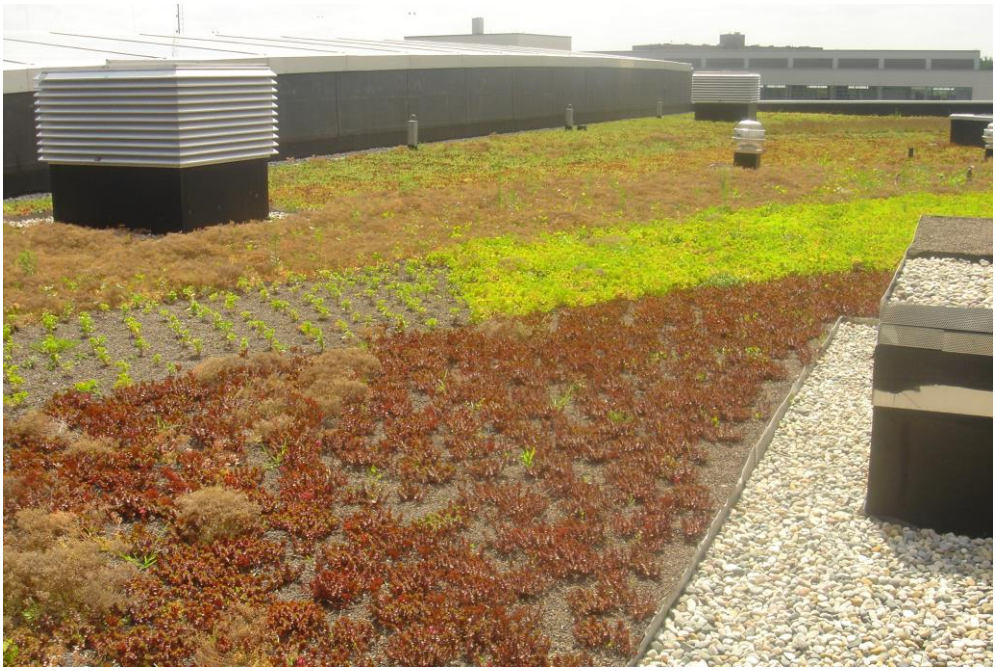
  (b) GASOLINE SERVICE STATION: a place for the dispensing, sale or offering for sale of motor fuel and ancillary retail sales as permitted in accordance with this chapter.

  (c) GASOLINE FILLING/SERVICE STATION: a place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, ancillary retail sales as permitted in this chapter, and the servicing of, and minor repair of, motor vehicles in accordance with this chapter.

(3) A GRADE: is a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of said total averages.

(4) GREEN INFRASTRUCTURE OR LOW IMPACT DEVELOPMENT (LID): activities, landscaping measures, and stormwater management measures designed to mimic natural hydrologic conditions and to infiltrate, filter, store, evaporate, and detain stormwater runoff close to its source. Green infrastructure shall include, but not be limited to, cisterns, and green roofs, as defined in this chapter.

(5) GREEN ROOF: an engineered roofing system that includes vegetation planted in a growing medium above an underlying waterproof membrane material, designed to reduce the volume of storm water runoff from building roofs.



(6) HOSPITAL: an installation used primarily for the inpatient medical or surgical care and treatment of sick and disabled persons.

(7) HOTEL: a building, or part of a building, or a group of buildings, containing rooms designed to provide transient lodging for compensation which may include the following services: bellboy service, room service, maid service, telephones, desk service, full-service restaurant, meeting and conference facilities with a joint capacity of at least the same number of people as there are rooms in the hotel.

(8) HOUSING FOR THE ELDERLY: an installation other than a hospital, hotel or nursing home which provides dwelling units for persons where at least one (1) occupant per unit shall be at least sixty-two (62) years of age at the time of occupancy with the exception that units occupied by the physically handicapped must have at least one (1) occupant fifty (50) years of age or older. Such housing shall include the following:

(a) Non-skid bathtubs.

(b) Electrical outlets at levels at least twenty-four (24) inches (60.96 centimeters) above the floor.

(c) Grab bars around bathtubs and showers.

(d) Lever type faucets and door handles.

(e) At least one (1) emergency signal in each unit which is audible and visible at a central location.

(f) All buildings over one (1) story shall contain an elevator for the tenants.

(9) IMPERVIOUS SURFACE: a surface that prevents the infiltration of water into the ground such as roofs, streets, sidewalks, driveways, and parking lots.

(10) INDUSTRIAL PARK: a planned industrial development containing a minimum of four (4) or more buildings under single ownership characterized by architecturally similar building styles on landscaped sites and served only by one internal street, either private or public.

(11) INFILTRATION PRACTICE: a stormwater control measure or measures designed to allow stormwater to soak into the soil mantle.

(12) JUNKYARD OR JUNK STORAGE: the outdoor standing or placement of waste or scrap materials including, but not limited to, scrap iron or other metals, cans, automobiles, machinery, paper, rubber, rags, tires, lumber, concrete products, building materials, or bottles.

(Ord. No. 1220, 2-26-87; Ord. No. 1502, 5-30-04; Ord. No. 1523, 11-13-05; Ord. No. 1606 , § 1, 6-2-13; Ord. No. 1678 , § 1, 7-6-17; Ord. No. 1699 , § 2, 12-27-18; ; Ord. No. 1707 , § 1, 9-26-19; Ord. No. 1709 , § 1, 10-3-19)

Sec. 5.7. Definitions (L—M).

(1) LANDSCAPING: the treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other growing horticultural material. Landscaping shall include vegetated stormwater management measures including bioretention areas, swales, and infiltration practices as defined in this chapter. In addition, the combination or design may include other decorative surfacing such as wood chips, or mulch materials not to exceed twenty (20) percent of the total for any landscape area. Structural features such as fountains, pools, statues, garden walls less than three (3) feet (0.915 meters) in height, and benches shall also be considered a part of landscaping, but such objects alone shall not meet the requirements of landscaping. In addition, artificial plant materials shall not be permitted in required landscape areas.

(2) LICENSEE: a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in case of employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

(3) 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.

(4) A LOT: is a parcel of land on which a principal building and its accessories may be placed, together with the required open spaces.

(5) LOT, CORNER: a corner lot is a lot of which at least two (2) adjacent sides abut a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection are not more than one hundred thirty-five (135) degrees. In the case of a corner lot with a curved street line, the corner shall be considered to be that point of the street and lot line nearest to the point of intersection of the tangents herein described.

(6) LOT, INTERIOR: an interior lot is a lot other than a corner lot.

(7) LOT, THRU: a lot having front and rear lot lines abutting a street.

(8) LOT OF RECORD: a parcel of land delineated on a plat recorded with the county register of deeds.

(9) LOT LINE, FRONT: in the case of a lot abutting upon one (1) street, the front lot line is the line separating such lot from such street. In the case of any other lot, one (1) such line shall be elected to be the front lot line for the purpose of this chapter, provided it is so designated by the building plans filed for approval with the director of the department of building and safety engineering.

(10) LOT LINE, REAR: the rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet (3.05 meters) long, lying farthest from the front lot line and wholly within the lot.

(11) LOT LINE, SIDE: a side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

(12) A MAJOR THOROUGHFARE: is any street with an existing or proposed right-of-way of one hundred and twenty (120) feet (36.6 meters) or more.

(13) Marihuana: that term as defined in Section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(14) MECHANICAL AND ELECTRICAL AMUSEMENT DEVICE: any machine which, upon the insertion of a coin, slug, token, plate, or disc or any charge thereof, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical or electrical machines, and all games, operations, or transactions similar thereto under whatever name they may be indicated and in accordance with the provisions of chapter 81, Recreation, amusements and games, section 7.286 and section 7.287 of the City Code.

(15) MEDICAL MARIHUANA FACILITY: a licensed facility, building or structure used, maintained or occupied to provide the medical use of marihuana for use by qualifying patient(s) and a primary caregiver as provided and authorized by the Michigan Medical Marihuana Act and in exchange for compensation for reimbursement of costs associated with assisting a registered qualifying patient in the medical use of marihuana. A medical marihuana facility is located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom

the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. A medical marihuana facility shall meet all the requirements of a special land use in designated zoning district(s).

(16) MEDICAL USE: the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(17) MOBILE HOME: a structure designed or used for residential occupancy built upon, or having, a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached or is supported by blocks or skirted.

(18) MOTEL: a building or buildings of attached, semidetached or detached rental units, containing a bedroom and a bathroom, designed for overnight lodging and which may not be used as a domicile. The term motel may include rooms with cooking facilities, suites, motor courts, tourist courts, motor lodges, residence inns, or residence hotels which lack the full service requirements of a hotel in subsection 5.6(5).

(Ord. No. 1062, 7-6-81; Ord. No. 1220, 2-26-87; Ord. No. 1434, 9-24-98; Ord. No. 1637 , § 1, 4-5-15; Ord. No. 1678 , § 1, 7-6-17; Ord. No. 1707 , § 1, 9-26-19)

Sec. 5.8. Definitions (N—S).

(1) NONCONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, that does not conform to the provisions of this chapter and/or the use regulations of the district in which it is located.

(2) NONCONFORMING USE: A use which lawfully occupied a building or land at the time this Chapter, or amendment thereto, became effective, that does not conform to the provisions of this chapter nor to the use regulations of the district in which it is located.

(3) NUDITY OR STATE OF NUDITY: The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the

nipple and areola. Nudity, as used in this chapter, does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(4) NURSING HOME: an installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or infirmity.

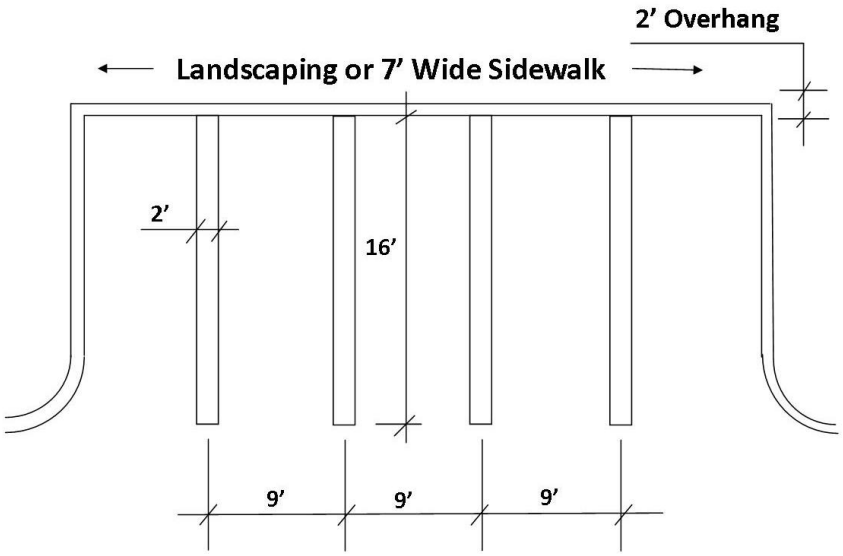
(5) ONE FAMILY ATTACHED: A building or structure for more than one (1) dwelling unit, where each dwelling unit is separated from the abutting dwelling unit by a party wall extending up from the ground the full height of the building. Each dwelling unit shall have direct access from outdoors from at least the front and rear or side of the unit.

(6) OPERATOR: An owner, manager, or other person who exercises control over the premises or operation of an adult regulated use.

(7) OVERLAY DEVELOPMENT DISTRICT (ODD): The overlay development district (ODD) means a unified site design for one (1) or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose density or intensity transfers, density or intensity increases, mixing of land uses, or any combination thereof, and that provides flexibility to lot size, bulk, or type of dwelling or building use, density, intensity, lot coverage, parking, required common open space, public art or other standards to zoning use district requirements that are otherwise applicable to the area in which it is located.

(8) PARKING: The standing or placement of motor vehicles currently used to transport people, goods, or materials in the conduct of normal daily activities provided that such standing or placement is limited to periods of less than forty-eight (48) hours.

(9) PARKING SPACE: the area required for parking an automobile which shall be a minimum of nine (9) feet wide and eighteen (18) feet long, but not including drives and aisles.



Parking Stripe Detail

(10) PAWN SHOP: A business or establishment which 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.

(11) PAY DAY LOANS: (See also alternative financial services) An establishment providing loans to individuals in exchange for personal checks as collateral.

(12) PERMEABLE SURFACING: A material or materials and accompanying subsurface layers designed and installed specifically to allow stormwater to drain through the material, thereby reducing the volume of stormwater runoff from a hard surfaced area. Permeable surfacing may include without limitation: paver blocks, "grasscrete" or similar structural support materials, and permeable concrete or asphalt.


(13) PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

(14) PHYSICIAN: An individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.

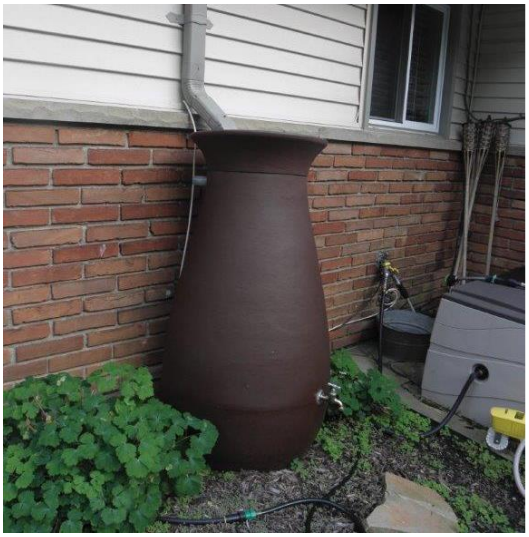
(15) PLANTER BOX: A structure with vertical walls and an open or closed bottom, which may be attached to a building or structure, that is planted with a soil medium and vegetation intended to collect, absorb, and treat runoff from impervious surfaces.

(16) PRIMARY CAREGIVER OR CAREGIVER: A person who is at least twenty-one (21) years old and who has agreed to assist with a patient's medical use of marihuana and who has not been convicted of any felony within the past ten (10) years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

(17) PUBLIC UTILITY: Any person, firm, corporation, municipal department, or board or commission duly authorized to furnish and furnishing to the public, under governmental regulations: electricity, gas, steam, telephone, telegraph, transportation, water, communication, or sewage disposal.

(18) QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a debilitating medical condition.

(19) RAIN BARREL: a structure designed and installed to collect roof runoff in containers typically ranging from fifty (50) to one hundred (100) gallons in size, with subsequent release to landscaped areas.



Examples of rain barrels

(20) REGIONAL SHOPPING CENTER: The regional shopping center is designed to provide a large concentration of comparison-shopping needs for persons residing in a densely settled urban area. The regional shopping center shall provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. The regional shopping center will contain a minimum of three hundred thousand (300,000) gross square feet of commercial building area and will include at least one (1) department store.

(21) REGISTRY IDENTIFICATION CARD: A document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

(22) REGULARLY: In the context of "regularly features," "regularly shown" or similar contexts in this chapter, means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

(23) RESTAURANTS:

(a) DINING ROOM: A structure which is maintained, operated, and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.

(b) DRIVE-IN RESTAURANT: a drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.

(c) FAST FOOD RESTAURANT: a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving

counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or "carried out" for consumption off the premises.

(d) CARRYOUT RESTAURANT: a structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

(e) BAR/LOUNGE: a structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

(f) OUTSIDE DINING: Seasonal outside dining is permitted in conjunction with the above uses when the use complies with the following conditions.

1. Seasonal outside dining, for the purposes of this chapter, will be defined as beginning on the first day of May through the last day of October.
2. The hours of operation for outside dining will be consistent with the hours of operation of the inside restaurant, with the exception of establishments which hold a liquor license in which case the designated outside dining area shall close at midnight.
3. That there is adequate parking for the outside dining area in accordance with the parking provisions of Article 4, Section 5.30 of this chapter.
4. That the outside dining area is separated from sidewalks and driveways by means of landscaping, planter boxes, and/or fences and railings.
5. That all tables, chairs and trash receptacles will be removed at the end of the summer season.
6. Appropriate trash receptacles shall be provided within the designated outside dining area.
7. Outside entertainment, whether live or recorded, is expressly prohibited unless approval is granted by the city council.

(g) RESTAURANT WITH DRIVE-THRU: a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers through a window designed to accommodate automobile traffic in disposable (not reusable by restaurant) containers or wrappers. such food, beverage, and/or desserts is generally consumed off the premises.

(24) SATELLITE DISH ANTENNA: is any earth station antenna of parabolic or spherical design for the reception or transmission of earth radio and/or television signals to/or from satellites or other orbiting facilities.

(25) SCHOOL: a building or part of a building, which is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction as required by section 1561 of Act No. 451 of the Public Acts of 1976, as amended of the Michigan Compiled Laws, which is occupied by six (6) or more students, and which is used four (4) or more hours per day or more than twelve (12) hours per week.

(a) DRUG-FREE SCHOOL ZONE: An area inclusive of any property used for school purposes by any publicly funded primary school, whether or not owned by such school, within one thousand (1,000) feet of any such property, and within or immediately adjacent to school buses.

(26) SEMINUDE OR STATE OF SEMINUDITY: a state of dress in which opaque covering covers no more than the genitals or anus and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

(27) SETBACK: the distance required to obtain the minimum front, side, and rear open space provisions of this chapter.

(28) SEX DOLL (AKA LOVE DOLL OR BLOW-UP DOLL): A type of sex toy in the size or shape of a sexual partner. The sex doll may consist of an entire body with face, or just a head, pelvis or other body parts for sexual stimulation.

(29) SEXUAL ENCOUNTER CENTER: A business or commercial establishment (including sex doll brothels) that, as one (1) of its principal business purposes, offers for any form of consideration or gratuity:

(a) Physical contact in the form of wrestling or tumbling between person of the opposite sex; or

(b) Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nudity; or

(c) Sexual intercourse, sodomy, oral copulation, indecent exposure, lewd conduct or masturbation between persons or between a person and any type of anthropomorphic device or sex doll.

(d) These uses are prohibited in all zoning districts in the city. See article 4 general provisions.

(30) SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore, adult booth, adult novelty store, adult video store, adult cabaret, adult motel, adult motion-picture theater, adult live stage performing theater, or adult model studio.

(31) SHOPPING CENTER BUILDING COMPLEX: a group of retail and other commercial establishments that is planned, owned, and managed as a single property that share a common parking area. The building shall consist of at least two (2) units of various and distinct attached uses.

(32) SMALL BOX DISCOUNT STORE. A retail store with a floor area ranging from five thousand (5,000) to fifteen thousand (15,000) square feet that offers for sale an assortment of physical goods, products or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount stores do not include retail stores that: contain a prescription pharmacy; sell gasoline or diesel fuel; primarily sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars); or dedicate at least fifteen (15) percent of floor area or shelf space to fresh foods and vegetables.

(33) SMOKE OR SMOKING: the lighting, inhaling, exhaling, burning, or carrying of any lighted cigar, cigarette, tobacco, plant, or other similar article or combustible substance in any form.

(34) SMOKING LOUNGE: an establishment which, in whole or in part, includes as part of the business, or otherwise, permits the smoking of tobacco or other substances including, but not limited to, establishments commonly known as or referred to cigar bars/lounges, hookah bars/cafes, tobacco bars/cafes, or smoking parlors.

(35) SOUP KITCHEN: a facility regularly used to furnish meals without cost or at very low cost to needy and destitute persons, however, lodging is prohibited. A soup kitchen shall not be considered to be a restaurant. The preparation of meals in any building or structure, or portion thereof, for distribution at another site or location shall not be considered to be a soup kitchen.

(36) SPECIAL EXCEPTION: a use permitted when the facts and conditions specified in this chapter, as those upon which the exception is permitted, are found to exist by the appropriate administrative officer or body.

(37) SPECIFIED ANATOMICAL AREAS: for the purposes of this chapter shall be defined as follows:

(a) Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola.

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(38) SPECIFIED SEXUAL ACTIVITIES: for the purposes of this chapter shall be defined as follows:

(a) Human genitals in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(39) STORAGE, NEW VEHICLES: the standing or placement of new operable automobiles or trucks not previously used.

(40) STORAGE, OUTSIDE: the outdoor standing or placement of usable and potentially usable goods or equipment other than for display and not including waste or scrap materials.

(41) STORMWATER: water from rainfall, snowmelt or other precipitation that runs over or off of a surface rather than being absorbed or infiltrated.

(42) STORY: that portion of a building, but not including a cellar, as defined in this chapter between one (1) floor level and the ceiling next above it and which portion meets the requirements of the building code (chapter 98) for a habitable room.

(43) A STREET: is any thoroughfare or way, other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.

(44) STRUCTURE: anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.

(Ord. No. 1191, 3-17-86; Ord. No. 1430, 9-24-98; Ord. No. 1331, 2-10-92; Ord. No. 1336, 6-8-92; Ord. No. 1597 , § 1, 11-11-12; Ord. No. 1603 , § 2, 4-7-13; Ord. No. 1619 , § 1, 3-9-14; Ord. No. 1637 , § 1, 4-5-15; Ord. No. 1654 , § 2, 3-20-16; Ord. No. 1678 , § 1, 7-6-17; Ord. No. 1699 , § 3, 12-27-18; Ord. No. 1707 , § 1, 9-26-19; Ord. No. 1734 , § 1, 4-22-21)

Sec. 5.9. Definitions (T—Z).

(1) TOBACCO SPECIALTY RETAIL STORE: an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

(2) TRAILER COACH (MOBILE HOME): is a vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

(3) TRAILER COURT, TRAILER CAMP: any plot of ground upon which two (2) or more trailer coaches are parked or where public parking space for two (2) or more trailer coaches is provided with facilities for residential occupancy.

(4) UNATTENDED COLLECTION BINS (OR UCBS): unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling.

(5) URBAN OPEN SPACE: open space shall consist of urban open space:

(a) URBAN OPEN SPACE: The following are examples of urban open space, which are located in the ODD districts: A public space that functions as a gathering space or part of a downtown, special subarea (e.g., Southfield City Centre, Southfield Downtown Development Authority, or Southfield Technological Corridor, etc.), or other area within the public realm that helps promote social interaction and create a

"sense of place". Possible examples may include such space as: plazas, "town" squares, parks, marketplaces, public commons and malls, public greens, special areas with convention centers or grounds, sites within buildings (such as lobbies, concourses, or public spaces within public and private buildings).

(6) USABLE FLOOR AREA: shall be the sum of the gross horizontal floor areas of all the floors of the building or structure and of all accessory buildings measured from the interior face of the exterior walls and which may be made usable for human habitation but excludes the horizontal floor area of heater rooms, mechanical equipment rooms, attics, unenclosed porches, light shafts, public corridors, public stairwells, and public toilets.

(7) USABLE MARIHUANA: the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(8) USE, ACCESSORY: a use subordinate to the principal use and for purposes clearly incidental to those of the principal use.

(9) USE, PRINCIPAL: the primary use to which the premises are devoted and the primary purpose for which the premises are used.

(10) VEGETATED SWALE (ALSO KNOWN AS A RAIN GARDEN): a stormwater conveyance system routing stormwater flows through vegetated areas, a natural elongated depression or a constructed channel. A vegetated infiltration swale differs from a conventional drainage channel or ditch in that it is constructed specifically to promote infiltration.

(11) VISITING QUALIFYING PATIENT: a patient who is not a resident of this state or who has been a resident of this state for less than thirty (30) days.

(l2) WRITTEN CERTIFICATION: a document signed by a physician, stating all of the following:

a. The patient's debilitating medical condition.

b. The physician has completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation.

c. In the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(13) YARD, FRONT: is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the front lot line, unoccupied from the ground upward.

(14) YARD, REAR: a rear yard is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the rear lot line unoccupied from the ground upward, except as hereinafter specified.

(15) YARD, SIDE: a side yard is an open space extending from the front yard to the rear yard and of a uniform width measured horizontally at right angles to the side lot line and unoccupied from the ground upward, except as hereinafter specified.

(16) ZONING VARIANCE: is a modification of the literal provision of this chapter granted when strict enforcement of this chapter would cause practical difficulty or undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are practical difficulty, undue hardship, and unique circumstances applying to the specific property involved. A variance is not justified unless all elements are present in each case.

(Ord. No. 1603 , § 3, 4-7-13; Ord. No. 1619 , § 1, 3-9-14; Ord. No. 1637 , § 1, 4-5-15; Ord. No. 1678 , § 1, 7-6-17; Ord. No. 1701 , § 1, 2-7-19; Ord. No. 1707 , § 1, 9-26-19)

Sec. 5.10. Reserved.

ARTICLE 3. ZONING DISTRICTS AND MAP

Sec. 5.11. Districts.

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

Residential Zoning Districts

R A Single-Family

R 1 Single-Family

R 2 Single-Family

R 3 Single-Family

R 4 Single-Family

R E Single-Family

RMH Mobile Home Park

R-T Attached Single-Family

RM Multiple-Family (Low Rise)

RMM Multiple-Family (Medium Rise)

RMU Multiple-Family (High Rise)

Nonresidential Districts

O-S Office-Service

ERO-M Education-Research-Office-Limited

ERO Education-Research-Office

TR Technical-Education-Research

TV-R Television-Radio-Office-Studio

NS Neighborhood Shopping

RS Regional Shopping

RC Regional Center

B-1 Neighborhood Business

B-2 Planned Business

B-3 General Business

I-L Light Industrial

I-1 Industrial

P Vehicular Parking

Sec. 5.12. Boundaries.

The boundaries of said districts, shown upon the map marked and designated zoning district map of the city, which is attached hereto and made a part of this chapter, are hereby established as designated on said zoning district map; said map and all notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all fully set forth and described herein.

(1) Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets or alleys, or such lines extended, and the limits of the city.

(2) Where, due to the scale, lack of detail, or illegibility of the zoning district map accompanying this chapter, there is any uncertainty, contradiction, or confliction as to the intended location of any district, boundary lines shall be interpreted upon written application to, or upon its own motion by, the board of appeals, after recommendation by the planning commission.

Sec. 5.13. Zoning of vacated areas.

Whenever any street or alley shall be vacated, such street or alley or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

Secs. 5.14—5.17. Reserved.

ARTICLE 4. GENERAL PROVISIONS

Sec. 5.18. Scope.

Except as hereinafter provided, no building or land or part thereof located in the city shall be used, altered, constructed, reconstructed, moved within or into said city except in conformity with the provisions of this chapter

which apply to the district in which it is located. Any lawful, nonconforming use existing at the time of the effective date of this chapter may be continued, provided that the building or land or use thereof shall not be structurally changed, altered, enlarged or moved, unless such altered, enlarged, or moved building or use shall conform to the provisions of this chapter for the district in which it is located. No nonconforming use, if discontinued or changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use. A nonconforming use shall be deemed discontinued for the purpose of this section if no nonconforming use is made of the property for a period of one (1) year.

Sec. 5.19. Area and bulk regulations.

No dwelling shall be built upon a lot having a width, at the minimum required building line, of less than the lot width as required in the "schedule of regulations" in article 22.

Sec. 5.20. Transfer of requirements.

Where any structure or use is permitted in a district other than the district in which such structure or use is first permitted under this chapter, such structure or use shall be subject to all of the requirements and regulations as are set forth in this chapter in the district in which such structure or use is first permitted.

Sec. 5.21. Retention of jurisdiction.

In all instances where a review and/or a finding by any city agency is required under the provisions of this chapter, that agency shall retain jurisdiction over such review and/or finding and that any variation from said review and/or finding shall require approval from that agency.

Sec. 5.22. Site plan requirements.

Whenever in this chapter a site plan is required, the following information shall be included on the site plan:

(1) A scale of not less than 1" = 20' (2.54 centimeters = 6.1 meters) if the subject property is less than three (3) acres (1.215 hectares) and 1" = 100' (2.54 centimeters = 30.5 meters) if three (3) acres (1.215 hectares) or more.

(2) Date, north point, and scale.

(3) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

(4) The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet (30.5 meters) of the subject property. Structures include the location and size of all existing trees and utility lines on and directly adjacent to the site.

(5) The location of all existing and proposed drives and parking areas.

(6) The location and right-of-way widths of all abutting streets and alleys.

(7) A landscaping plan shall be required in accordance with article 4section 5.31(21)(b), including an itemized plant materials schedule of all materials and trees to be installed on the site as well as areas of existing vegetation and trees to be protected during construction and conserved. The itemized plant materials schedule shall include botanical and common names of materials, sizes, quantities, and the name, address and registration number of the registered landscape architect who is responsible for the preparation of the landscape plan.

(8) The names, addresses and registration number of the professionally registered architect, planner or engineer responsible for the preparation of the site plan.

(9) Once a site plan has been approved, that site plan shall be strictly adhered to and maintained as approved, including the landscaping, and shall not be altered or modified in any way without first securing permission of the approving body.

(10) The city planner shall be authorized to review and approve amendments to previously approved site plans, when said amendment is for expansion of floor space in an existing building which was previously approved by the city council which expansion is no greater than twenty-five (25) percent of the gross square footage of the building area and not to exceed 10,000 square feet (930 square meters) of floor space of the previously approved building, or construction of a customary accessory structure, such as a garage, shed, carport, or dumpster screen, to an existing building when the site is already the subject of an existing or previously approved site plan by city council, provided that the accessory structure does not exceed ten (10) percent of the building area and not to exceed one thousand (1000) square feet, (93 square meters) and provided the amendment meets all the requirements of this chapter, and does not require the granting of any variance by the zoning board of appeals in order to meet the requirements of this chapter.

(Ord. No. 1153, 11-26-84; Ord. No. 1618 , § 1, 3-9-14; Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.22-1. Special use procedure.

Whenever in this chapter there are uses permitted subject to special approval, the following procedure shall be followed:

The petitioner shall submit an application, documentation, and site plans to accurately reflect the requested use to the planning department. The matter will be referred to the planning commission by the city council who may request additional information to assist in the review of the request. Such additional information may consist of floor plans, signing, building elevations, traffic studies, etc.

A public hearing shall be held by the planning commission in accordance with the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended, with notice being given to the owners of the property that is the subject of the request, all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, except as otherwise provided in the MZEA, and legal notice of the public hearing shall be given in a local newspaper of general circulation. Notice of the public hearing shall be given within the time prescribed pursuant to section 103 of the MZEA. The planning commission may recommend favorably, unfavorably, or favorably with conditions to the city council and shall state the reasons for their recommendation.

Upon receipt of the planning commission's recommendation, the city council shall hold a public hearing in accordance with the MZEA with notice being given to the owners of the property that is the subject of the request, all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, except as otherwise provided in the MZEA, and legal notice of the public hearing shall be given in a local newspaper of general circulation. Notice of the public hearing shall be given within the time prescribed pursuant to section 103 of the MZEA. The city council may approve, deny, or approve with conditions the special use request and shall specify the basis for their decision.

(Ord. No. 1260, 2-27-89; Ord. No. 1591 , § 1, 5-6-12; Ord. No. 1676 , § 1, 6-12-17; Ord. No. 1709 , §§ 2—5, 10-3-19)

Sec. 5.22-2. Conditional rezoning.

(1) *Intent, application for and processing of conditional rezoning.*

(a) This section is intended to implement section 405 of the Zoning Enabling Act (MCL125.3405) authorizing conditional rezonings.

(b) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. The offer shall be contained in a proposed conditional rezoning agreement, as described in this section, below. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process; however, the offer shall in all events be considered by the planning commission prior to being acted upon by the city council.

(c) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.

(d) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(e) Approval under this section shall not obviate the requirement for special land use approval, variance relief and/or site plan approval.

(f) If the city is in the process of proceeding with a conditional rezoning under this section, and the applicant has not voluntarily offered the condition(s) being considered, the applicant shall inform the city clerk in writing of such fact prior to the final action of the city council granting the conditional rezoning.

(2) *Standards for approval.* The following standards, among other factors deemed relevant by the planning commission and city council shall be considered in determining whether to approve a rezoning with conditional rezoning agreement, provided, the determination on whether the underlying rezoning itself should be granted shall be deemed to be a legislative decision of the city council equivalent to city council action on other amendments to the zoning ordinance.

(a) Compatibility with the policies and uses designated for the land and area in the city's future/master land use plan;

(b) Compatibility of the uses and improvements allowed under the proposed rezoning with conditional rezoning agreement with other zones and uses in the surrounding area;

(c) Availability and adequacy of public services and facilities, and whether there is likely to be any adverse impact from a development or use allowed under the rezoning with conditional rezoning agreement; and

(d) Whether the development that would be approved shall advance the public interest, weighing the reasonably expected burdens likely to result from allowing the development against the reasonably expected benefits to be achieved by the development.

(3) *Approval and effect.*

(a) If the city council, after recommendation from the planning commission, determines in its discretion that the proposed rezoning with conditional rezoning agreement should be approved, the conditional rezoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council to accomplish the requested rezoning with conditional rezoning agreement.

(b) The conditional rezoning agreement, as initially submitted, or as may be modified during the course of the rezoning process, shall:

i. Be in a form recordable with the register of deeds for oakland county or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the conditional rezoning agreement in a manner acceptable to the city attorney.

ii. Contain a legal description of the land to which it pertains.

iii. Contain a statement and acknowledgement that the terms and conditions of the conditional rezoning agreement shall run with the land be binding upon and inure to the benefit of the property owner and city, and their respective heirs, successors, assigns, and transferees.

iv. A specification of all conditions proposed by the land owner to be applicable to the use and development of the land, including the following to the extent relevant:

1. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.

2. Permissible uses of the property, and a specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.

3. Preservation of natural resources and/or features.

4. Facilities and design approaches to address any relevant traffic, storm water management and water quality issues, including the location, design and sizing of stormwater management measures.

5. Provisions for maintenance of areas on the land, as relevant.

v. Contain a statement acknowledging that the conditional rezoning agreement or an affidavit or memorandum giving notice thereof may be recorded by the city with the register of deeds for Oakland County.

vi. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that the conditional rezoning agreement, as the same may have been modified during the rezoning process (if applicable) has been freely, voluntarily and knowledgeably offered by such owners, and agreed upon in its entirety.

(c) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a conditional rezoning agreement. The city clerk shall maintain a listing of all lands rezoned with a conditional rezoning agreement.

(d) The approved conditional rezoning agreement or an affidavit or memorandum giving notice thereof shall be filed by the city with the register of deeds for Oakland County.

(e) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements of the zoning district and conditional rezoning agreement.

(4) *Compliance with agreement.* Any failure to comply with a condition contained within the conditional zoning agreement shall constitute a violation of this zoning ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(5) *Time period for establishing development or use.* Unless a longer or shorter time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land authorized in the conditional rezoning agreement shall be commenced within twelve (12) months from the effective date of

the rezoning and thereafter proceed diligently to completion. This time limitation may upon written request of the land owner be extended by the city council if (1) it is demonstrated by the land owner and determined by the city council in its discretion that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the city council determines in its discretion that there has not been a change in circumstances that would render the current zoning with conditional rezon

ing agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(6) *Termination of conditional rezoning agreement.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection e, above, or if the property owner makes a request in writing for termination of the conditional rezoning agreement prior to making any improvements pursuant to the conditional rezoning agreement, then the rezoning and conditional zoning agreement shall be deemed to be immediately terminated except in the city's discretion as to that part of the land, if any, that has been developed. In the event of such termination, no new development or use of the land shall be permitted until a new zoning classification is approved by a rezoning of the land. Upon such termination, the planning department shall immediately initiate the process to rezone the land in whole or in part to its prior or other appropriate zoning classification. The procedure for considering and adopting this rezoning shall be the same as applied to all other zoning requests. Once the rezoning has occurred, the city shall, upon request of the land owner, record with the register of deeds for Oakland County a notice that the conditional rezoning agreement, except in the city's discretion as to that part of the land, if any, that has been developed, is no longer in effect.

(Ord. No. 1554, § 1, 11-19-07; Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.22-3. Overlay Development District (ODD).

A. *Purpose, intent and qualifications:*

1. *General purpose.* Because traditional zoning separates uses into different districts using restrictive placement controls, it does not allow for creative development incorporating a variety of uses. The purpose of the overlay development district (ODD) is to encourage development of those parcels of land which, because of their size; their location being uniquely situated with regard to (higher density) adjoining uses; or their unique environmental features, a more flexible development scheme could foster creative development design, or preserve desirable natural features, significant historical landmarks and architectural features located within the ODD. Therefore, the ODD modifies the traditional form of zoning and permits variety in design, site configuration, setbacks, layout, use, and encourages efficiency in use of land and natural resources, while ensuring compatibility with surrounding land uses.

   In return for greater flexibility in site design requirements, ODD's are expected to deliver exceptional quality community designs that provide above-average pedestrian amenities, incorporate creative design in the layout of buildings, focus on pedestrian space and circulation; incorporate public art; assure compatibility with surrounding land uses and neighborhood character; incorporate green infrastructure storm water management measures and the restoration of natural functions through landscaping, tree planting or soil amendment; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

   Finally, ODDs authorized under this chapter (see attached map) shall provide a better and more desirable living and physical environment than what would be possible under the zoning regulations that apply to the development or traditional zoning district, while implementing the policies and objectives of the comprehensive master plan, as amended.

2. *General intent.* The adoption of an ODD is intended to encourage creativity through the unified development of property utilizing mixed residential, commercial and non-residential uses that provide adequate housing and employment opportunities. It is the intent of this article to allow rezoning of qualifying properties to ODD. The specific objectives of the ODD are to:

   a. Encourage innovation in land uses and variety of design, layout and type of structures constructed.

   b. Promote low impact development (LID) and green infrastructure storm water management techniques, as defined in this chapter.

   c. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.

   d. Permit flexibility in the placement, setbacks, lot area and building type regulations, and combination of uses while assuring the application of sound site planning standards.

   e. Encourage the provision of pedestrian amenities and more extensive landscaping, particularly landscaping that restores natural functions through enhanced soil quality, tree canopy restoration, and use of native plantings where appropriate.

   f. Provide opportunities for improvements to public streets or facilities, pathways, and infrastructure.

   g. Promote the development of walkable, mixed-use developments that will result in more sustainable and healthy community.

h. Achieve consistent and coordinated site design and higher quality architectural design and materials.

i. Encourage the use, reuse, redevelopment and improvement of existing sites.

j. Encourage the use and improvement of land where site conditions make development under conventional zoning difficult and less desirable.

k. Incorporate public art.

3. *Intent of requiring development agreement.* It is recognized that because of the complexity and uniqueness of each parcel or tract of land proposed for ODD rezoning, it is beneficial to the city and the development process if a development agreement which includes all conceptual plans, architectural elevations, development standards and specified conditions tailored to the particular parcel of property, are submitted together with the application for rezoning. This approach is intended to accomplish the objectives of the zoning ordinance by incorporating a land development project review process into the rezoning procedure to ensure integration of the proposed land development project with the characteristics of the surrounding area.

4. *Eligibility for ODD rezoning; qualifying conditions.* To be eligible for ODD rezoning as provided by this article, all of the following conditions must exist with regard to the proposed ODD site:

a. Rezoning to ODD shall not be granted in situations where the same land use objectives may be established by the application of applicable conventional zoning provisions or standards.

b. The land proposed to be included within the ODD must consist of sufficient acreage as recommended by the planning commission to meet the objectives of this chapter:

• Southfield City Centre & Downtown Development Authority subareas: one (1) acre(s) or greater

• Southfield Technology Corridor subarea, Smart Zone and other areas identified on ODD eligible areas map: Two (2) acres or greater

An ODD may have a lot size of less than what is specified above in items A.4.b. above, if the city council finds:

i. That an unusual physical or topographic feature of importance to the area as a whole, such as wetlands, exists on the site or in the surrounding neighborhood that will contribute to and be protected by the ODD; or,

ii. That the property or the surrounding area has an historic character of importance to the community that will be protected by the ODD; or,

iii. That the proposed ODD is adjacent to an approved ODD that has been completed and will contribute to the amenities and values of the neighboring ODD; or,

iv. That the ODD is located in an area that is being redeveloped and will implement the policies of the redevelopment plan or subarea plan identified in the comprehensive master plan.

c. The land proposed to be included in the ODD shall have features that the preservation of which will be enhanced through development as an ODD; or is uniquely situated with regard to adjoining uses which would permit variety in design, site configuration, layout and use; or has unique historical or environmental features or other characteristics which could foster creative development design and preserve desirable natural features. In developed urban areas, the ODD shall offer higher standards of architectural design, innovative layout and pedestrian amenities, including public art, than what would be achieved under conventional zoning.

d. The proposed land use patterns must be compatible with surrounding land uses and provide decorative screening or transitional buffers to residential areas.

e. The proposed land use patterns encourage efficiency in use of land, natural resources, provide for open space or pedestrian amenities and minimize impervious surfaces, wherever feasible.

f. The ODD site must be served by public water and sanitary sewer service that meets or exceeds the existing city requirements for a development of the proposed size.

g. The ODD site must abut and have direct access to a public thoroughfare.

h. The proposed ODD shall be harmonious with the surrounding land uses and serve the public health, safety and welfare of the city as a whole.

i. The proposed ODD shall not cause a negative or environmental impact or loss of a historic structure (unless determined by the city to be unsalvageable) on the subject site or surrounding land.

j. The proposed ODD is not merely an attempt to circumvent the strict application of the applicable zoning standards.

B. *Uses permitted in an ODD:*

1. *Principal permitted uses.* In designing and developing an ODD, compatibility of land uses both within the development and surrounding the development is very important to meeting the objectives of this article. In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain uses will be permitted and others will be prohibited. Subject to review and approval under the procedures and standards contained in this article, the following uses may be eligible for inclusion in the ODD district (see table 1):

Table 1: Permitted Table of Uses[2]

Districts: Uses:	Southfield Tech Corridor	City Centre District	Downtown Development District	Smart Zone	ODD Corridors
Accessory and complementary uses to permitted uses	P	P	P	P	P
Banks	P	P	P	P	P
- w/drive thru	P	*	P	*	P
Educational facilities	X	P	P	P	P
General businesses	P	P	P	P	P
Government offices	P	P	P	P	P
Hotels (excluding motels),convention centers and banquet facilities	P	P	P	P	P
Medical facilities, urgent care, medical research	P	P	P	P	P

[2]Editor's note(s)—The entries for "auto/truck sales and showrooms" and "medical marihuana facilities" were amended by the editor using the on-line zoning ordinance at the direction of the city.

Micro-brewery	P	P	P	P	P
Mixed-use residential	P	P	P	P	P
Health, wellness & fitness	P	P	P	P	P
Hospitals	P	P	P	P	P
Office (general)	P	P	P	P	P
Recreational uses and Facilities, including Parks	P	P	P	P	P
Residential uses, including multi-family, nursing homes, senior congregate & assisted living	X	P	P	P	P
Retail facilities	P	P	P	P	P
Research facilities	P	P	P	P	P
Restaurants	P	P	P	P	P
Restaurants with drive-thru	P	*	P	*	*
Pharmacies	P	P	P	P	P
- w/drive-thru	P	*	P	P	P
Personal services	X	P	P	P	P
Professional business and offices	P	P	P	P	P
Public safety	P	P	P	P	P
Self-storage facilities as an accessory use	P	P w/interior units and single point access	P	P w/interior units and single point access	P w/interior units and single point access
Technical, research & development centers with accessory (less than 50%) manufacturing & assembly.	P	P	P	P	P
Universities and colleges	P	P	P	P	P
Libraries and civic organizations	X	P	P	P	P
Auto/truck sales and showrooms	X	X	P**	X	X
Medical marihuana facilities	X	X	P**	X	X

P = Permitted

X = Prohibited

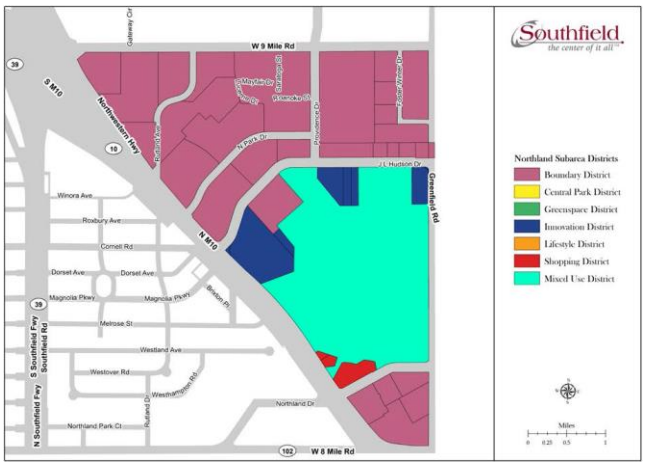
*When attached to a retail center or mixed-use development

** Northland ODD only (see table 2 permitted/prohibited uses)

a. *Northland sub area redevelopment plan ODD.*

Map 1: Northland Overlay Development District: District Plan Map

Northland Subarea Districts



The Northland Subarea Redevelopment Plan Overlay Development District regulations, (the "property") subject to the following express conditions and requirements:

a. Any future development, use, or construction of any site improvements on the property shall be consistent and in accordance with the Northland Sub Area Redevelopment Plan as contained and set forth in the City of Southfield Master Plan, as may be amended, or as otherwise may be approved by the city council;

b. Any future development or construction of any site improvements on the property shall be governed by and in accordance with the Northland Design Standards;

c. Any future development or construction of any site improvements on the property shall be governed by and in accordance with the Northland Overlay Development District: District Plan map (Map 1), Permitted/Prohibited Uses (Table 2), and Development Standards Matrix (Table 3);

d. Any future development, use, or construction of any site improvements on the property shall be subject to the submission of a master development plan ("MDP") as defined in and required pursuant to subsection 5.22-3 C.3.d. of the zoning ordinance; the MDP shall be subject to the approval of the city council; and

e. Any future development, use, or construction of any site improvements on the property shall be subject to the approval by the city council of a development agreement in the city's standard form, as required pursuant to subsection 5.22-3 C.3.e. of the zoning ordinance.

Table 2: Permitted/Prohibited Uses

	Central Park District	Shopping District	Lifestyle District	Innovation District	Open Space District	Boundary District
Accessory and complementary uses to permitted uses	P	P	P	P	P	P
Banks	P	P	P	P		P

Banks with drive thru		P		P		P
Educational facilities	P		P	P		P
General businesses	P		P	P		P
Government offices	P		P	P		P
Hotels (excluding motels), convention centers, and banquet	P	P	P	P		P
Medical facilities, urgent care, medical research				P		P
Micro-brewery	P	P	P	P		P
Mixed-use residential	P	P	P	P		P
Health, wellness, and fitness	P	P	P	P		P
Hospitals				P		P
Office (general)	P		P	P		P
Recreational uses and facilities, including parks	P	P	P	P	P	P
Residential uses, multi family, nursing homes, assisted living	P		P	P		P
Retail facilities	P	P	P	P	P	P
Research facilities						P
Restaurants	P	P	P			P
Restaurants with drive thru		P		P	P	P
Restaurant kiosks (minimum 100 square feet per kiosk; max 375 square feet)				P	P	
Personal services	P	P	P	P		P
Professional business and offices	P		P	P		P
Public safety	P	P	P	P		P
Self storage facilities as an accessory use						P
Technical research and development (with accessory—less than 50%—manufacturing and assembly)				P		P
Universities and colleges	P		P	P		P
Libraries and civic organizations	P		P	P		P
Cinemas, theaters, and assembly halls		P	P			P
Auto/truck sales and showrooms		P				
Medical marihuana	P	P	P	P	P	

P: Permitted. For prohibited uses, refer to subsection 5.22-3 B.2.

Table 3: Northland Overlay Development District: Development Standards Matrix

	Proposed Development									Parking		Drive-Thru Restaurants
Subarea	Purpose Intent	Permitted Uses (See Permitted Uses Matrix)	Approximate District Acreage	Planned Residential Units	Retail	Mixed Use	Office	Hospitality	Public Space	Requirements	Structured	Only permitted in Shopping District and Boundary District
Central park district	A high-density, high activity district that wraps the central park space. The district integrates uses vertically, providing a mix of retail/office first floor uses, office/residential uses on second floor and above. Building should front on primary streets that encompass the central park.	Mixed use townhomes/brownstones, flats with mixed use, first floor commercial, second floor commercial/residential, third floor + residential	TBD	TBD	TBD	TBD	TBD		TBD	Parking ratios by use shall be per City Code section 5.29 off-street parking provisions and section 5.30 off-street parking requirements. Bicycle parking shall be required as defined in article 4, subsection 5.29(12). On-street parking may be counted toward private development parking requirements with city approval.	Structured parking shall be permitted in all districts.	Drive-thru restaurants as endcaps only. Restaurants and carryout restaurants when attached to, and located within a shopping center building complex. For the purposes of this section, a shopping center will consist of not less than 4 attached uses sharing a common parking area. Drive-in and free-standing fast-food restaurants, subject to the following conditions: Ingress and egress points shall be located at least 60 feet from the intersection of any 2 streets. Parking requirements with drive-thru/drive-in: Measured from the transaction (pay) window. The first transaction window shall have a minimum of 8 spaces and 2 or more ordering stations shall have a minimum of 240 linear feet of stacking. Stacking spaces shall be a minimum of 9 feet wide and 20 feet in length, shall not extend onto any public street, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.
Shopping district	A district focused primarily on retail uses, with some restaurants. Buildings may front major perimeter roadways for visibility, but should also provide suitable pedestrian frontage and proximity to small interior streets and open spaces. One-story buildings may be designed to give the appearance of 2 story heights	Large format retail, medium format retail, boutique retail, outparcels, restaurants. Multi-family residential may only be permitted as an upper floor use.	TBD	TBD	TBD							
Lifestyle district	The main shopping and entertainment district, with appearance of "Main Street", utilizing a complete mix of retail, restaurant, offices, and residences in buildings of 2-3 story heights.	Mixed use	TBD	TBD	TBD	TBD	TBD		TBD			
Innovation district	A commerce focused district centered around a mix of modern corporate offices and entrepreneurial incubator spaces. A mix of residential provides living close to work, corporate apartments, and hotel options. While buildings are primarily 3—4 stories, smaller neighborhood scale (two-story) office are also permitted.	Mixed Use	TBD	TBD		TBD	TBD	TBD	TBD			
Boundary district (expandable)	A district encompassing the periphery area of the development, creating a fringe of infill and redevelopment sites of 2—6 story buildings that help to integrate and connect the adjacent neighborhoods into the Northland urban core.	Mixed use; RS regional shopping, RC regional center, RMU multiple family (high rise), ERO education research office, B-2 planned business. Pharmacy with drive-thru	TBD						TBD			

Greenspace district	Areas reserved for public open space, civic plazas, seating and gathering areas. The spaces are intended to be active, programmed areas that serve as outdoor venues for concerts, movies, passive and active recreation with in the context of the urban neighborhoods.	Parks, plazas, seating and gathering spaces, walks, gardens, amphitheater, pavilions. Retail uses may be permitted, but are limited to small kiosks, temporary outdoor markets and food trucks.									Structured parking shall be permitted within the greenspace district but must be located underground. Greenspace and pedestrian activity space must be provided above the parking structure, which should be designed to accommodate park structures, activities, and landscaping. Grade separation between adjacent streets and the rooftop greenspace uses shall be minimized.	

1. The minimum allowable square footages and unit counts may be exceeded provided that all other provisions of the O.D.D. are met and the purpose and intent of the design standards are achieved. Individual densities per project shall be governed by the development standards for that district.
2. Minimum building height shall not apply to existing buildings.
3. Refer to design guidelines for specifications of building height by street frontage.
4. Existing buildings with parking between building and street shall be permitted to remain until such time that the building is substantially

	Setbacks and Restrictions										Easements	Engineering and Utilities				
Subarea	Minimum Lot Area	Minimum Lot Width	Recommended Building Heights	Minimum Building Height/Stories (2)	Maximum Building Height/Stories (3)	Front Yard Setbacks (4)	Side Yard Setbacks	Rear Yard Setbacks	Minimum Floor Area	Maximum Lot Coverage		Sanitary Sewer	Storm Water	Water Service	Telecom	Electric
Central park district	none	none	Two—six stories	24 ft./2 stories	84 ft./6 stories	Parking: 5 ft. minimum setback, and may not be located	0 ft. building setback 5 ft. parking setback	10 ft. building and parking setback	Residential townhomes—Four units per building Commercial and mixed	85%	Roads may be publicly dedicated or may remain in private ownership and	The site shall be served by a master sanitary sewer plan. All utility	Stormwater management shall be provided by a master stormwater management	Water service shall be provided by a master water plan. All utility	Utilities plan shall incorporate fiber-optics program. All	All utility structures shall be placed underground. Any necessary

						nearer the street than the building façade.			use buildings 10,000 sq. ft.; kiosk-type uses: 100 sq. ft.		maintenance. Roads shall be built to public standards. Easement for all public utilities shall be provided within road right-of-way.	structures shall be placed underground. Any necessary above-ground structures and connections shall be placed to the side or rear of a building and fully screened by vegetation of an enclosure that is compatible with the principal building architecture.	plan. Development applications shall provide for on-site stormwater BMP strategies, as outlined in the city stormwater management requirements and the stormwater management plan for each site.	structures shall be placed underground. Any necessary above-ground structures and connections shall be placed to the side or rear of a building and fully screened by vegetation of an enclosure that is compatible with the principal building architecture.	development applications shall include a wireless program and plan. Wireless antennae towers shall not be permitted. Wireless antennas may be discretely incorporated into building facades or placed rooftops and screened from view. All utility structures shall be placed underground. Any necessary aboveground structures and connections shall be placed to the side or rear of a building and fully screened by vegetation of an enclosure that is compatible with the principal	aboveground structures and connections shall be placed to the side or rear of a building and fully screened by vegetation of an enclosure that is compatible with the principal building architecture.

																building architecture.	
Shopping district	None	None	Two story	24 ft./2 stories	35 ft./2 stories	Parking: 5 ft. min. setback, and may not be located nearer the street than the building façade. Buildings over 50,000 sq. ft.: 30 ft. setback from perimeter roadways 15 ft. parking setback	0 ft. building setback Five ft. parking setback	Ten ft. building and parking setback	1,500 sq. ft.; kiosk-type uses: 100 sq. ft. Large format retail: TBD	85%							
Lifestyle district	none	none	2—3 stories	24 ft./2 stories	42 ft./3 stories	Parking: 5 ft. min. setback, and may not be located nearer the street than the building façade.	0 ft. building setback 5 ft. parking setback	10 ft. building and parking setback	Residential townhomes—6 units per building Commercial and mixed use building 10,000 sq. ft.	85%							
Innovation District	none	none	2—4 stories	24 ft./2 stories	56 ft./4 stories	Parking: 5 ft. min. setback, and may not be located nearer the street	0 ft. building setback 5 ft. parking setback	10 ft. building and parking setback	Commercial and mixed use building 5,000 sq. ft. kiosk-type uses: 100 sq. ft.	85%							

						than the building façade.										
Boundary district (expandable)	1 acre	Minimum lot width shall be subject to the use	Minimum 2 stories to unlimited (as long as setbacks are met).	24 ft./2 stories	Per underlying zoning district.	Per underlying zoning district, except that no more than 2 rows of parking and 1 drive aisle shall be permitted between the building and the right-of-way	10 ft. building and parking setback	10 ft. building and parking setback	Residential townhomes—4 units per building Commercial and mixed use buildings 10,000 sq. ft.; kiosk-type uses: 100 sq. ft.	85%						
Greenspace district	none	none	1—2 stories for significant architectural or civic elements (amphitheater shell or pavilions).	none	35 ft./2 stories	0 ft. setback	0 ft. setback	0 ft. setback	N/A							

	Environmental Assessment				Hours of Operation	Landscaping				
Subarea	Wetland Impact	Woodland Impact	Preservation of Natural Features	Tree Replacement Plan		Building Foundation	Street Trees	Parking Lot	Perimeter	Green Infrastructure
Central Park District Shopping district Lifestyle district Innovation district	N/A	N/A	N/A	Per article 4, section 5.56 woodlands and tree preservation	Unlimited	Building foundation landscaping is required along all building elevations not otherwise dedicated to building entrances, sidewalk, parking, or loading areas, or building edge activities such as outdoor dining or seating	Street trees shall be deciduous species, generally achieving a mature height and spread of approximately 30 feet. Perimeter Streets: 1 tree per 40 lineal feet of frontage, located in front of the hedge when	Parking Perimeter Screening: Any portion of vehicular use area fronting a street or adjacent property shall be screened with a stone wall between 24" and 30" height, and/or an evergreen shrub hedge minimum 24" height at	Perimeter landscape treatment: The following landscaping shall be provided in locations as illustrated in the design guidelines. The design should combine the use of traditional	Per city stormwater management requirements and the stormwater management plan for each site. Per city green infrastructure

Boundary district (expandable)						areas. Where building foundation planting is required, a minimum of 3 shrubs per 10 linear feet of building frontage or fraction thereof shall be provided. Building foundation planting shall be continuous, spaced appropriately for the species, and provided within a minimum 3'6" planting bed. Planting beds should predominantly covered with plant material, and unplanted mulch areas should be avoided. Plantings should be creatively designed to enhance the adjacent architectural character. Planting beds may be at grade or in raised planters. Outdoor dining areas, seating areas, and sidewalk areas in the building activity zone should incorporate planters or flower boxes.	"perimeter landscape treatment" is provided. Trees may be clustered in groupings when desirable for opening view corridors to building facades and signage, but the quantity of trees shall equal that when provided at the required spacing. Primary streets: 1 tree per 40 lineal feet of frontage; 3-inch caliper min. Secondary streets: 1 tree per 40 lineal feet of frontage; 2.5" caliper minimum. Street trees shall be planted within streetscape zones in tree wells, tree lawns, or open planting beds. Tree lawns shall be paved where head-in angled parking is provided in the street, or where commercial frontage is provided. Where tree lawns are paved, the street tree openings shall be a minimum of 5 feet wide and 5 feet long and excavated to a depth of 3 feet. Open planting beds shall be completely covered with groundcover or other ornamental plantings.	time of planting and planted 3 ft. o.c., and maintained at a maximum 30" height. Place 2-1/2" caliper trees at 30 ft.—40 ft. o.c. trees should be aligned with the hedge. Parking interior landscaping: Min. 1 tree per 10 parking spaces provided in interior landscape islands. All parking rows shall be terminated by a landscape island; Each interior landscape island shall have at least one tree, which shall apply to the minimum required trees. Min. landscape island shall be 8 ft. wide back-of-cub to back-of-curb with a minimum landscape area of 135 sq. ft. Place mid-row islands so that there are no more than 20 uninterrupted parking spaces.	materials in a contemporary appearance consistent with the architectural vision of the site. See design guidelines for Hedge edge: 30" evergreen screen hedge punctuated by either 1) 4 ft. stone columns at 50 feet spacing. The stone should be thin courses with a rough texture and a 2" thick flat precast cap; or 2) at 100 feet spacing a 4 ft. tall dark bronze aluminum rail fence section with ornamental fencing. Stone wall edge: Within 25 feet of a primary or secondary street curbcut, the treatment shall transition to a 24 inch to 30-inch max. height stone wall with dark bronze aluminum rail fence and stone columns at 25 feet spacing. Signature development icon as approved by the city: At key locations, a signature development icon may be provided for development identity, branding and signage. The design of the icon should incorporate and transition from the stonewall edge. Frontage landscape screen typologies: Option 1: 26' 10" frontage, ornamental screen fence sections. Option 2: 50' frontage evergreen screen hedge sections. Option 3: 26' 10" frontage, artistic screen fence sections. Option 4: 26'10" frontage stone screen wall sections.	requirements of the zoning ordinance.
Greenspace district								N/A	N/A	

	Lighting	Low Impact Design	Misc. Conditions	Pathways and Sidewalks (Non-Motorized Transit)	Parking and Circulation	
Subarea			Noise, Trash Enclosure, etc.		Cross Access	Ingress/Egress
Central park district Shopping district Lifestyle district Innovation district	All exterior light sources and lamps that emit more than 900 lumens shall be concealed or shielded with an illuminations Engineering Society of North America (IESNA) full cut off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Street sidewalk lighting: architectural decorative fixture, 14 ft. max. fixture height. Street drivelane lighting: architectural decorative fixture; 25 ft. max. fixture height. Open space pedestrian lighting: architectural decorative fixture; 14 ft. max. fixture height.	Stormwater management BMPs shall be utilized with all parking areas. Refer to "SEMCOG Low Impact Design Guidelines" Per city green infrastructure requirements of the zoning ordinance	All waste, refuse, and recycling containers and enclosures shall be incorporated within the footprint of a principal or accessory structure to the maximum extent practicable. If incorporation within the building footprint is not practicable, outdoor waste and storage containers and enclosures shall be fully screened from view on all sides by landscaping or by a decorative wall or fence finished and constructed to match the materials and design of the nearest wall of the principal structure and shall be fully opaque year round. The wall or screen shall be at least one food taller than theheight of the waste or storage container or enclosure being screened, up to a maximum of 8 feet. Chain link, vinyl, EIFS, and unfinished or non decorative CMU are prohibited screening materials.	A 10 ft. wide asphalt, multiuse path (to be concrete along Greenfield Road) shall be provided around the perimeter of the Northland Redevelopment area asindicated in the master plan. Sidewalks shall be provided along all streets. A minimum 5 ft. clear width shall be maintained. Pedestrian street crossings shall include "curb extensions", which will also define on street parking. The curb extensions shall reduce the width of the street crossing by extending the pedestrian space to the edge of the drive lanes. Decorative pedestrian crosswalks at major intersections and pedestrian crossings shall be provided per city standards.	Required between parking areas adjacent to another parking area.	24 ft. wide driveways. unless otherwise required as demonstrated by traffic study.
Boundary District (Expandable)	Parking area lighting: 25 ft. fixture height. Special feature lighting: permitted in unique designs as decorative or sculptural lighting fixtures in limited locations; no cut off requirements. Building wall mounted or landscape accent lighting shall not exceed 900 lumens.			Sidewalks shall be provided along all streets. A minimum 5 ft. clear width shall be maintained. Pedestrian street crossings shall include "curb extensions," which will also define on-street parking. The curb extensions shall reduce the width of the street crossing by extending the pedestrian space to the end of the drive lanes.		
Greenspace district	All exterior lighting shall be designed to avoid the creation of "hot spots" or irregular lighting levels. Lighting uniformity across a horizontal surface shall have an average range from 1 footcandle to 3 footcandles or not exceeding 4:1 average to minimum light levels.			Sidewalks shall be provided along all streets. A minimum 5 ft. clear width shall be maintained. Pedestrian street crossings shall include "curb extensions," which will also define on-street parking. The curb extensions shall reduce the width of the street crossing by extending the	N/A	

	Parking areas and driveways and walkways need to have lighting at a minimum of 1 to 2 maintained foot candles with a uniformity ration of 4:1. Entry to building needs a minimum of 5 maintained foot candles.			pedestrian space to the end of the drive lanes.		

2. *Prohibited uses.* In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain land uses have been determined to be incompatible with the intent to provide the above permitted uses in an ODD. Therefore, the following uses are prohibited in ODD:

- Wholesale, not open to the general public and intensive business.
- Industrial and developmental manufacturing (Southfield Technological Corridor).
- Uses involving the processing of raw materials for shipment in bulk form to be used in an industrial or commercial operation at another location.
- Warehouses and storage yards.
- Outdoor storage or display of materials, equipment, or vehicles other than approved outdoor retail sales as an accessory to a permitted principal use.
- Automotive repair, service and sales, new and used (except in Northland ODD).
- Automotive washes, self serve and automatic, except those customarily an accessory to a permitted principal use.
- Sanitariums.
- Pawn shops, check cashing and pay-loan facilities.
- Sexually oriented businesses (e.g., adult bookstores, adult motion picture theaters, cabarets, etc.).
- Mobile home parks.
- Funeral homes.
- Crematorium.
- Cemeteries.
- Dog kennels.
- Public stables and farms.
- Social halls.
- Boarding rooms, lodging and tourist homes.
- Motels.
- Outdoor drive-ins.
- Flea markets.
- Tattoo parlors.
- Arcades, golf ranges and golf domes.
- Medical marihuana facilities (except in Northland ODD).

C. *Rezoning procedure.*

1. *Applicable regulations.* The ODD is an overlay zoning district which imposes site configuration, building layout, architectural design, density, set back, height, use, access, parking and other development regulations that apply to this district only. All other non-conflicting regulations and standards of this chapter shall also apply to this district. In the event of a conflict between a regulation in the Code of Ordinances or a standard contained in the approved master development plan or development agreement and any other applicable regulation in this chapter, the approved master development plan or development agreement standard shall prevail.
2. *Rezoning.* Rezoning a parcel or tract of land in the ODD may be initiated either by the request or with the authorization of the owner(s) of land proposed to be included in the ODD; by the planning commission; or the city council as authorized by the Zoning Enabling Act. Any rezoning to ODD shall be subject to the eligibility criteria and qualifying conditions contained in this article. A preliminary master development plan and a development agreement containing specific development standards and site plan drawings must be submitted with the application to rezone. Upon approval of the application to rezone, the final master development plan and the development agreement must be approved by the city council and recorded as required by this article prior to commencing development of any land proposed for rezoning to ODD.
3. *Application to rezone in an ODD.* The application to rezone shall include the following information and documents:
    a. *Ownership*. The application form must be signed by the applicant, and authorized by all owners of any land to be included within the ODD and include the address telephone number and e-mail address of all applicants.
    b. *Qualification*. The application shall include a narrative statement describing the overall objectives of the proposed ODD; demonstrate that the proposed site meets the qualifying conditions for an ODD rezoning; and explain why the property may not be developed as currently zoned.
    c. *Development impact*. The application shall include a development impact statement addressing impact of the proposed development on:
        i. Surrounding land uses.
        ii. Pedestrian and vehicular traffic.
        iii. Preservation of natural or historic features.
        iv. Public utilities.
        v. Public services.
        vi. Economic impact.
        vii. Special design features (e.g. low impact development/green infrastructure stormwater techniques, architectural features, etc.)
        viii. Plan for landscaping, tree planting, and preservation or enhancement of existing soils, trees and vegetated areas, including the integration of these measures with stormwater management for the site
    d. *Master development plan*. The application shall include a proposed master development plan encompassing all phases of the proposed ODD, containing all information required by the planning commission and city council and prepared at an acceptable scale.
    e. *Development agreement*. The application shall include a proposed development agreement which shall include specific standards tailored to the ODD and use of the property in conjunction with the rezoning. The provisions contained in the agreement shall, upon approval and execution, be binding upon both parties. The agreement shall be in a form recordable with the Oakland County Register of Deeds, or in the alternative, be accompanied by a recordable memorandum prepared and signed by the property owner(s) giving notice of the ODD development agreement in a manner acceptable to the city attorney. The agreement shall, at a minimum, include the following provisions:
        i. Agreement and acknowledgment that the developer submitted and the city accepted the development proposal as set forth in the application to rezone, the master development plan, the site plans, architectural elevations and the development agreement as submitted, and granted the rezoning based on the terms set forth therein. Further, that all provisions and conditions contained in the application to rezone, master development plan and development agreement are authorized by applicable law; that the agreement is valid, and was entered into on a voluntary basis, representing a permissible exercise of authority by the city and the applicant.
        ii. Agreement that the property shall not be developed or used in a manner inconsistent with the approved master development plan and development agreement.
        iii. Agreement that the approved rezoning, master development plan and development agreement shall be binding upon and inure to the benefit of the property owner(s), the city and their respective heirs, successors, assigns, and transferees. A list of all approved uses shall be provided.
        iv. Because of the complexity and uniqueness of the parcel or tract of land proposed for the ODD, the development agreement shall include specific standards for site configuration tailored for the proposed development, including:
            • Roadways; ingress, egress and other access including sidewalks and pedestrian pathways.
            • Building and structure placement, mass, bulk, height, articulation and setbacks.
            • Installation and extension of utilities; including a preliminary stormwater management plan, prepared by a licensed professional engineer; the stormwater management plan shall meet the standards set forth by the city engineer and shall clearly depict the integration of landscaping and any permeable surfacing with the plan for the ODD.
            • Parking and circulation. Pedestrian pathways and linkages to the public sidewalk system.
            • Landscaping (including tree planting, restoration areas, and vegetated stormwater management areas), public art, ornamental fencing and buffers.

• For residential uses: Maximum density and intensity of use for each proposed use addressing units per acre. For non-residential uses: Maximum useable floor area.

• Preservation of no less than twenty-five (25) percent of undeveloped primary or secondary open space for residential uses and fifteen (15) percent of urban open space, pedestrian amenities, or landscaped areas for non-residential uses unless waived by a two-thirds (⅔) vote of the city council. Open space to be preserved shall be calculated prior to making any site improvements to be performed on site and shall exclude existing and proposed rights-of-way.

• Preservation of natural features and provisions addressing the maintenance of natural resources and open space, which may include provisions in the maintenance agreement accompanying the stormwater management plan, if applicable.

• Lighting.

• Permissible uses of the property consistent with this chapter.

• Any areas proposed for commercial operations with twenty-four-hour operations shall be located fifty (50) feet from residential areas and shall be provided with buffering and screening to protect the compatibility of the uses. The fifty-foot measurement shall be calculated from the closest building envelope edge of the twenty-four-hour operation to the lot line of the closest residentially zoned property or residential building footprint, whichever is closer.

• All utilities, other than surface stormwater management measures, including electricity, telephone and cable, shall be installed underground or otherwise installed out of sight to the surrounding community, excluding main transmission lines.

v. Architectural design and building materials.

vi. Proposed association and condominium documents, if applicable.

vii. Site plan drawings including proposed site elevation contours; Typical elevation drawings, with identification of facade materials of all sides of each principal building included in the ODD, drawn at a scale of one (1) inch equal to one hundred (100) feet or other scale acceptable to the planning director.

viii. An affidavit from a qualified environmental engineer that an environmental assessment has been performed and the results indicate that there is nothing to preclude the development as proposed.

ix. Any other provisions proposed and approved by the parties.

x. Phasing plan, if applicable.

f. *Fee*. An application to rezone land in the ODD shall be accompanied by a fee established from time to time by the city council.

4. *Public hearing on application to rezone; approval of master development plan and development agreement.*

a. Upon receipt of a complete application to rezone, a master development plan and proposed development agreement, the planning department shall conduct a preliminary review of the conceptual plan and preliminary development agreement. Once the planning department has determined that the ODD application is substantially complete, then the planning commission shall schedule a public hearing. Notice of the public hearing shall be provided as required by the Michigan Zoning Enabling Act, as amended.

b. The planning commission shall hold a public hearing on the request to rezone and approval of the master development plan and development agreement and shall consider whether the ODD as proposed meets all of the required standards.

5. *Planning commission recommendation.* After holding a public hearing and reviewing the proposed rezoning, the master development plan and the development agreement, the planning commission shall forward a recommendation to the city council. Upon a finding that the plan and agreement meet all the standards set forth in this article, the planning commission may recommend approval, approval with conditions or denial, of the master development plan, the development agreement and rezoning of the property to ODD.

6. Review by planning commission; standards for approval. The planning commission shall recommend approval or approval with conditions upon a finding that the proposed ODD complies with all the following standards:

a. The application to rezone, the master development plan and development agreement contain all information required by this chapter. The applicant shall follow standard procedures for application submission to the planning commission. All applicable application fees have been paid; and,

b. The proposed site meets the qualifying conditions for an ODD rezoning; and,

c. The proposed master development plan provides safe and efficient ingress and egress to the site, including access for fire or other emergency vehicles and safe and convenient pedestrian and vehicular circulation; and,

d. The amount and type of traffic generated by the proposed ODD shall not create a substantial detrimental effect on neighboring properties or existing roadways; and,

e. The proposed development is compatible with surrounding uses of land and character of the surrounding area; and,

f. The design and placement of buildings and other structures, parking, lighting, refuse storage, public art, pedestrian pathways, stormwater management measures and landscaping: 1) ensures compatibility with surrounding properties; 2) ensures compatibility with properties within the proposed ODD; and 3) ensures that the development when viewed from public rights-of-way enhances the character of the surrounding area. further, the proposed development shall be consistent with the design standards and policies adopted by the planning department; and,

g. The uses proposed in the master development plan and development agreement are arranged in a logical relationship to each other and have sufficient buffers to prevent adverse impacts of one (1) use upon another; and,

h. The master development plan and development agreement is designed to the maximum extent feasible to protect the quality of natural topography, vegetation and other natural features of the site adjacent to the River Rouge Greenway in the Southfield Tech. Corridor. The development plan shall make appropriate provision for the preservation OR restoration of floodplains, wetlands, streams and stream banks, hillsides, and other natural resource areas); and,

i. The proposed development shall provide adequate public facilities and services, including streets, utilities, and stormwater management features to have an adequate capacity to support the proposed uses. As part of a development plan proposal, an applicant may need to offer to upgrade or otherwise provide adequate facilities to support the proposed intensity of development; and

j. The proposed development shall be consistent with the comprehensive master plan.

7. *City council review of application to rezone; master development plan and development agreement.*

a. The city council shall be provided with a copy of the planning commission's report and recommendation, minutes from the planning commission's study sessions, regular meetings and public hearing(s) and all supporting materials.

b. Upon receipt of the recommendation from the planning commission, the city council shall schedule a public hearing on the application to rezone and approval of the master development plan and development agreement.

c. After the public hearing and review of the planning commission reports, recommendation and supporting materials provided, and a finding as to whether the ODD as proposed meets all of the standards as provided in this article, the city council shall:

Approve, approve with conditions, or deny the application to rezone to ODD, the master development plan and the development agreement. Approval of the development agreement shall include authorizing execution by the mayor and clerk pursuant to the City Charter.

8. *Effect of approval of rezoning to ODD, approval of master development plan and development agreement.* Following approval by the city council, the property shall be rezoned to ODD. Once rezoned to ODD, no improvements or construction shall be undertaken within the ODD except in conformity with the approved master development plan; the development agreement and any conditions imposed in connection with the ODD approval shall be recorded with the Oakland County Registry of Deeds.

9. *Modification of development agreement.* Changes to the approved master development plan and development agreement shall require submittal of a revised master development plan and/or development agreement for review and approval as provided by this section.

a. *Minor modifications*. The following minor modifications may be made upon approval of the planning director. Such minor modifications shall be provided in writing and upon approval shall be incorporated into the approved master development plan and/or development agreement. Minor modifications include but are not limited to:

i. Up to a ten (10) percent or five hundred (500) sq. ft. increase of the size of residential structures, whichever is smaller, provided there shall be no increase in the number of dwelling units and provided the additional impervious surface is accounted for in applicable calculations in the stormwater management plan for the site.

ii. Up to a fifteen (15) percent or seven thousand five hundred (7,500) sq. ft. or increase of the gross floor area of nonresidential buildings, whichever is smaller, and provided the additional impervious surface is accounted for in applicable calculations in the stormwater management plan for the site.

iii. Up to a ten (10) percent alteration of horizontal and vertical elevations of buildings.

iv. Areas designated as "not to be disturbed" or "open space" may be increased in area.

v. Substitution of plant materials included in the landscape plan by similar native types of landscaping on a one-to-one or greater basis, provided any substituted plantings are consistent with the planting plans for vegetated stormwater management measures.

vi. Improvements to access and circulation systems, such as addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.

vii. Changes in exterior materials, provided that any changes provide in the use of materials are of equal or higher quality than those originally approved.

viii. Rearrangement of parking spaces in a parking lot provided the total number of parking spaces is not changed by more than ten (10) percent and circulation hazards or congestion is not created by the redesign.

If for any reason the planning director denies a request for minor modification, an appeal of the denial may be taken to the planning commission for review and recommendation to the city council of the minor modification. Upon approval of the city council, such modification shall be included with the approved master development plan and development agreement.

b. *Major modifications*. Any major modification to the approved master development plan or development agreement shall require submittal of a revised master development plan and/or development agreement for review and recommendation by the planning commission and final approval of the city council. Upon final approval, the modification shall be incorporated into the approved master development plan and development agreement. Major modifications include but are not limited to:

i. Addition of uses different from those approved.

ii. For nonresidential development, any increase greater than fifteen (15) percent or seven thousand five hundred (7,500) sq. ft. in the total square footage of all buildings, or any increase in the height by more than ten (10) percent or number of buildings.

iii. For residential development, any increase greater than ten (10) percent or 500 sq. ft. of the size of structures or increase in the number of dwelling units above the maximum number authorized in the development agreement.

iv. Major realignment of vehicular circulation patterns or change of parking spaces by more than ten (10) percent.

A. Reduction of open space as defined in the development agreement.

B. Changes in exterior boundaries except survey adjustments.

10. *Site plan approval.* Site plan approval is required prior to commencement of any site improvement or construction of buildings within the ODD. Building permits shall not be issued prior to final site plan approval. For a multi-phased project within the ODD, there shall be a separate site plan submitted and approved for each phase of the development prior to the commencement of site improvements for that phase. The city council shall review the site plan(s) submitted pursuant to this chapter for compliance with the applicable ordinances, the master development plan and the development agreement. After reviewing the site plan(s), the city council may approve the site plan(s), approve with conditions or deny the request(s).

11. *Site improvement performance guarantees.* A performance guarantee shall be required as part of ODD approval to assure that the site improvements are completed in compliance with the approved site plan(s), the master development plan, the standards set forth in the development agreement and all applicable ordinances. For a multi-phased ODD, a separate performance guarantee shall be provided for the master improvement phase and for each phase of development. The performance guarantee may consist of a cash deposit, surety bond or letter of credit in a form acceptable to the city attorney, in an amount not to exceed twenty (20) percent of the projected cost of site improvements. A cash performance guarantee, if applicable, shall be deposited with the city treasurer. A surety bond or letter of credit shall remain in effect until all site improvements for the applicable site plan are completed. If requested, the city shall rebate a proportional share of any cash deposit, or reduce the amount of performance guarantee required, based on the percentage of work completed on the date of the request, as attested to by the requestor and verified by the city building official.

D. *Construction.*

1. *Commencement of site improvements.*

a. Once the master development plan, development agreement and final site plans are approved, the site improvements shall be commenced within eighteen (18) months after receiving approval of the final engineering plans. If the ODD is a multi-phased ODD, site improvements for any phase of development shall be commenced within two (2) years of receiving final engineering approval for the applicable phase.

b. If the site improvements are not commenced within the applicable eighteen (18) month period, the city council may extend the time for commencement of site improvements for an additional twelve (12) months upon the applicant requesting an extension prior to the expiration of the eighteen (18) month period and subsequent expiration dates.

If the master development plan and development agreement are not implemented within the time periods required due to a failure to commence site improvements, a new application for approval must be submitted and the master development plan and development agreement shall be reviewed and may be revised to take into consideration any changes that may have occurred due to the passage of time.

(Ord. No. 1603 , § 4, 4-7-13; Ord. No. 1640 , § 1, 5-10-15; Ord. No. 1676 , § 1, 6-29-17; Ord. No. 1678 , § 2, 7-6-17; Ord. No. 1709 , §§ 2—5, 10-3-19; Ord. No. 1738 , § 1, 6-24-21)

Sec. 5.22-3-1. RUDD, residential unit development district.

Art. 5.22-3-1	Required Lot Area	Minimum Lot Width	Maximum Building Heights		Maxi-mum Lot Coverage (%)	Minimum Setback Measurement (in feet)				Minimum Usable Floor Area (sq. ft.)
			Feet	Stories		Front	Least side	Total sides	Rear	
District RUDD	3.75 Acres	(A)	(A)	(A)	75	20	(A)	(A)	(A)	(A)

(A) Per master development plan and development agreement

A. *Statement of intent.*

1. It is the intent of this district to authorize the use of residential unit development district (RUDD) regulations for the purposes of: encouraging the use of land in accordance with its character and adaptability; promoting adaptive reuse and preservation of former school buildings and sites; foster green infrastructure and conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, traffic circulation and recreational opportunities for the residents of Southfield; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with Sustainable Southfield, as amended, and the city's future land use plan.

2. The provisions in this article are not intended as a device for ignoring the more specific standards of the zoning ordinance, or the planning upon which the ordinance is based. To that end, provisions in this article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this article to ensure appropriate, fair, and consistent decision making.

B. *Eligibility requirements.*

1. *Recognizable benefits.* The residential unit development district (RUDD) will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

2. *Minimum size.* The minimum size of a residential unit development district (RUDD) shall be 3.75 acres of contiguous land. The site area used to determine eligibility shall be the gross site area exclusive of public rights-of-way, provided that a minimum right-of-way of sixty (60) feet shall be reserved for all adjacent roads.

3. *Use of public services.* The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.

4. *Compatibility with future land use plan.* The proposed development shall not have an adverse impact upon the future land use plan of the city, and shall be consistent with the intent and spirit of this article.

5. *Economic impact.* The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

6. *Usable open space.* The proposed development shall provide usable open space, including but not limited to: outdoor patios, seating areas, gazebos, pergolas, gardens, playgrounds, internal walking paths, art installations, recreational facilities, etc.

7. *Unified control.* The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this section.

8. *Legal documentation.* The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the city clerk and city attorney.

C. *Project design standards.* Proposed residential unit development district (RUDD)s shall comply with the following project design standards:

1. *Location.* A residential unit development may be approved in any eligible RUDD overlay zone location in the city, as identified on the City of Southfield zoning districts map.

2. *Permitted uses.* Any residential land use authorized in this section may be included in a residential unit development district (RUDD) as a principal or accessory use, provided that public health, safety and welfare are not impaired. The following additional permitted and accessory uses may also be permitted in the RUDD:

    1. Rental or management offices and club rooms accessory to the RUDD.

    2. Public, parochial, and private elementary and/or high schools offering courses in general education and not operated for profit.

    3. Non-commercial golf courses.

    4. Publicly owned buildings and buildings located on publicly owned land.

    5. Public libraries, parks, nature preserves, parkways and recreational facilities.

    6. Private parks and recreation areas for use of the residents of the RUDD.

    7. Community buildings.

    8. Accessory uses and accessory buildings.

3. *Residential density.* The permitted density of residential uses within a residential unit development district (RUDD) shall be determined by the planning commission. The density established by the planning commission shall be consistent with the future land use plan and the standards contained in this section, and upon determination by the commission that such density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.

4. *Applicable base regulations.* Unless waived or modified in accordance with the procedures and standards set forth in this article, the yard and bulk, parking, loading, landscaping, lighting, and other standards set forth in the districts listed below shall generally be applicable for uses proposed as part of a residential unit development district (RUDD):

(a) Single family residential uses shall comply with the regulations applicable in the (R-A, R-1, R-2, R-3, R-4, R-E, R-T) single family residential district, article 5.

(b) Multiple family residential uses shall comply with the regulations applicable in the (RM and RMM), multiple family residential district, article 7.

5. *Regulatory flexibility.* To encourage flexibility and creativity in development consistent with the residential unit development district (RUDD) concept, departures from compliance with the regulations in paragraph 4, above, may be granted as a part of the approval of the residential unit development district (RUDD). For example, such departures may include modifications of lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading and landscaping requirements; and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.

6. *Open space requirements.* Residential unit development district (RUDD)s shall provide and maintain twenty-five (25) percent of the gross area of the portion of the site that is designated for residential use as open space. Any pervious land area within the boundaries of the site may be included as required open space except for land contained in public or private street rights-of-way. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

   (a) Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space,

   (b) Provide maintenance standards and a maintenance schedule,

   (c) Provide for assessment of the private property owners by the City of Southfield for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

7. *Frontage and access.* The subject property must be located on a public thoroughfare, with direct access to the thoroughfare. Construction of private drives or secondary access drives as a means of providing indirect access to a public road shall be permitted in accordance with article II curb cuts, chapter 33, title IV streets and sidewalks, of the Southfield City Code.

8. *Natural features.* The development shall be designed to promote preservation of natural animal or plant habitats of significant value that exist on the site, the planning commission or city council may require that the residential unit development district (RUDD) plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred (100) percent of any preserved natural area may be counted toward meeting the requirements for open space.

9. *Utilities.* All utility lines serving the residential unit development district (RUDD), whether designed for primary service from main lines or for distribution of services throughout the site, shall be placed underground at all points within the boundaries of the site.

10. *Additional considerations.* The planning commission shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and screening; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, stormwater management, green infrastructure, landscaping and building materials; and noise reduction and visual screening mechanisms from vehicular thoroughfares and ways.

D. *Procedures and requirements.* The approval of a residential unit development district (RUDD) application shall require an amendment to the zoning ordinance to revise the zoning map and designate the subject property as "Residential Unit Development District (RUDD # YR-####, i.e. RUDD 19-0001)." Approval of a residential unit development district (RUDD), including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendments. Residential unit development district (RUDD) applications shall be submitted in accordance with the procedures and requirements set forth in section 5.22-3 C., rezoning procedure and the following:

1. The applicant shall first submit a preliminary development plan which shall be reviewed in accordance with normal zoning amendment procedures. The planning department and planning commission shall review the preliminary development plan, hold a public hearing, and make a recommendation to the city council. The city council shall have the final authority to act on a preliminary development plan, and grant the requested residential unit development district (RUDD) zoning, subject to the master development plan, (including phase one (1) site plan if applicable), and development agreement.
2. Following approval of the preliminary plan and rezoning to residential unit development district (RUDD), the applicant shall submit a site plan for each subsequent phase of development, if required, in accordance with the master development plan and normal site plan review procedures.

E. *Development standards and requirements with respect to review and approval.* In considering any application for approval of any residential unit development district (RUDD) proposal, the planning commission and city council shall make their determinations on the basis of the standards for site plan approval set forth in section 5.22, article 4, as well as the following standards and requirements:

1. *Conformance with the residential unit development district (RUDD) concept.* The overall design and all uses proposed in connection with a residential unit development district (RUDD) shall be consistent with and promote the intent of the residential unit development district (RUDD) concept as described in section 5.22-3-1 A., as well as with specific project design standards set forth herein.
2. *Compatibility with adjacent uses.* The proposed residential unit development district (RUDD) shall set forth specifications with respect to architectural integrity, height, setbacks, density, parking, circulation, green infrastructure, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
    (a) Access to major thoroughfares.
    (b) Estimated traffic to be generated by the proposed development.
    (c) Proximity and relation to intersections.
    (d) Adequacy of driver sight distances.
    (e) Location of and access to off-street parking.
    (f) Required vehicular turning movements.
    (g) Provisions for pedestrian circulation.
    (h) Access and connection to non-motorized pathways and public transit.
3. *Protection of natural environment.* The proposed residential unit development district (RUDD) shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.
4. *Compatibility with the future land use plan.* The proposed residential unit development district (RUDD) shall be consistent with the general principles and objectives of Sustainable Southfield, as amended, and the city's future land use plan.

5. *Compliance with applicable regulations.* The proposed residential unit development district (RUDD) shall be in compliance with all applicable federal, state, and local laws and regulations.

F. *Phasing and commencement of construction.*

1. *Phasing.* Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary component to ensure protection of natural resources and the health, safety, and welfare of the users of the residential unit development district (RUDD) and the residents of the surrounding area. Each phase of the project shall be commenced within eighteen (18) months of the schedule set forth on the approved plan for the residential unit development district (RUDD). If construction is not commenced within the required time period, approval of the plan shall become null and void, subject to the guidelines in article 4, section 5.22-3

G. *Area, height, bulk, and placement requirements.* Buildings and uses in the residential unit development district (RUDD) are subject to the area, height, bulk, and placement requirements in article 22, schedule of regulations, unless specifically modified in the master development plan and development agreement.

H. *General development standards.* Buildings and uses in the residential unit development district (RUDD) shall be subject to all applicable standards and requirements set forth in this section, unless specifically modified in the master development plan and development agreement, including the following:

Section/Article	Topic
Article 4	General provisions
Section 5.22-5	Public art requirement
Section 5.29	Off-street parking provisions
Section 5.30	Off-street parking requirements
Section 5.31	Off-street parking layout, standards, construction and maintenance
Section 5.37-1	Fence regulations
Section 5.33	Wall requirements and screening devices
Section 5.38	Landscape requirements and plan materials, buffer strip, parking lot and right-of-way planting
Section 5.55	Wetland and watercourse protection
Section 5.56	Woodlands and tree preservation
Article 22	Schedule of regulations
N/A	Performance standards

(Ord. No. 1702 , § 1, 5-30-19)

Sec. 5.22-4. Signs and lighting.

(1) Necessary directional or regulatory traffic signs of not more than two (2) square feet (0.186 square meters) each shall be permitted.

(2) No moving or flashing parts or lights or devices, or stationary light bands, shall be permitted to surround windows or doors on either the interior or exterior of the building. All incandescent light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be located or directed as to be a hazard to traffic safety.

(3) Lighting that has motion either constantly or at intervals, or gives the impression of motion, characteristics of running, blinking, scintillating, or expanding, contracting or changing light patterns, shall be prohibited.

(4) Nonconforming lighting: Any lighting which was unlawfully installed and maintained prior to the effective date of this section and which fails to conform to all applicable regulations and restrictions of this section must be removed or a variance sought from the zoning board of appeals.

(5) Accent lighting on buildings:

(a) Subdued accent lighting on buildings, such as indirect wall lighting, up lighting, and channelized lighting behind translucent lenses, shall be allowed provided:

1. The lighting is an integral decorative or architectural feature of the building and not connected or gives the appearance of any connection to the overall signage of the project.

2. The lighting may not be exposed and used only for back lighting allowing for partial exposure toward the building and not toward the street or adjacent properties.

3. Approval process in all non-residential zoning districts.

(6) Visible neon and fiber-optic lighting on buildings:

(a) Visible neon, fiber-optic lighting, and similar lighting on buildings shall be allowed provided:

1. The lighting is an integral decorative or architectural feature of the building, and is used to accent three-dimensional architectural elements.

2. Is not connected or gives the appearance of any connection to the overall signage of the project.

3. Visible neon, fiber-optic, or similar lighting is permitted on any side of the building not facing residential districts and shall not count toward the maximum allowable sign area, provided:

a. The lighting does not exceed one (1) linear foot of neon or fiber-optic tube for each linear foot of building façade on the side of the building the tube is being placed upon.

b. Such lighting in excess of the aforesaid requirements shall be counted toward the project maximum allowable sign area.

c. Visible neon, fiber-optic, or similar lighting that exceeds the maximum linear footage noted in paragraph "a." above shall be calculated as sign area square footage at a rate of .5 feet times the linear feet of the tube or tubes.

d. Visible neon, fiber-optic and similar lighting shall be allowed only in the city centre and downtown development authority areas of the city, and properties immediately adjacent to and along the I-696, M-10 Lodge/Northwestern Highway, Telegraph Road and Southfield Fwy. corridors.

e. Visible neon, fiber-optic and similar lighting shall be allowed in all non-residential zoning districts.

(7) Decorative lighting used for the celebration of recognized holidays shall be allowed in all zoning districts and is not subject to the above regulations.

(8) Visible neon, fiber-optic lighting, and similar lighting shall be subject to recommendation by the Southfield Downtown Development Authority or the city centre advisory board if located within their districts.

(9) Shall be subject to the provisions of the development agreement if located within an overlay development district.

(10) No such lighting shall exceed a brightness level of .3 foot candles above ambient light as measured using a foot candle (lux) meter at a preset distance. The measurement distance shall be calculated with the following formula:

Example using one (1) square foot of lighting:

Measurement distance = √(1 sq. ft. × 100) = 10 ft.

Light measurement shall be taken with the meter aimed directly at the lighting, or the area of the lighting emitting the brightest light.

(11) Maintenance.

(a) All signs and accent, visible neon and fiber-optic lighting shall be maintained in good working condition and shall remain fully illuminated, so as not to subject persons or property to any risk of personal injury or property damage. Any sign and accent, visible neon and fiber-optic lighting that is not so maintained at all times shall be termed a nuisance per section 9.1 of the Southfield City Code and be subject to the penalties provided in section 9.2, abatement and paragraph (12) below.

(12) Penalties and enforcement.

(a) Any firm, corporation or person who violates any of the provisions of this chapter is responsible for a municipal civil infraction, and shall be subject to such penalties as are provided in chapter 15, section 1.703 of the Southfield City Code. Nothing in this paragraph shall be construed to limit the remedies available to the city in the event for a violation by a firm, corporation or person of this chapter.

(Ord. No. 1635 , § 1, 3-8-15)

Sec. 5.22-5. Public art requirement.

Unless the project is exempt from this requirement pursuant to subsection 5.22-5(4) of this section, the site shall be designed and developed to contain public art as defined by subsection 1.180(a) of chapter 4, article VI, title I of the City Code and in accordance with the following:

(1) A budget for the public art required by this section shall be established based on the allocation of one-half (0.5) percent of the total project cost up to twelve thousand five hundred dollars ($12,500.00) for projects between one million dollars ($1,000,000.00) and two and a half million dollars ($2,500,000.00), and one (1) percent of the total project cost up to twenty-five thousand dollars ($25,000.00) for projects in excess of two and a half million dollars ($2,500,000.00), to be committed to the procurement and display of public art on the site.

(2) The public art shall be a work of art as defined by section 1.180 of chapter 4, article VI, title I of the City Code and shall be approved by the city's public art commission in accordance with the definition of public art and the standards set forth in subsection 1.180(a) of chapter 4, article VI, title I of the City Code and the city council prior to site plan approval. The approval by the public art commission and city council shall not be unreasonably withheld.

(3) The total allocation as established pursuant to subsection 5.22-5(1) shall be held in the name of the city to be held in the public art fund trust account pursuant to subsection 1.180(b)(7) of chapter 4, article VI, title I. Maintenance shall be the responsibility of the owner of the property in addition to the allocation established by subsection 5.22-5(1). Failure to install the public art as required by this subparagraph and in accordance with the approved site plan shall result in denial of a certificate of occupancy. In instances where due to circumstances beyond the reasonable control of the property owner which impedes timely installment of the work of art, such as weather, delay in fabrication or delivery of the work of art, etc., a cash bond in an amount equal to the public art allocation

requirement as set forth in subsection (1) hereof (the "public art bond") may be deposited with the city planning department to ensure compliance with this section. In the event the work of art is not fully installed within the period of time as established by the city planner, the public art bond shall be forfeited to the city and the proceeds thereof shall be deposited in the public art fund established pursuant to subsection 1.180(b)(7) of chapter 4, article VI of title 1 of the City Code. Failure to properly maintain the public art in accordance with the approved site plan is a violation of the zoning code and subject to enforcement pursuant to provisions of section 5.206 of this chapter. Prior to any enforcement action a violation notice shall be sent to the responsible party. A failure to cure the violation within thirty (30) days shall constitute a violation and each day thereafter that the violation remains uncured shall constitute a separate offense.

(4) The following projects are exempt from the public art requirements of this section:

(a) Projects where the application of this requirement would constitute a governmental taking or otherwise be contrary to law, as determined by the director of planning, under the particular facts and circumstances of that case as explained in detail by the applicant. The director of planning may request additional information from the applicant if insufficient information is provided with the site plan to make a determination. The applicant has all appeal rights as would otherwise be applicable to any determination by the director of planning.

(b) Projects where the total project cost is less than one million dollars ($1,000,000.00).

(c) Residential projects containing fewer than four (4) residential units.

(d) Projects where, upon issuance of the building permit, the applicant donates an amount equivalent to the amount required in subsection 5.22-5(1) of this paragraph to the public art fund as established pursuant to subsection 1.180(b)(7) of chapter 4, article VI title I of the City Code or donates a "work of art" to the fund that is approved by the public art commission and is of equal value to the requirements established in subsection 5.22-5(1) of this section.

(e) Projects that are renovations of existing building where the total project cost is less than one million dollars ($1,000,000.00).

(5) A developer may choose to partially exempt a project from the public art requirement of this section to the extent the developer chooses to donate funds or works of art less than the amount established pursuant to subsection 5.22-5(1) of this section in which case the budget required for public art shall be reduced by a corresponding amount.

(Ord. No. 1657 , § 1, 4-3-16; Ord. No. 1693 , § 1, 6-14-18)

Sec. 5.22-6. Reserved.

Sec. 5.22-7. Medical marihuana facilities.

The purpose of this section is to exercise the police, regulatory, and land use powers of the city by licensing and regulating medical marihuana provisioning centers, medical marihuana grow facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical marihuana processing facilities to the extent permissible under state and federal laws and regulations and to protect the public health, safety, and welfare of the residents of Southfield; and as such this section constitutes a public purpose.

The city finds that the activities described in this section are significantly connected to the public health, safety, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

The city further finds and declares that economic development, including job creation and training, and the protection of the health, safety, and welfare of Southfield neighborhoods and residents are public purposes.

Except as may be required or permitted by law or regulation, it is not the intent of this section to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, or article 19section 5.179 of the zoning ordinance.

The following uses may be permitted by right or permitted subject to special use approval upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in chapter 70 have been met. This section promotes and protects the public health, safety and welfare and mitigates potential deleterious impacts to surrounding properties and persons and conforms with the policies and requirements of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), MCL 333.26421, et seq. (hereinafter "MMMA"), as amended, the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.2701 (hereinafter MMFLA) and the Marihuana Tracking Act (MTA), MCL 333.27901 (hereinafter MTA). A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Acts, or after enactment of said Acts but without being legally registered by the department, shall be deemed to not be a legally established use, and therefore not entitled to legal non-conforming status under the provisions of city ordinance and/or state law. The fundamental intent of this section is to exercise the police, regulatory, and land use powers of the city by licensing and regulating medical marihuana provisioning centers, medical marihuana grow facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical marihuana processing facilities to the extent permissible under state and federal laws and regulations and to protect the public health, safety, and welfare of the residents of Southfield. Accordingly, this section permits authorization for activity in compliance with the MMMA, MMFLA, and MTA. Nothing in this section shall be construed as allowing a person or persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the MMMA, MMFLA, and MTA, and this section; and, nothing in this section shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

(1) *Definitions.* For the purposes of this chapter:

(a) Any term defined by the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq., as amended, the Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.2701, et seq., shall have the definition given in those acts, as amended, and the Marihuana Tracking Act ("MTA"), MCL 333.27901, et seq. if the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term is not defined but is defined in the MMMA, MMFLA or MTA, then the definition in the MMMA, MMFLA, or MTA shall apply.

(b) Any term defined by 21 USC 860(e) (Controlled Substance Act) referenced in this chapter shall have the definition given by 21 USC 860(e) (Controlled Substance Act).

(c) This chapter shall not limit an individual or entity's rights under the MMMA, MMFLA or MTA and these acts supersede this chapter where there is a conflict between them and the immunities and protections established in the MMMA unless superseded or preempted by the MMFLA.

(d) All activities related to medical marihuana, including those related to a medical marihuana provisioning center, a medical marihuana grower facility, a medical marihuana secure transporter, a medical marihuana processor or a medical marihuana safety compliance facility shall be in compliance with the rules of the Medical Marihuana Licensing Board, the rules of the state department of licensing and regulatory affairs, or any successor agency, the rules and regulations of the city, the MMMA, MMFLA and the MTA.

(e) Any use which purports to have engaged in the cultivation or processing of medical marihuana into a usable form, or the distribution of medical marihuana, or the testing of medical marihuana either prior to or after enactment of this chapter without obtaining the required licensing set forth in this chapter shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this chapter, and/or state law. The city finds and determines that it has not heretofore authorized or licensed the existence of any medical marihuana establishment, as defined herein, in the city in and under any form whatsoever. Any license granted pursuant to this chapter shall be exclusive to the licensee, is a revocable privilege, and is not intended to, nor shall it, create a property right. Granting a license does not create or vest any right, title, franchise, or other property right.

(f) The following terms shall have the definitions given:

(1) *Application* means an application for a license pursuant to the terms and conditions set forth in the zoning ordinance.

(2) *Application for a license renewal* means an application for a license renewal pursuant to the terms and conditions of the City Code.

(3) *Buffered use* means a use subject to the buffering and dispersion requirements.

(4) *Building* means an independent, enclosed structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by dividing walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure, regardless of whether the portions of such structure share common pipes, ducts, boilers, tanks, furnaces, or other such systems. This definition refers only to permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures not in compliance with MMMA. A building does not include such structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

(5) *Chapter* means chapter 45, zoning and planning.

(6) *Church* means an entire building set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

(7) *City* means the City of Southfield, Michigan.

(8) *Council* or *city council* means the City Council of Southfield, Michigan.

(9) *Clerk* shall mean the city clerk of Southfield, Michigan.

(10) *Cultivation* or *cultivate* as used in this chapter means: (1) all phases of growth of marihuana from seed to harvest, and drying trimming, and curing; (2) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.

(11) *Disqualifying felony* means a felony that makes an individual ineligible to serve as a registered primary caregiver under the MMMA, MMFLA or MTA.

(12) *Employee* means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any

individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

(13) *License* or *medical marihuana business license* means a license issued for the operation of a medical marihuana establishment pursuant to the terms and conditions of this chapter and includes a license which has been renewed pursuant to the City Code.

(14) *License application* means an application submitted for a license pursuant to the requirements and procedures set forth in the City Code.

(15) *Licensee* means a person issued a license for an establishment pursuant to this chapter.

(16) *Marihuana* means all parts of the plant Cannabis Sativa L., growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparations of the plant or its seeds or resin.

Marihuana does not include:

a. The mature stalks of the plant;

b. Fiber produced from the stalks, oil or cake made from the seeds of the plant;

c. Any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, (except the resin extracted from those stalks, fiber, oil or cake); or

d. Any sterilized seed of the plant that is incapable of germination; or

e. Industrial hemp grown or cultivated or both for research, purposes under the Industrial Hemp Research Act.

(17) *Marihuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purpose of the Food Law, 2000 PA 92, MCL 289.1101—289.8111.

(18) *Marihuana Tracking Act* or *"MTA"* means Public Act 282 of 2016 MCL 333.27901, et seq.

(19) *Medical marihuana* means any marihuana intended for medical use that meets all descriptions and requirements for medical marihuana contained in the MMMA, MMFLA and the MTA and any other applicable law.

(20) *Medical Marihuana Facilities Licensing Act* or MMFLA means Public Act 281 of 2016, MCL 333.27101, et seq.

(21) *Medical marihuana establishment(s)* or *establishment* means any facility, establishment and/or center that is required to be licensed under this chapter and possesses a license or approval to operate under the MMFLA, including: a medical marihuana provisioning center, a medical marihuana grower facility; a medical marihuana processor facility; a medical marihuana secure transporter; and a medical marihuana safety compliance facility.

(22) *Medical marihuana grower facility* means a commercial or business entity located in the city that is licensed or approved to operate by the state pursuant to the MMFLA and is licensed by the city pursuant to terms and conditions of this chapter that cultivates, dries, trims or cures and packages marihuana in accordance with state law.

(23) *Medical marihuana licensing board ("MMLB")* means the state board established pursuant to the MMFLA.

(24) *Medical marihuana provisioning center* means a commercial or business entity located in the city that is licensed or approved to operate by the state pursuant to the MMFLA and is licensed by the city pursuant to the terms and conditions of this chapter, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by state law. Medical marihuana provisioning center, as defined in the MMMA, MMFLA and MTA, includes any commercial property or business where marihuana is sold in conformance with state law and regulation. A noncommercial or nonbusiness location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, MMFLA or MTA connected to the caregiver through the state's marihuana registration process in accordance with the MMMA, MMFLA or MTA is not a medical marihuana provisioning center for purposes of this chapter.

(25) *MMFLA* means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq. as amended from time to time.

(26) *MMMA* means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.

(27) *MTA* means the Marihuana Tracking Act, MCL 333.27901, et seq. as amended from time to time.

(28) *Ordinance* means the ordinance adopting this section of article 4 general provisions.

(29) *Park* means an area of land designated by the city as a park on its master plan or on a council-approved list of city parks.

(30) *Person* means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

(31) *Processor* or *medical marihuana processor facility* means a commercial entity located in this city that is licensed or approved to operate by the state pursuant to the MMFLA and is licensed by the city pursuant to the terms and conditions of this chapter, that extracts resin from the marihuana or creates a marihuana-infused product, to the extent permitted by state law.

(32) *Public playground equipment* means an outdoor facility, grouping, or concentration open to the public and on public property and containing three (3) or more apparatus, including, but not limited to, slides, climbers, seesaws, and swings, designed for the recreational use of children and owned and operated by a local unit of government, school district, or other unit or agency of government.

(33) *Restricted/limited access area* means a building, room or other area under the control of the licensee with access governed by the MMMA, the MMFLA, the MTA or other applicable state law.

(34) *Safety compliance facility* or *medical marihuana safety compliance facility* means a commercial or business entity located in the city that is licensed or approved to operate by the state pursuant to the MMFLA and is licensed by the city pursuant to the terms and conditions of this chapter, that receives marihuana from a medical marihuana establishment or a registered qualifying patient or a registered primary caregiver, tests it for contaminants and for Tetrahydrocannabinol and other cannabinoids in accordance with state law.

(35) *School* means and includes buildings used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12, and headstart when that instruction is provided by a public, private, denominational, or parochial school.

(36) *Secure transporter* or *medical marihuana secure transporter* means a commercial or business entity that is licensed or approved to operate by the state pursuant to the MMFLA and is licensed to operate by the city pursuant to the terms and conditions of this chapter, that stores marihuana and transports marihuana between medical marihuana facilities for a fee and in accordance with state law.

(37) *Stakeholder* means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, the managers and members; with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders; and with respect to a partnership or limited liability partnership, the partners, both general and limited.

(38) *State* means the State of Michigan.

(g) Any term defined by the MMMA, the MMFLA, or the MTA and not defined in this chapter shall have the definition given in the MMMA, MMFLA, or MTA, as applicable.

(2) *Uses.*

(a) A medical marihuana safety compliance facility shall be authorized to receive marihuana from, test marihuana for, and return marihuana to only a marihuana facility and shall be subject to the following conditions:

(1) Shall only be allowed as a use permitted by right in the following zoning districts:

a. OS office service.

b. ERO/ERO-M education research-office/education research-office limited.

c. B-3 general business.

d. Northland ODD.

(2) Maximum number of facilities: Per zoning compliance.

(3) Hours of operation: NA.

(4) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the medical marihuana licensing board (MMLB), as amended.

(5) There shall be no other accessory uses permitted within the same facility other than those associated with testing marihuana.

(6) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a safety compliance facility.

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

(8) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance facility shall be prohibited.

(9) The medical marihuana facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to state law and city ordinances.

(10) Drive-thru facilities shall be prohibited.

(11) Security and lighting: A security and lighting plan shall be submitted for review and approval by the city planning and building departments.

(12) A conspicuous sign(s) shall be posted stating that "no loitering is permitted" on such property.

(13) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a medical marihuana safety compliance facility.

(14) Except as provided by state law and the zoning ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a safety compliance facility.

(b) A medical marihuana grower facility shall be authorized to cultivate, trim, cure, and package marihuana for sale to Processors with a license as either a class A (five hundred (500) plants), a class B (one thousand (1,000) plants), or a class C (one thousand five hundred (1,500) plants) and shall be subject to the following conditions:

(1) Shall only be allowed in the following zoning districts:

a. I-L light industrial as a special land use in the eight-mile corridor only.

b. I-1 industrial as a special use in the eight-mile corridor only.

c. Northland ODD.

(2) Maximum number of facilities: Per zoning compliance.

(3) Hours of operation:

a. Monday thru Friday 9:00 a.m.—9:00 p.m.

b. Saturday 9:00 a.m.—6:00 p.m.

c. Sunday 10:00 a.m.—6:00 p.m.

(4) Separation requirements:

a. Five hundred (500) feet from a residential district, residential use, "drug-free school zone," adult regulated uses, schools, religious institutions, childcare facilities, or parks.

b. One thousand five hundred (1,500) feet from pawn shops or alternative financial services establishments.

(5) All grower activities related to a medical marihuana grow facility shall be performed in a building.

(6) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the medical marihuana licensing board (MMLB), as amended.

(7) Any medical marihuana grow facility shall comply with the MTA and 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 class issued by the state. 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 lawful amount of medical marihuana at the facility.

(8) The dispensing of medical marihuana at the medical marihuana grow facility shall be prohibited.

(9) There shall be no other accessory uses permitted within the same facility other than those associated with cultivating, drying, trimming, curing, or packaging of medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from medical marihuana grow facilities.

(10) Medical marihuana grow facilities shall produce no products other than useable medical marihuana intended for human consumption.

(11) Venting of marihuana odors into areas surrounding medical marihuana grow facilities is deemed and declared to be a public nuisance.

(12) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a grow facility.

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

(14) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance facility shall be prohibited.

(15) The medical marihuana facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to state law and city ordinances.

(16) Drive-thru facilities shall be prohibited.

(17) Security and lighting. A security and lighting plan shall be submitted for review and approval by the city planning and building departments.

(18) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a medical marihuana grow facility.

(19) Except as provided by state law and the zoning ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a medical marihuana grow facility.

(20) A conspicuous sign(s) shall be posted stating that "no loitering is permitted" on such property.

(c) A medical marihuana processing facility shall be authorized to purchase medical marihuana from growers, extract resins, and create marihuana-infused products for sale at medical marihuana provisioning facilities, and shall be subject to the following conditions:

(1) Shall only be allowed in the following zoning districts:

a. I-L light industrial as a special land use in the eight-mile corridor only.

b. I-1 Industrial as a special use in the eight-mile corridor only.

c. Northland ODD.

(2) Maximum number of facilities: Per zoning compliance.

(3) Hours of operation:

a. Monday thru Friday 9:00 a.m.—9:00 p.m.

b. Saturday 9:00 a.m.—6:00 p.m.

c. Sunday 10:00 a.m.—6:00 p.m.

(4) Separation requirements:

a. Five hundred (500) feet from a residential district, residential use, "drug-free school zone," adult regulated uses, schools, religious institutions, childcare facilities, or parks.

b. One thousand five hundred (1,500) feet from pawn shops or alternative financial services establishments.

(5) All processing activities related to a medical marihuana processing facility shall be performed in a building.

(6) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the medical marihuana licensing board (MMLB), as amended.

(7) Any medical marihuana processing facility shall comply with the MMFLA and MTA and 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 processor license issued by the state. 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 lawful amount of medical marihuana at the facility.

(8) The dispensing of medical marihuana at the medical marihuana processing facility shall be prohibited.

(9) That portion of the structure where storage of chemicals exists shall be subject to inspection and approval by the city fire department to ensure compliance with the state fire protection code.

(10) There shall be no other accessory uses permitted within the same facility other than those associated with the processing of medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from medical marihuana processing facilities.

(11) Medical marihuana processing facilities shall produce no products other than useable medical marihuana intended for human consumption.

(12) Venting of marihuana odors into areas surrounding medical marihuana grow facilities is deemed and declared to be a public nuisance.

(13) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a processing facility.

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

(15) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance facility shall be prohibited.

(16) The medical marihuana processing facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to state law and city ordinances.

(17) Drive-thru facilities shall be prohibited.

(18) *Security and lighting.* A security and lighting plan shall be submitted for review and approval by the city planning and building departments.

(19) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a medical marihuana processing facility.

(20) Except as provided by state law and the zoning ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a medical marihuana processing facility.

(21) All medical marihuana processing facilities shall be certified as accredited under a recognized food safety system such as SQF, ISO 22000, BRC, or the FDA's FSMA (Food Safety Modernization Act) rules or demonstrate they are actively pursuing said certification at the time of the licensing and obtain said certification within eighteen (18) months of operation.

(22) The processor shall pay for and complete an annual audit using accredited third-party auditor recognized under whatever food safety system the processor is accredited under. A copy of the audit report shall be provided to the city by the auditor within ten (10) days of the audit completion. In the event there are deficiencies identified by the auditor, the processor shall submit to the city a correction action plan to address the deficiencies. All deficiencies shall be addressed within thirty (30) days of submittal of the initial deficiency report.

(23) A conspicuous sign(s) shall be posted stating that "no loitering is permitted" on such property.

(d) A medical marihuana secure transporter shall be authorized to store and transport medical marihuana and money related to purchases or sales between the various facilities. Secure transporters are not allowed to transport to patients of registered primary caregivers. Secure transporters shall be subject to the following conditions:

(1) Shall only be allowed in the following zoning districts:

a. I-L light industrial as a special land use.

d. I-1 industrial as a special land use.

c. Northland ODD.

(2) Maximum number of facilities: Per zoning compliance.

(3) Hours of operation:

a. Monday thru Friday 8:30 a.m.—9:30 p.m.

b. Saturday 8:30 a.m.—6:30 p.m.

c. Sunday 9:30 a.m.—6:30 p.m.

(4) Separation requirements:

a. Per medical marihuana licensing board regulations.

(5) Each driver must have a Michigan chauffeur's license.

(6) Each secure transporter vehicle shall be operated by a two-person crew.

(7) The secure-transporting vehicle shall not bear any markings or identification that it is carrying marihuana or marihuana-infused product.

(8) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the medical marihuana licensing board (MMLB), as amended. Outside storage, excluding transport vehicles, is prohibited.

(9) There must be security presence in place on the property at all times by security cameras. Licensed security personnel shall be required at all times when marihuana is being stored at the facility.

(10) Any medical marihuana secure transporter shall comply with the MMFLA and MTA and shall maintain a log book and/or database identifying by date the amount of medical marihuana on the premises which shall not exceed the amount permitted under the license issued by the state. 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 lawful amount of medical marihuana at the facility.

(11) The dispensing of medical marihuana at the medical marihuana secure transporter shall be prohibited.

(12) There shall be no other accessory uses permitted within the same facility other than those associated with the secure transporting of medical marihuana or marihuana-infused products. Multi-tenant commercial buildings may permit accessory uses in suites segregated from medical marihuana secure transporters.

(13) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a processing facility.

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

(15) Exterior signage or advertising identifying the facility as a medical marihuana secure transporter shall be prohibited.

(16) The medical marihuana secure transporter shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to state law and city ordinances.

(17) Drive-thru facilities shall be prohibited.

(18) *Security and lighting.* A security and lighting plan shall be submitted for review and approval by the city planning and building departments.

(19) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a medical marihuana secure transporter.

(20) Except as provided by state law and the zoning ordinance, consumption and/or use of medical marihuana or marihuana-infused products shall be prohibited at a medical marihuana secure transporter.

(21) A conspicuous sign(s) shall be posted stating that "no loitering is permitted" on such property.

(e) A medical marihuana provisioning center shall be authorized to sell packaged medical marihuana and marihuana-infused products to registered qualifying patients directly or through a registered primary caregiver, and shall be subject to the following conditions:

(1) Shall only be allowed in the following zoning districts:

a. B-3 general business as a special land use (excluding gas stations per article 18section 5.169)

b. Northland ODD.

(2) Maximum number of facilities: Per zoning compliance.

(3) Hours of operation:

a. Monday through Friday 9:00 a.m.—9:00 p.m.

b. Saturday 9:00 a.m.—6:00 p.m.

c. Sunday 10:00 a.m.—6:00 p.m.

d. Or per SLU conditions.

(4) Separation requirements:

a. Five hundred (500) feet from a residential district, residential use, "drug-free school zone," adult regulated uses, schools, religious institutions, childcare facilities, parks, or another licensed medical marihuana provisioning center.

b. One thousand five hundred (1,500) feet from pawn shops or alternative financial services establishments.

(5) No medical marihuana provisioning center shall be located within another business except as permitted by medical marihuana licensing board regulations.

(6) A medical marihuana provisioning center shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. Video recordings shall be maintained in a secure, off-site location for a period of fourteen (14) days.

(7) Unless permitted by MMMA, public or common areas of medical marihuana provisioning centers must be separated from restricted or non-public areas by a permanent barrier. Unless permitted by MMMA, no medical marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.

(8) All medical marihuana storage areas within a medical marihuana provisioning center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by MMMA, no medical marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Medical marihuana may be displayed in sales area only if permitted by the MMFLA.

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

(10) No medical marihuana provisioning center may 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; on any other nuisance that hinders public health, safety or welfare of the residents of Southfield.

(11) The licenses required for this type of facility shall be prominently displayed on the premises of a medical marihuana provisioning center.

(12) 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.

(13) All medical marihuana delivered to a patient shall be packaged and labeled as provided by state law and this section. The label shall include:

a. A unique alphanumeric identifier for the person to whom it is being delivered.

b. A unique alphanumeric identifier for the cultivation source of the marihuana.

c. The package contains marihuana.

d. The date of delivery, weight, type of marihuana and dollar amount or other consideration being exchanged in the transaction.

e. A certification that all marihuana in any form contained in the package was cultivated, manufactured, and packaged in the State of Michigan.

f. The warning that "this product is manufactured without any regulatory oversight for health, safety or efficacy. There may be health risks associated with the ingestion or use of this product. Using this product may cause drowsiness. Do not drive or operate heavy machinery while using this product. Keep this product out of the reach of children. This product may not be used in any way that does not comply with state law or by person who does not possess a valid medical marihuana patient registry card."

g. The name, address, email address, and phone number of an authorized representative of the medical marihuana provisioning center whom the patient can contact with any questions regarding the product.

(14) The licensee shall require all registered patients present both their Michigan medical marihuana patient/caregiver ID card and state identification prior to entering restricted/limited areas or non-public areas of the medical marihuana provisioning center, and if no restricted/limited area is required, then promptly upon entering the medical marihuana provisioning center.

(15) It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.

(16) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.

(17) 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 within the distance limitations set forth in this section.

(18) Certified laboratory testing results that display at a minimum the Tetrahydrocannabinol (THC), Cannabidiol (CBD), total cannabinoid testing results, and a pass/fail rating based on the certified laboratory's state-required testing must be available to all medical marihuana provisioning center patients/customers upon request and prominently displayed all processing activities related to a medical marihuana processing facility shall be performed in a building.

(19) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the medical marihuana licensing board (MMLB), as amended.

(20) Any medical marihuana processing facility shall comply with the MMFLA and MTA and 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 processor license issued by the state. 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 lawful amount of medical marihuana at the facility.

(21) There shall be no other accessory uses permitted within the same facility other than those associated with the retail sales of medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from medical marihuana processing facilities.

(22) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a processing facility.

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

(24) The medical marihuana provisioning center shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to state law and city ordinances.

(25) Drive-thru facilities shall be prohibited.

(26) *Security and lighting.* A security and lighting plan shall be submitted for review and approval by the city planning and building departments.

(27) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a medical marihuana provisioning center.

(28) Except as provided by state law and the zoning ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a medical marihuana provisioning center.

(29) A conspicuous sign(s) shall be posted stating that "no loitering is permitted" on such property.

(Ord. No. 1709 , § 6, 10-3-19)

Sec. 5.23. Nonconforming uses and nonconforming lots.

(1) *Intent.* The enactment of this chapter shall not be deemed to affect, alter, or change any special exception or variance heretofore granted by the appropriate administrative or legislative body of the city or by a court of competent jurisdiction upon review of the action of such administrative or legislative body.

(2) *Restoration.* Nothing in this chapter shall prevent the restoration of a building destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the effective date of this chapter or shall prevent the continuance of the use of such buildings or part thereof as such use existing at the time of such impairment of such building or part thereof, provided that said restoration is made within one (1) year from the time of destruction and that the same use is made of the premises.

(3) *Repairs and maintenance.* Nothing herein contained shall prevent the strengthening or restoration of any building or wall declared unsafe by the director of the department of building and safety engineering hereinafter provided.

(4) *Nonconforming lots.*

(a) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply, even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district, provided that front, side, and rear yard dimensions, and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located, except that the required total side yards for lots of record of fifty (50) feet (15.25 meters) or less in width, may be reduced six (6) inches (15.24 centimeters) for each one (1) foot (0.305 meters) of lot width less than fifty (50) feet (15.25 meters) regardless of the zone classification of the district in which the lot is located except further, that under no circumstances shall total side yards be less than fifteen (15) feet (4.575 meters) and, in the case of a residential building where a garage is not part of the dwelling, then at least nine (9) feet (2.745 meters) shall be provided for driveway purposes leading to the rear yard. Minimum side yard, in all cases, shall be not less than five (5) feet (1.525 meters).

(b) When two (2) or more nonconforming lots or parts of nonconforming lots are in single ownership at the time of, and subsequent to, passage of this chapter, they shall be considered an individual parcel for the purposes of this chapter and must meet minimum lot frontage and lot area requirements of the chapter. If, however, fifty-one (51) percent or more of the parcels on both sides of the street, between the nearest cross streets on each side of the subject parcel, are developed and do not meet the minimum lot frontage and lot area requirements, said nonconforming lots may be split, provided the lot frontage and lot area is equal to or greater than the average lot frontage and lot area of the developed parcels on both sides of the street between the nearest cross street on each side of the parcel.

The intent of this chapter is to protect the health, safety, and welfare of the public by preventing the overcrowding of buildings, by the preservation of light, air and open space, and by maintaining the established character of existing development, and allowing reasonable development of existing nonconforming lots.

Sec. 5.24. Established grade.

The established grade on all types of homes in the city shall be not more than twenty (20) inches (50.8 centimeters) above or below the sidewalk or crown of the road. Special cases, where natural topography has an adverse effect upon drainage and where this provision would serve no good purpose, must have special approval from the department of building and safety engineering. Said approval shall be conditioned upon a determination by the department of building and safety engineering that the proposed grade will not be injurious to the adjacent properties.

Sec. 5.25. Moving of structures.

All structures or parts of structures to be moved within or into the city shall require approval from the board of appeals. Said approval shall be based upon a finding that the structure or part of a structure will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this chapter.

Sec. 5.26. Automobile trailer camp.

No new automobile trailer camps or tourist cabins shall be established subsequent to the effective date of this chapter and automobile trailers, tourist cabins, similar portable dwellings or tents shall not be permitted to be used or occupied as dwellings except when located in, and as a part of, such trailer camps or tourist cabin business enterprises as shall have been established, and in operation, at the time of the effective date of this chapter.

Sec. 5.27. Unlicensed and disabled motor vehicles.

No unlicensed motor vehicle or disabled motor vehicle shall be kept on any property for a period of more than seven (7) days except on industrially zoned (I-1) property or entirely within a building. Unlicensed motor vehicles or disabled motor vehicles shall be permitted on industrially zoned (I-1) properties only if kept within an enclosed fenced area screened from view from adjacent properties or kept entirely within a building. "Unlicensed motor vehicle" is a motor vehicle not displaying a proper current license plate or proof of registration pursuant to the Michigan State Motor Vehicle Code which is Act 300 of the Public Acts of 1949, as amended, being MCL 257.1 et seq. "Disabled motor vehicle" means a motor vehicle that is inoperable by reason of dismantling, disrepair or other causes, or otherwise incapable of being propelled under its own power.

(Ord. No. 1544, § 1, 4-30-07; Ord. No. 1648 , § 1, 12-27-15)

Sec. 5.28. Outside storage.

(1) Outside storage shall be permitted only in the industrial (I-1) district.

(2) Outside storage areas shall be enclosed with a completely obscuring fence or solid masonry wall at least six (6) feet in height and may be constructed up to ten (10) feet in height on a case by case basis on those sides where abutting, adjacent to, or within fifty (50) feet of residential districts or where visible from any existing or proposed street rights-of-way.

(3) Required screening devices are to be in accordance with section 5.35 wall, brick facing or section 5.37-1 fence regulations, article 4 general provisions of this chapter.

(4) Outside storage materials may not exceed one (1) foot below the height of the required screening device. This height limitation does not apply to operable and licensed vehicles and trailers.

(5) Outside storage areas must be set back at least twenty (20) feet from any existing or proposed street rights-of-way and must not impede or encroach into required parking spaces or minimum driveway widths.

(6) Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar, as determined by the city planner) are considered outside storage and must comply with the requirements of this section.

(7) Unattended collection bins are not considered outside storage and are regulated under section 5.28-1 unattended collection bins.

(Ord. No. 1664 , § 1, 9-8-16; Ord. No. 1699 , § 4, 12-27-18; Ord. No. 1701 , § 2, 2-7-19)

Sec. 5.28-1. Unattended collection bins.

(1) Unattended collection bins (UCBs) are permitted as an accessory use in the (RS) regional shopping, (B-3) general business, and (I-1) industrial zoning districts conditional upon the following to be submitted to the planning director for review and approval before placement of a UCB:

(A) Administrative site plan review with appropriate submittal requirements. UCB locations shall not be permitted:

(1) Upon any lot or parcel that is unimproved or is not currently used or occupied or where the principal building or structure has been closed or unoccupied for more than thirty (30) days.

(2) Within a required landscape area.

(3) Within one thousand (1,000) feet from another collection bin as measured along a straight line from one (1) bin to the other and no more than one (1) UCB per parcel unless documented evidence is submitted to the planning director that a second bin is required due to the volume of items delivered to the site. In this case, the one-thousand-foot separation requirement may also be waived by the planning director. A UCB must be operating at a site for at least ninety (90) days in order to establish that a second bin is required. Both UCBs shall have the same operator. No fee is required to submit an application for the second bin.

(4) Within five hundred (500) feet from the property line of any lot used or zoned for residential purposes, within fifty (50) feet of any driveway, and less than ten (10) feet from a public right-of-way or sidewalk.

(5) In a required vehicular parking space as determined by section 5.30 off street parking.

(6) In a location causing a visual obstruction to vehicular or pedestrian traffic as determined by the city, or block access to required parking, emergency vehicle routes, building entrances or exits, easements, or dumpster enclosure areas.

(B) A description and/or diagram of the proposed locking mechanism of the UCB.

(C) A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the UCB) that is sufficient to prevent/eliminate blight-related conditions.

(D) Any other reasonable information regarding time, place, and manner of UCB operation, placement, and/or maintenance that the planning director requires to evaluate the proposal consistent with the requirements of this section.

(Ord. No. 1701 , § 3, 2-7-19)

Sec. 5.29. Off-street parking provisions.

Parking and loading. Off-street vehicular parking, in conjunction with the requirements for all land or building uses, shall be provided in accordance with the provisions of this chapter, prior to the issuance of a certificate of occupancy as herein prescribed:

(1) The required off-street parking area shall be for occupants, employees, visitors, patrons and shall be limited in use to passenger vehicles not exceeding a net weight of three (3) tons (2.7210 metric tons) and shall be for periods of less than forty-eight (48) hours. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in said area.

(2) Whenever a building or use requiring off-street parking is increased in floor area or any other determining unit of measure and such building or use does exist on the effective date of this chapter, the minimum number of parking spaces required shall be based upon the entire building or use, including the addition.

(3) Required off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet (91.5 meters) of the building or use it is intended to serve, measured without crossing a major thoroughfare, from the nearest point of the building or use to the nearest point of the required off-street parking facility. The principal use shall be permitted to continue only so long as the off-street requirements of this chapter are complied with as set forth in section 5.30. However, in the DDA and city centre districts this distance may be increased to five hundred (500) feet.

(4) Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

(5) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the board of appeals considers as being similar in nature.

(6) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

(7) Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use, without administrative or site plan approval.

(8) Two (2) 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 each individual use, computed separately.

(9) In cases of dual functioning of off-street parking where operating hours do not overlap, the board of appeals may grant a temporary modification of the requirements.

(10) Where lighting facilities are provided, they shall be so arranged as to reflect the light away from the adjacent residential districts.

(11) For buildings or land containing more than one (1) use as designated in section 5.30, the total parking requirement shall be determined to be the sum of the requirements for each use.

(12) Bike racks and bike parking credit: To promote non-motorized transit and to reduce impervious surfaces, the city is encouraging alternate means of transportation. The lack of a secure bike parking space keeps many people from using their bikes, thus a minimum of four (4) bicycle parking spaces shall be provided for each non-residential and multi-family development.

For every bike rack which accommodates four (4) bicycles, one off-street parking space, up to a maximum of five (5) percent of the total required parking may be credited by the city planner. Bicycle

parking racks shall be located close to the building entrance, and shall be separated from vehicle parking areas to minimize motor vehicle damage to bicycles. Bicycle racks shall be securely anchored to the supporting surface, and shall be at least three (3) feet in height and able to support a locked bicycle in an upright position.

Additional accommodations for bicyclists that may be considered and include, but are not limited to: bicycle lockers, employee shower facilities and dressing areas for employees.

(13) A pedestrian connection/pathway shall be installed from the public sidewalk or pathway system to the main entrance of a building.

(14) All adjacent transit stops shall be designed as an integral part of the development project, with direct access to the bus stop/shelter or waiting area from the development site, including public pathways. Additional pedestrian amenities, including benches, trash receptacles, shelters, etc. may be required depending on the transit usage of each stop. The transit stop shall be maintained by the developer for the life of the development project.

(15) Snow storage: a snow removal plan shall be submitted or adequate on-site snow storage shall be provided that does not impede on the minimum required parking spaces. Storage of accumulated snow shall not obscure site lines or cause traffic blind spots.

(16) It is the intent of this section to meet the reasonable parking needs of each development while increasing green space and minimizing excessive areas of pavement, which reduces aesthetic standards and contributes to the high rates of storm water runoff. Thus, exceeding the minimum parking space requirements by more than twenty (20) percent shall only be allowed with approval by the city. In granting such additional parking space, the city shall determine that such parking will be required based on a parking study or other documented evidence to accommodate the use on a typical day.

Note: parking garages and structures: when calculating the twenty (20) percent maximum threshold rule above minimum parking requirements, only the ground floor parking spaces shall be included in the total parking calculations.

(Ord. No. 1587 , § 1, 11-6-11; Ord. No. 1641 , § 1, 5-31-15; Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.30. Off-street parking requirements.

The minimum number of off-street parking spaces shall be determined in accordance with the following table:

Table 5.30: Off-Street Parking Requirements

Use	# of Parking Spaces	Per Each Unit of Measure as Follows:
Assembly: (auditoriums, stadiums, religious institutions, theatres, private clubs, fraternities, exhibition halls, etc.)	1.0	Per 3 seats/occupancy or 6 ft. of pew/bench + accessory uses
Banks and financial institutions:	3.0	Per teller window and ATM (indoor and out) plus
With drive thru	5.0	Per stacking spaces for first drive thru station (min. 160 linear ft. for 2 or more)

Industrial: Storage/warehousing; Industrial establishments, including manufacturing, research and testing, laboratories, creameries, bottling works, printing, plumbing, or electrical workshops	1.5	Per 1,000 s.f. G.F.A. or Per employees maximum shift, whichever is greater
Office: (General) Professional Computer processing	4.0 1.0	Per 1,000 s.f. G.F.A. 500 s.f. U.F.A.
Medical (doctors, dentist, or similar) Hospitals Convalescent	5.0 1.0 1.0	Per 1,000 s.f. G.F.A. /1 bed /2 beds Plus 4.0 stacking spaces for drive through pharmacy
Personal service: Barber shop Beauty parlor	 2.0 1.0	 Per chair/stations + Per employee
Residential:		
Assisted living/elderly/congregate	0.5	Per bed/unit, plus 1 space/2 employees at max. shift
Multi-family	1.5	Dwelling unit (2 beds or less); 2.0 D.U. (3 beds or more), plus 1/employee max. shift
Single/two family	2.0	Per dwelling unit
Hotel/motel	1.3	Per unit plus applicable accessory uses
Bed and breakfast	1.0	Per unit + 1.0 per employee
Restaurants:		
Fast food/high volume (incl. drive through coffee shops)	1.0 1.0	Per 100 s.f. G.L.A. or Per 4 seats, whichever is greater
With drive thru/drive-ins		Plus required stacking (B)
Dining room/banquet	1.0	Per 100 s.f. G.L.A. or Per 4 seats, whichever is greater
Bar/lounge	1.0	Per 100 s.f. G.L.A. or Per 4 seats, whichever is greater
Carry out	1.0	Per 100 s.f. G.L.A. or Per 4 seats, whichever is greater
Retail/commercial: (incl. A.F.S./pawn shops, smoking lounge) Furniture, appliance and similar (household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, clothing and shoe repair and laundry, motor vehicle sales showroom	4.0 1.0	Per 1,000 s.f. G.F.A. Per 800 s.f. U.F.A.
Convenience center (less than 30,000 s.f.)	4.0	Per 1,000 s.f. G.F.A.(a)
Neighborhood center (30,000-250,000 s.f.)	4.0	Per 1,000 s.f. G.L.A.(a)

Community/lifestyle center (250,000-600,000 s.f.)	4.25	Per 1,000 s.f. G.L.A.(a)
Regional center (600,000—1,000,000+ s.f.)	4.5	Per 1,000 s.f. G.L.A.(a)
Car wash	6.0	Per stacking approach lane (min. 140 L.F. for 2 or more) + 1/employee
Gas filling	1.0 2.0	Per pump +1/employee + other uses Per Service Bay
Gas service	1.0 2.0	Per pump +1/employee + other uses Per service bay
Recreation: Including the following:	1.0	Per 4 occupants/capacity/seats + 1/employee (F)
Arcade		"
Bowling alleys		"
Courts		"
Dance		"
Health and fitness		"
Indoor recreation		"
Skating rink		"
Schools:		
Child care centers	1.0	Per every 10 children + 1.0/employee + sufficient space for parent parking/drop-off
Elementary and junior	2.0	Per classroom + assembly(c)
High school	4.0	Per classroom + assembly(d)
Colleges/universities		1/5 students based upon max. # of students at any one time, plus 1 per 2 faculty/employees (D and E)
Misc. uses:		Per I.T.E. (G) or best practice (H)
Outdoor dining seating (30 seats or less)		On "weather permitting basis" no additional parking required (I)
Emergency shelter for the homeless	1.0	/3 Beds
Soup kitchen	1.0	/3 seats

(A) Figures are for center with less than twenty (20) percent of G.L.A. devoted to restaurants, entertainment and cinema space. If these uses constitute more than twenty (20) percent of G.L.A., then shared parking methodology is recommended for computation.

(B) Measured from the transaction (pay) window. The first transaction window shall have a minimum of eight (8) spaces and two (2) or more ordering stations shall have a minimum of two hundred forty (240) linear feet of stacking. Stacking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet in length, shall not extend onto any public street, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.

(C) Additional bike parking shall be provided for ten (10) percent of students.

(D) Additional bike parking shall be provided for six (6) percent of students.

(E) Additional parking may be required if determined necessary for assembly and dormitory (two(2)/unit).

(F) Additional bike parking shall be provided for twelve (12) percent of required vehicular parking spaces.

(G) Institute of traffic engineers (I.T.E.).

(H) For uses not listed, the city planner or planning commission shall make a determination of the minimum required parking or stacking space, based upon review of information submitted by the applicant, city staff, and consultants.

(I) Outdoor dining areas for more than thirty (30) patrons or those that use awnings, roofs, or similar permanent or temporary structures then the following standards apply:

1) If the outdoor seating is twenty-five (25) percent or less of the indoor seating capacity, no additional parking is necessary.

2) If the outdoor seating is twenty-six (26)—fifty (50) percent of the indoor seating capacity, then the restaurant may be required to provide up to one hundred twenty-five (125) percent of the parking required for the indoor space.

3) If the outdoor seating is over fifty (50) percent of the indoor seating capacity, then the restaurant may be required to provide up to one hundred fifty (150) percent of the parking required for the indoor space.

(Ord. No. 1101, 8-23-82; Ord. No. 1221, 2-16-87; Ord. No. 1587 , § 1, 11-6-11; Ord. No. 1597 , § 1, 11-11-12; Ord. No. 1619 , § 2, 3-9-14; Ord. No. 1641 , § 1, 5-31-15; Ord. No. 1654 , § 3, 3-20-16; Ord. No. 1678 , § 2, 7-6-17; Ord. No. 1699 , § 5, 12-27-18)

Sec. 5.31. Off-street parking space layout, standards, construction, and maintenance.

Whenever the off-street parking requirements in section 5.30 require the building of an off-street parking facility or where vehicular parking districts are used for parking purposes, such off-street parking lots shall be designed, constructed, and maintained in accordance with the following standards and regulations:

(1) No building, structure, or land shall be erected or used for parking or driveway purposes for more than three (3) required parking spaces unless a site plan therefor has been approved by the city planner or the traffic engineer.

(2) No parking lot shall be constructed without a proper permit issued by the department of building and safety engineering. Application for a permit shall be submitted to the department of building and safety engineering in such form as may be determined by the department of building and safety engineering and shall be accompanied by not less than two (2) sets of site plans for the development of the parking lot showing that the provisions of this chapter will be fully complied with.

(3) The parking facilities shall be not less than the following minimum requirements. For parking angles falling between those given in the chart, dimensions used will be the larger of the two (2) values bracketing the desired angle.

English System								
Angle of Parking Space in Degrees	Aisle Width in Feet		Typical Width of Two Tiers of Parking Plus Aisle in Feet				Typical Width of One Tier of Parking Plus Aisle in Feet	
			Wall to Wall		Cen. to Cen.		Wall to Wall	Cen. to Cen.
	1-Way	2-Way	1-Way	2-Way	1-Way	2-Way	1-Way	2-Way
90	20*	24*	56	56	60	60	38	42
80	21	22	63.5	64.5	62	63	42.5	41.5
70	20	22	64	66	61	63	42	40.5
60	18	22	61.5	65.5	57	61	40	37.5
50	15	22	57.5	64.5	51.5	58.5	36	33.5
45	15	22	56	63	50	57	35.5	32.5
40	15	22	54.5	61.5	48	55	35	31.5

30	15	22	50.5	57.5	43	50	33	29
20	15	22	45.5	52.5	37	44	30.5	26
Parallel	15	22	33	40	33	40	24	24
*The required aisle width may be reduced by not more than four (4) feet (1.22 meters) provided that the width of each parking space shall be increased by a dimension not less than the reduction of the aisle width for that portion of the parking area so reduced.								

(4) Except for parallel parking, all parking spaces shall be clearly striped with double lines twenty-four (24) inches (60.96 centimeters) apart to facilitate movement and to help maintain an orderly parking arrangement.

(5) Where parking abuts a sidewalk or other pavement five-foot (1.525-meter) minimum width, two (2) feet (0.61 meters) may be credited toward the total required parking space dimension (except for parallel parking).

(6) All parking spaces shall be nine (9) feet (2.745 meters) in width, center to center, and eighteen (18) feet in length.

(7) Barrier free parking shall meet the requirements of the state adopted Michigan Building Code and its referenced standards, as amended. It is the intent of this section that an integrated and connected accessible route be provided from the

Barrier free parking space(s) to the accessible building entrance, including the access aisles(s), accessible route(s) and accessible entrance(s). Thus, access aisles shall adjoin an accessible route which shall not be within the vehicular driveways, excepting designated crosswalks.

(8) Parking space size option. The intent of this provision is to allow for a reduction in the hard-surfaced area for the parking of automobiles and an increase in the landscaped open space of a site. To accomplish this goal while still maintaining the required number of parking spaces for the uses on the site, the city may permit a reduction in the size of parking spaces and aisle width to accommodate compact automobiles. While this option may be applied anywhere in the city, its primary use will be in areas where the majority of automobiles are expected to be parked for periods exceeding four (4) hours.

(a) The city council may, after final approval of a site plan, permit a reduction in the standard size of up to twenty-five (25) percent of the parking spaces provided on a site. These spaces shall be restricted to the parking of compact automobiles and signs designating such parking for the use of compact automobiles only shall be provided and shall be placed at the entrance of each aisle providing compact car parking and at the front of each row in the amount of one (1) sign for each five (5) spaces.

(b) The minimum size parking space allowed for compact automobiles shall be seven (7) feet, six (6) inches (2.2875 meters) wide and fifteen (15) feet (4.575 meters) long.

(c) The minimum aisle width allowed for compact automobiles shall be fifteen (15) feet (4.575 meters) wide for one-way traffic and twenty (20) feet (6.1 meters) wide for two-way traffic. In instances where compact and full-size automobiles use the same aisle, the minimum aisle width shall be based on the aisle width specified in section 5.31, paragraph (3) herein.

(d) Parking spaces and aisles for compact automobiles shall be designed in such a way that they may be restriped for larger spaces if the need for such larger spaces is determined by the city and/or the owner of the property.

(e) Landscaped open area equal in area to the amount of hard-surfaced parking area eliminated by the application of this option must be provided on the site. Suggested plant materials are listed in section 5.38 and may be utilized in the formation of a landscape plan. This landscaped open space shall be maintained as a vegetated surface kept free of structures, infrastructure, and utilities, so that the area may be hard-surfaced and used for parking if the need for such additional parking is determined by the city and/or the owner of the property.

(f) Review by the city council shall take into consideration the following items:

Traffic and parking layout in the site.

Location and distribution of spaces on the site.

Improved landscaping potential of the site.

Type of business and estimated length of parking.

The availability of decks or parking structures.

Any other features which may be unique to a particular site.

(9) Parallel parking spaces shall be twenty (20) feet (6.1 meters) in length with a six-foot (1.83-meter) maneuvering space for each two (2) parking spaces.

(10) All parking lots shall have clearly limited and defined access from roadways and shall not be less than twenty-four (24) feet in width at the right-of-way line. Interior driveways shall also be clearly defined and not less than twenty (20) feet wide for one-way and twenty-four (24) feet wide for two-way traffic.

(11) All parking spaces shall have access from an aisle on the site. Backing directly onto a street shall be prohibited.

(12) Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.

(13) The traffic engineer or city planner may require the posting of such traffic control signs as he deems necessary to promote vehicular and pedestrian safety.

(14) Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, fence or buffer strips, upon any building adjacent to the parking lot, or upon any adjacent property. Breaks to allow the inflow of stormwater to landscaped areas and vegetated stormwater management measures shall be integrated into the design and arrangement of the protective stops or barriers.

(15) All lighting used to illuminate any off-street parking area shall be so installed, maintained, and directed as to have no adverse effect upon adjacent properties.

(16) Unless otherwise approved by the city engineer, the surface of the parking lot, all drives, and aisles shall be constructed in accordance with Michigan Department of Transportation Standard Specifications, section 4.11, aggregate pavement, section 4.12, bituminous concrete pavement, or section 4.13, concrete pavement. The city engineer shall have the authority to approve the use of permeable surfacing in parking lots.

(17) In order to insure pedestrian safety, sidewalks, of not less than five (5) feet (1.525 meters) in width, may be required to separate any driveway or parking area from a building.

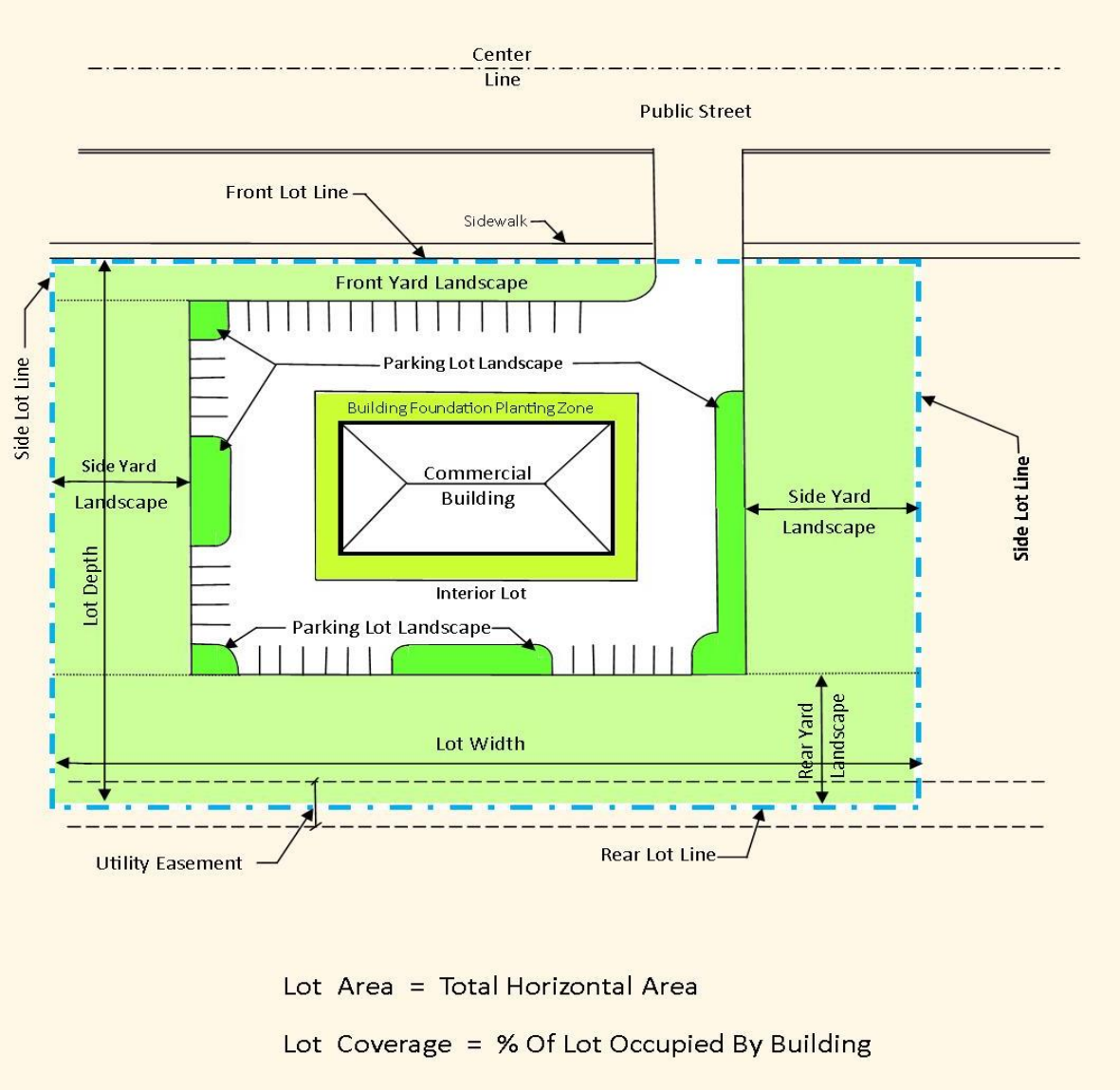
(18) Sidewalks, not less than five (5) feet (1.525 meters) in width, shall be constructed one (1) foot (0.305 meters) inside the right-of-way line of all abutting streets. However, a wider pathway (i.e. 8—10 feet wide) may be required along designated routes pursuant to the Southfield non-motorized pathway & public transit plan (and sub-area plans), as amended.

(19) All interior and abutting streets shall have rights-of-way of a sufficient width to accommodate the vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the traffic plan for such sufficient width of rights-of-way. The right-of-way provided to satisfy this condition shall conform with the right-of-way standards as provided in chapter 47 of the City Code.

(20) Where access to the off-street parking facility is onto an unpaved street, provisions shall be made for paving one-half (½) of the street abutting the length of the property in accordance with the standards set by chapter 47 of the City Code. Such provisions shall consist of a cash deposit, letter of credit, or corporate surety bond in an amount equal to the estimated assessable cost of said improvement in accordance with the standard policy of the city. Said money, letter of credit, or corporate surety bond shall be returned after three (3) years if the improvement is not carried out.

(21) Landscaping:

(a) Landscaping requirements. For beyond the requirements for landscaping within building setbacks for front and side yards, parking lots with twenty (20) or more parking spaces shall require landscaped areas within the interior of the parking lot comprising a minimum of ten (10) percent of the total area of the parking lot.



Commercial Lots & Areas

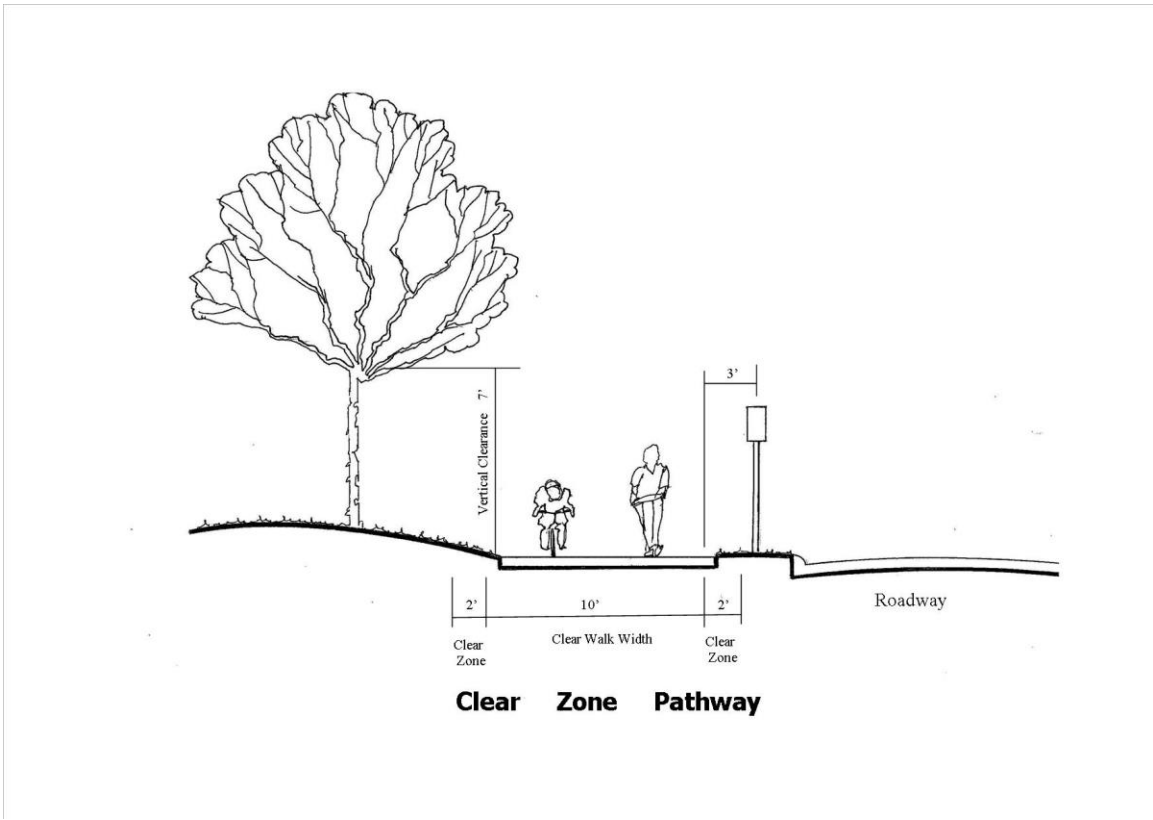
With the exception of the RC, regional center district which has detailed landscaping provisions, this parking lot requirement is exclusive of any yard and other landscaping requirement within a given zone.

Parking lot landscaping shall be no less than eight (8) feet (2.438 meters) in any single dimension and no less than one hundred and fifty (150) square feet (13.95 square meters) in any single area and shall be protected from parking areas with curbing, fencing, or other permanent means to prevent automobile encroachment onto the landscape areas. Areas less than these minimum requirements will not be considered as part of the landscaping requirements.

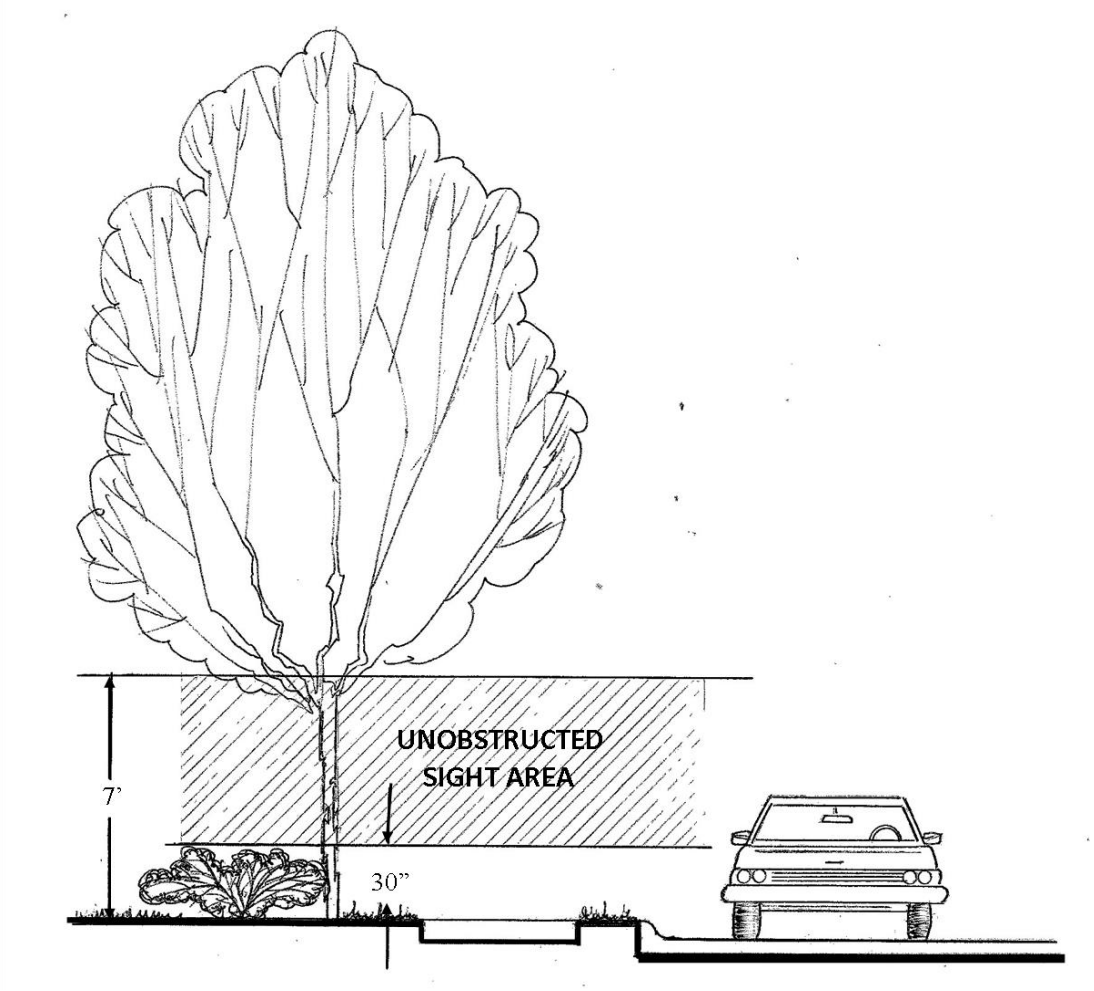
(b) Landscape plan and green infrastructure/low impact development methods required: A landscape plan and green infrastructure/low impact development plan for storm water infiltration into landscape areas shall be submitted to the planning department's designated representative. The landscape plan shall include an itemized plant materials schedule with

botanical and common names of materials, sizes, and quantities. The arrangement of this landscaping shall be done in such a manner as to contribute significantly to safe circulation, visual orientation, storm water management, low impact design, and other positive environmental factors.

General requirements include the following:



Clear Zone Pathway



Unobstructed Sight Area

(Ord. No. 1072, 11-9-81; Ord. No. 1264, 2-27-89; Ord. No. 1641, § 1, 5-31-15; Ord. No. 1678 , § 2, 7-6-17; Ord. No. 1699 , § 6, 12-27-18)

Sec. 5.32. Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment, or other uses similarly involving 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 undue interference with public use of the streets or alleys.

All such loading and unloading areas, including all access drives, shall be paved or permeable surfaced in accordance with section 5.31, subsection 16, and shall be in addition to the required off-street parking area requirements.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet (3.05 meters) by forty (40) feet (12.2 meters) with a fourteen-foot (4.27 meters) height clearance and shall be provided according to the following table:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 to 3,000 (279.0000 square meters)	None
3,000 to 20,000 (1,860.0000 square meters)	One (1) space
20,000 to 100,000 (9,300.0000 square meters)	One (1) space plus one (1) space for each 20,000 square feet (1,860 square meters) of excess over 20,000 square feet (1,860 square meters)
100,000 to 500,000 (46,500.0000 square meters)	Five (5) spaces plus one (1) space for each 40,000 square feet (3,720 square meters) of excess over 100,000 square feet (9,300 square meters)
Over 500,000 (Over 46,500.0000 square meters)	Fifteen (15) spaces plus one (1) space for each 80,000 square feet (7,440 square meters) of excess over 500,000 square feet (46,500 square meters)

No loading space may be on any street frontage and provision for handling all freight shall be on those sides of any building which do not face on any street or proposed street, except where such areas are obscured, from such street, with a solid masonry wall not less than six (6) feet (one and eighty-three hundredths meters) in height.

(Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.33. Wall requirements and screening devices.

Boundary line lots: An unpierced masonry wall shall be provided in nonresidential districts where adjacent to, or across a street or alley from, residential districts in accordance with the following:

(1) Where a nonresidential district is separated by a street from the front yard of lots in a residential district, there shall be provided an unpierced masonry wall set back twenty (20) feet (6.1 meters) from the street separating such residential and nonresidential districts before said nonresidential district property, within fifty (50) feet (15.25 meters) of said street (or alley), is used for nonresidential purposes.

(2) Where a nonresidential district is separated by a street or alley from a side or rear yard of lots in a residential district, there shall be provided an unpierced masonry wall in such nonresidential district where contiguous to the street separating such residential and nonresidential districts before said nonresidential district property, within fifty (50) feet (15.25 meters) of said street (or alley), is used for nonresidential purposes.

(3) Where a nonresidential district abuts, without being separated by a street or alley, a residential district, there shall be provided an unpierced masonry wall in such nonresidential district where contiguous to the residential district before said nonresidential district property, within fifty (50) feet (15.25 meters) of said residential property, is used for nonresidential purposes.

Where any wall, as required above, would be located within twenty-five (25) feet (7.625 meters) of a street intersection, the wall shall be angled or off-set in such manner so as to comply with the corner clearance provisions of section 5.46.

(4) Enclosure of appliances or accessories. In all zone districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other

such appliance or apparatus, other than flag poles, chimneys for carrying products of combustion and radio antenna towers, shall be enclosed within opaque walls not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance. However, if the screening device is mounted on the top of the parapet or other part of the building facade which extends above the roof surface, the height of the parapet or part of the building facade may be included as part of the height of the screening device as long as the sum total of the height of the parapet or other part of the building facade extending above the roof surface and the screening device is equal to the height of the highest appliance. Such walls may be louvered to permit passage of air for cross ventilation, but shall be adequate to totally screen such equipment from view. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

Sec. 5.34. Wall height.

Wherever in this chapter an unpierced masonry wall is required, the wall shall be erected to a height of not less than six (6) feet (one and eighty-three hundredths meters) and not more than eight (8) feet (2.44 meters), measured from the average surface within the adjacent thirty (30) feet (9.15 meters) of the nonresidentially zoned property.

Sec. 5.35. Wall, brick facing.

Wherever in this chapter an unpierced masonry wall is required:

(1) The wall shall be faced with brick on the side facing the residentially zoned property. The brick facing is necessary to reduce the possibility of any adverse effects upon the residentially zoned property that may be caused by the development of the nonresidentially zoned property.

(2) Whenever an unpierced masonry wall is required to be constructed, such wall shall be constructed prior to the backfilling of any foundation or prior to any construction that extends above the foundation wall, whichever first occurs, in order to preserve the residential character and livability of the adjacent residential properties during the time of construction when the noise, dust and hazards from construction equipment are most obnoxious to residential properties.

Sec. 5.36. Wall modification.

Wherever in this chapter an unpierced masonry wall, six (6) feet (one and eighty-three hundredths meters) in height is required, any person, commission or council, having site plan review jurisdiction, may reduce the required height or waive the requirement where said wall is required to be erected within forty (40) feet (12.2 meters) of a street right-of-way and that such person, commission or council finds that the construction of said wall, as required, would constitute a traffic hazard.

(Ord. No. 1261, 2-27-89)

Sec. 5.37. Wall substitution.

Wherever in this chapter an unpierced masonry wall is required, a buffer strip of not less than ten (10) feet (3.05 meters) in width or fence or wall may be permitted in lieu of the required unpierced masonry wall upon a finding by the city council that the buffer strip or fence or wall would provide equal or greater protection to the residential district from any adverse effects from the use of the nonresidential district.

(Ord. No. 1262, 2-27-89)

Sec. 5.37-1. Fence regulations.

A. *Intent.* The intent of this section is to provide reasonable regulations for fence installation while allowing property owners the ability to install a fence for aesthetic, screening, separating or security purposes.

B. *Definitions.*

1. *Board-on-board fence:* Shall mean any fence with alternating vertical boards over horizontal structures that give the fence a finished look on both sides.

2. *Chain-link or cyclone fence:* Shall mean any fence that is constructed of some type of woven wire fence, with a minimum 11½-gauge in residential districts and a minimum 9-gauge in non-residential districts.

3. *Decorative fence:* Shall mean any fence no more than thirty (30) inches high and no more than sixteen (16) feet in length, which are not intended for the purpose of preventing persons and/or domestic animals, from crawling or passing through the fence, except at established gateways. A decorative fence shall not include a fence constructed of chain link material or any other type of woven fence.

4. *Fence:* Shall mean a structure serving as an enclosure, barrier or boundary including but not limited to posts, boards, wire, vinyl or gates.

5. *Fence height:* The height of the fence will be measured at the grade. If the ground is not entirely level, then the grade shall be determined by computing the average elevation of the ground for each linear section of fence and taking the average of said total averages.

6. *Lattice:* Shall mean an open framework made of strips of wood or similar material overlapped or overlaid in a regular crisscross or decorative pattern. Lattice sections may not exceed one (1) foot in height and shall not exceed fifty (50) percent coverage of open viewing.

7. *Living fence* or *landscape fence:* A living fence or landscape fence includes a row of shrubs, hedgerows, landscape berms or similar for the purpose of enclosure, screening, or restricting the passage of air, noise or light; but shall not impede surrounding line of sight or corner clearance (clear vision zones).

8. *Ornamental fence:* Wrought iron, tubular aluminum or similar ornamental fence.

9. *Picket fence:* Shall mean any fence with in-line boards no larger than one (1) inch by three (3) inches with gaps equal to the width of the boards.

10. *Privacy screen:* Shall mean a sight-obscuring fence, erected adjacent to or around a selected use or area (such as a patio, deck, courtyard or swimming pool), designed to screen the area behind it from observation by persons outside its perimeter.

11. *Semi-privacy fence:* Shall mean a fence designed and intended to be sight-obscuring, such as a board-on-board fence.

12. *Shadow-box fence:* See *Board-on-board fence*.

13. *Solid fence:* Any fence that presents a solid surface without any gaps in materials.

14. *Wall:* See wall requirements sections 5.33—5.37.

C. *Standards for approval:*

1. *Residential districts:* Residential fences (R-A, R-1, R-2, R-3, R-4, and R-E) are subject to an application to the building department and the following requirements:

(a) Front yard: Not permitted, unless it meets the definition of decorative fence or living fence.

(b) Side yard: Fences, not exceeding seventy-two (72) inches shall not extend toward the front of the lot nearer than the front of the house.

(c) Rear yard: Fences shall not exceed seventy-two (72) inches in the rear yard.

(d) Double frontage yards: On corner lots where a double front setback is required, and where there is a common rear yard relationship with a lot in the same block, a fence no greater than seventy-two (72) inches in height may be installed along the common street line from the side of the house to the rear property line. Clear vision zones shall be maintained for corner lots and adjacent driveways.

(e) Decorative fencing: Decorative fencing (e.g. split rail, white picket, etc.), which is less than thirty (30) inches high and less than sixteen (16) feet in length when erected as part of landscaping does not require a permit.

(f) Living fences shall meet the requirements for clear vision triangles.

(g) Permitted materials: Wood, wrought iron, tubular aluminum, vinyl coated chain link, aluminum, quality vinyl and other approved quality materials. Wood fences shall be pressure treated, painted or stained. Board-on-board, shadow-box and semi-privacy fence styles may include a one-foot high lattice top. Naturally water resistant woods (i.e. teak, redwood, cedar) may be permitted. Vinyl coated chain link fences may be permitted in the rear and side yards.

(h) The finish side of the fence shall face out towards adjacent residential lots and public rights-of way.

(i) Prohibited fences: Stockade, uncoated chain link and slats (i.e. vinyl, aluminum, etc.) inserted into chain link or cyclone fences. Fences shall not contain barb wire, razor wire, electric current or charge of electricity. Exception: Farms, permitted in the single-family residence districts (R-A, R-1, R-2, R-3, R-4, R-E), may contain these type fences after approval by the ZBA.

(j) All fences shall be supported from its own structural frame system of posts and rails and not attached, connected, secured or supported by other fencing, trees, etc. in the area. Fences shall be installed in a professional manner and be plumb, straight, and true, and stepped or tapered or cut to follow the contour of the land.

(k) Dog runs shall be located in the rear and side yards only and shall be consistent with the requirements for residential fences.

(l) Electronic pet fence: Refer to Ordinance No. 1576 (codified as § 9.89).

2. *Non-residential districts:* Non-residential fences and multi-family residential are subject to the following requirements:

(a) A permit shall be required prior to the construction of any fence, after administrative approval is granted by the city planner. Administrative approval may not be required if the fence is approved as part of a site plan approval.

(b) Fences, not to exceed six (6) feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Fences above six (6) feet in height may be requested through the zoning board of appeals. Front yard setback requirements may be waived in the City Centre and DDA districts if ornamental fencing is installed.

(c) Chain link fences shall be vinyl coated.

(d) Barb wire or other pointed materials may be used only in industrially zoned districts provided said material is over seven (7) feet above the ground and any projections at the top shall be over the fence owner's property and shall not overhang onto abutting property.

D. *Survey:* The city may require the owner of the property upon which a fence is to be constructed to establish property lines upon said property through the placing of permanent stakes by a licensed surveyor. Such property lines shall be established before such fence is erected. A survey may also be required in the event an abutting property owner disputes the permit applicant's determination of a stated property line.

E. *Maintenance:* All fences shall be maintained in good, safe and stable condition in accordance with local ordinances and codes. Rotten, broken or missing components shall be replaced or repaired immediately. Fences shall be made from naturally water resistant material or be pressure treated, stained, painted, or vinyl coated and kept in a good aesthetic condition.

F. For pool enclosures and construction fencing see the Michigan Residential Code and/or the Michigan Building Code.

(Ord. No. 1598 , 12-23-12)

Sec. 5.38. Landscape requirements and plant materials; buffer strip, parking lot, and right-of-way planting.

Whenever in this chapter landscaping treatment is required, it shall be in accordance with the specific use as mentioned in this section. All plant materials will be installed within six (6) months of the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited with the city clerk to insure project completion. All installations of plant materials shall be in accordance with the general planting specifications as set forth by the city parks and recreation department. further, a landscape plan shall be submitted to the city planning department for review and approval prior to the installation of any required landscaping. Included on this landscape plan shall be: scale; north arrow; all permanent structures; names of all plant materials to be installed, both scientific and common; size and quantity of plant materials to be installed; existing plants on the site; ground cover to be used; hard-surfacing; other landscape materials as defined by this chapter; and name, address, and telephone number of the landscape designer.

(1) *Buffer strip planting.* Whenever a buffer strip is required or permitted, it will be installed so as to provide, within a reasonable time, an effective barrier to vision, light, physical encroachment, and sound. Reasonable maintenance will be required to insure its permanent effectiveness. Specific planting requirements are:

(a) The planting strip will be no less than ten (10) feet (3.05 meters) in width.

(b) Plant materials shall not be placed closer than four (4) feet (1.22 meters) from the property line.

(c) A minimum of one (1) evergreen tree shall be planted at ten-foot (3.05 meters) intervals.

(d) A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreens.

(e) Suggested plant materials:

1.	EVERGREEN	
	Juniper	All plantings shall be a minimum of 3 feet (0.915 meters) to 4 feet (1.22 meters) in height with an average spread of 21 inches (53.34 centimeters) to 30 inches (76.2 centimeters)
	Red Cedar	
	American Arborvitae	
	Pyramidal Arborvitae	
	Columnar Juniper	
	Irish Juniper	
2.	SHRUB TYPE	
	Flowering Crabs	

	Russian Olive	All single stem tree like plantings shall be a minimum of 1¾ inches (4.445 centimeters) to 2 inches (5.08 centimeters) caliper when installed
	Smoke Bush	
	Clump Birch	
	Mountain Ash	
	Dogwood	
	Red Bud	
	Rose of Sharon	
	Honeysuckle	All deciduous shrubs shall be a minimum height of 2 feet (0.61 meters) to 3 feet (0.915 meters) in height when installed.
	Viburnum	
	Mock Orange	
	Tall Hedge	
	Holly (Varieties)	
	Forsythia	
	Barberry	
	Ninebark	

(2) *Parking lot plantings.* Whenever this section is applied, the plant materials will be installed properly and provided such reasonable maintenance as required to insure their health and permanence. Except where landscaped areas are designed as vegetated stormwater control measures, suggested plant materials are:

(a) Trees		
	Ash (Marshall Seedless)	All tree plantings shall be a minimum of 2½ inches (6.35 centimeters) to 3 inches (7.62 centimeters) caliper at a point on the trunk 6 inches (15.24 centimeters) above the ground.
	Birch	
	Linden	
	Locust (thornless, seedless varieties only)	
	Maple	
	Oak	

(b) Shrubs: Refer to the suggested buffer strip plantings.

(c) Vines: Vines may be planted against screening walls and used as a ground cover. All vines shall have a minimum of three (3) runners, six (6) inches (15.24 centimeters) to eight (8) inches (20.32 centimeters) long when installed.

Boston Ivy

Climbing Hydrangea

English Ivy

Running Euonymus

Common Moonseed

Baltic Ivy

Pachysandra

Ajuga

Periwinkle

Cotoneaster

(3) *Right-of-way planting.* The "Master Street Tree Plan" of the city parks and recreation will be used as the guide for all right-of-way tree planting. Chapter 28, Tree Regulations, of the City Code shall be consulted for all right-of-way plantings.

(4) Vegetated stormwater control measures:

(a) The design and installation of vegetated stormwater control measures, which may be incorporated into required parking lot, buffer strip and right-of-way plantings, is encouraged and shall be subject to review and approval by the city engineer and city planner. Required parking lot, buffer strip, and right-of-way plantings may incorporate vegetated stormwater control measures so long as the aesthetic objectives and the minimum dimensional requirements of the planting area are, in the judgment of the city planner, satisfied by the combination of landscaping, fencing, walls and other measures proposed.

(b) Applicants shall utilize the design guidance from the Southeast Michigan Council of Governments (SEMCOG) and City of Southfield Low Impact Design Guidelines in the selection, sizing and design of these areas. For any such vegetated stormwater control measures proposed, the landscape or stormwater management plan submitted to the city shall include:

i. A plan indicating the contributing drainage area, land use, slope, and seasonal high groundwater elevation in areas where the practices are proposed.

ii. Design calculations.

iii. Detailed planting plan.

iv. Construction detail and sequencing plan.

v. Maintenance plan.

(Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.39. Essential services.

Repealed by Ord. No. 1342, adopted June 8, 1992.

Sec. 5.40. Public utility facilities.

In all zoning districts, except industrial, public utility facilities and uses (without storage yards), when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity, shall be permitted after review and approval of the site plan and upon a finding by the city council that the use will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this chapter.

(Ord. No. 1263, 2-27-89)

Sec. 5.41. Easement use.

Erection of permanent structures on easements for public utilities is prohibited. "Permanent structure" shall mean, and include, a garage or other building (but shall not include a fence, retaining wall, freestanding wall,

concrete walk, paving, or any similar object) which will prevent or interfere with the free right or opportunity to use or make the easement accessible for essential services.

Sec. 5.42. Rear yard measurement.

Wherever there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of any abutting rear yard required under this chapter may be made to the centerline of such alley.

Sec. 5.43. Yard encroachments.

No yard, court, or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court, or other open space for another building existing or intended to exist at the same time.

Sec. 5.44. Fees.

The city council may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to petitioners for amendments to this chapter and for the review of site plans in accordance with the provisions of this chapter.

Sec. 5.45. Nonresidential setback from residential.

In any nonresidential zoning district, no building or structure shall be located closer to a single-family residential district than the height of the building or structure but, in no instance, shall the setback be less than fifteen (15) feet (4.575 meters). Provided, however, where greater setbacks are required by any other provisions of this chapter, such other provisions shall control the setback requirements.

Sec. 5.46. Corner clearance.

In order to promote safe movement of vehicles at and near street intersections and in order to promote more adequate protection of the safety of children, pedestrians, property and other vehicles and occupants, no permanent or temporary fence, wall, shrubbery, sign, vehicle, or other obstruction to vision above a height of three (3) feet (0.915 meters) from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance, along each right-of-way line, of twenty-five (25) feet (7.625 meters) from this point of intersection.

Sec. 5.47. Access to structures.

Every building or structure hereafter erected or moved shall be on a lot abutting a public street or private street or permanent easement not less than thirty (30) feet (9.15 meters) in width.

Sec. 5.48. Location of principal buildings.

Except in the case of planned developments where a site plan is approved by the city council and except for lots used for education or religious institutions, not more than one (1) single-family dwelling shall be located on a lot as defined in this chapter nor shall a single-family dwelling be located on the same lot with any other principal building. (This provision shall not be construed to prohibit the lawful division of land.)

Sec. 5.49. Floodplain controls.

(1) *Purpose.* It is the purpose of the floodplain controls to apply special regulations to the use of land in those areas of the city which are subject to predictable flooding at frequent intervals and to protect the storage capacity, ground water recharge, and water purification of floodplains and to assure retention of sufficient floodplain area to convey flood flows which can reasonably be expected to occur and to better maintain environmental factors and the proper ecological balance through prohibiting unnecessary encroachments. Such regulations, while permitting reasonable economic use of such properties, will help protect the public health and reduce financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods, and the overflow of lands; reserve such areas for the impoundments of water to better stabilize stream flow; to better maintain the proper ecological balance; and consideration of environmental factors such as open space and aesthetic values. All lands included in such floodplain control district shall be subject to the restrictions imposed herein in addition to the restrictions imposed by any other zoning districts in which said lands should be located. The floodplains, as herein defined, are not intended for human habitation, the development of permanent structures, or any use which causes a change in the natural functional drainage grade of the floodplain.

Flood losses are caused by the cumulative effect of obstructions in flood heights and velocities, the occupancy of the floodplain areas by uses vulnerable to floods, or hazardous to other lands which are inadequately elevated or otherwise protected from flood damage.

(2) *Delineation of floodplain boundaries.* The areas of special flood hazard identified by the Department of Homeland Security's Federal Emergency Management Agency, entitled Flood Insurance Study, Oakland County, Michigan, and Incorporated Areas dated September 29, 2006, with accompanying flood insurance rate maps and flood boundary floodplain maps, as delineated on the Flood Insurance Rate Map of the City of Southfield, Community Number 260179, Map Panel Numbers 26125C0514F, 0518F, 0519F, 0538F, 0539F, 0652F, 0654F, 0656F, 0657F, 0658F, 0659F, 0676F, 0677F, 0678F, 0679F, dated September 29, 2006, prepared by the Department of Homeland Security's Federal Emergency Management Agency, and the profiles prepared by the Federal Insurance Administration in conjunction with said map are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the engineering department, City of Southfield, 26000 Evergreen Road, Southfield, Michigan 48076.

This provision shall apply to all lands within the jurisdiction of the city shown on the official maps located within the boundaries of the regulatory floodplain and floodplain fringe districts which include the main branch of the Rouge River, Pebble Creek, Franklin Branch, Evans Ditch, Farmington Branch, and Carpenter Branch of the Rouge River.

(3) *Interpretation of district boundaries.* The boundaries of the zoning district shall be determined by the water surface flood profile provided in the flood insurance rate map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the flood insurance rate map and flood profiles, the city engineer shall make the necessary interpretation with the assistance of the state department of natural resources and the U.S. Army Corps of Engineers when needed.

Any person or persons contesting the location of the district boundary shall be given a reasonable opportunity to present the reasons for their objection to the city engineer and to submit any technical and/or material evidence in support of their objections. The city engineer, in such cases, shall submit a report to the city council outlining the area of disagreement and the conclusions reached by him.

(4) *Appeals.* The city council may, upon petition, permit minor modifications to the delineation of the floodplain boundary after review and recommendation from the city engineer. Such modifications may be approved upon the findings that:

(a) The flow, storage capacity, and discharge of the floodplain will be maintained or improved.

(b) The floodplains are not intended for human habitation and are kept free and clear of interference or obstruction which will cause any undue restriction of original capacity of the floodplain.

(c) The stream flow is not revised so as to affect the riparian rights of other owners or interfere with natural drainage in the area.

(d) The modification is necessary for the preservation and enjoyment of a substantial property right.

(e) The modification will not be detrimental to the public welfare or injurious to other property in the surrounding area in which said property is situated.

(f) Notification has been provided adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse, and submittal of copies of such notification made to the Federal Insurance Administration.

(g) All necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Amendments of 1972.

(h) Assure that the floodplain carrying and storage capacity within the altered or relocated portion of any watercourse is maintained.

(i) A public hearing shall be held concerning the requested modification and notice shall be given in the official newspaper not less than fifteen (15) days prior to the hearing and the general location of the proposed modification.

(j) Alternatives to any requested modification to the floodplain boundary shall be adequately explored and presented to the city council at the public hearing.

(5) *Establishment of floodplain zones.* The floodplain areas within the jurisdiction of this chapter are hereby divided into two (2) districts: (1) Regulatory Floodplain District (RF) and (2) Floodplain Fringe District (FF). The boundaries of these districts shall be shown on the official map as regulatory floodplain and represented by "A" zones and floodplain fringe represented by "B" zones.

(6) *Uses permitted:*

(a) *Regulatory floodplain district (RF).* The following uses which have a low flood damage potential and do not obstruct flood flows shall be permitted within the regulatory floodplain to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of material or equipment. No use shall adversely affect the capacity of the channels or regulatory floodplains of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agricultural uses such as general farming, outdoor plant nurseries, horticulture, and viticulture.

2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, wildlife and nature preserves, hiking, playgrounds, athletic fields, and bicycle paths.

3. Public rights-of-way, private drives, and parking areas; provided, further, that for all zoning districts, the area of the parcel of land located within the regulatory floodplain used for the provision of parking thereon shall not exceed ten (10) percent of the regulatory floodplain area of the property involved. However, in no instance shall the parking area exceed ten (10) percent of the area outside of the regulatory floodplain.

4. In any zoning district in which density is based upon land area, the computation of density shall not include any of the area located within the regulatory floodplain district of which the property is a part. The floodplain area may be used in computing open space and landscape requirements of any zoning district.

5. The erection and construction of roads, bridges, causeways, and public utilities may be permitted within the regulatory floodplain by the city council after a public hearing, which has been advertised in a local newspaper not less than fifteen (15) days prior to the hearing stating the time, place, and date of the hearing, has been held, and the city council has made findings that such proposals will not be detrimental to the natural flow of water or disrupt the floodplain storage capacity, and provided the requirements of this section have been met. Exhibits submitted for review will provide sufficient information as required by the city council with respect to support, spacing, height, anchorage, and erosion control.

(b) *Floodplain fringe district (FF).* Permitted uses in the floodplain fringe shall be subject to the following standards provided further that the permitted uses shall meet the standards and restrictions imposed by any other zoning district in which said lands may be located.

1. For new construction or substantial improvement, the elevation of the lowest floor designed or intended for human habitation and/or employment (including basement) shall be at least three (3) feet (0.915 meters) above the elevation of the floodplain.

2. Dumping or backfilling with any material in any manner is prohibited in the floodplain fringe unless, through compensating excavation and shaping, the floodplain fringe will be maintained or improved as determined by the city engineer and approved by the city council.

3. Any filling or modification to the floodplain fringe shall have erosion controls as approved by the city engineer to prevent soil from being washed into the regulatory floodplain or channel.

4. Any substantial improvements within a floodplain shall be:

   a. Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.

   b. Constructed with materials and utility equipment resistant to flood damage.

   c. Constructed by methods and practices that minimize flood damage.

5. All new and replacement water supply systems shall minimize flood damage.

6. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

7. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

8. Where topographic data, engineering studies, or other studies are needed as required by the city council, planning commission, or city engineer to determine the effects of flooding on a proposed site and/or the effect of a structure on the flow of water, the applicant, at his expense, shall submit such data or studies. All such required data shall be prepared by a registered professional civil engineer.

9. The city engineer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basements and cellars and any openings thereto) of all new or substantially improved structures and whether or not the structure contains a basement or cellar.

10. The following uses which present difficult problems in removing or evacuating, in the event of flooding in the floodplain fringe, are prohibited: hospitals, senior citizen housing, nursing homes, schools, and the storage of toxic materials.

(Ord. No. 1538, 10-10-06)

Sec. 5.50. Sexually oriented businesses.

1. *Purpose and intent.*

   A. Recognizing that because of their nature, some uses have objectionable operational characteristics, particularly when several of them are concentrated in small areas and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or other sensitive land uses. These special regulations are itemized in this section and pertain to sexually oriented businesses defined in this chapter as adult arcades; adult bookstores; adult booths; adult novelty stores; adult video stores; adult motels; adult motion picture theaters; adult live state performing theater; adult model studios. Sexual encounter centers are prohibited in all zoning districts in the city.

      The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in chapter 70, title VII, business and trades, sexually oriented businesses, have been met. These use controls do not legitimize activities which are prohibited in other sections of the city's code or ordinances.

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

2. *Findings.* Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the city, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986); Coleman Young v. American Mini Theaters, 427 U.S. 50 (1976); and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Arcara v. Cloud Books, Inc., 478 U.S. 697 (1986); California v. LaRue, 409 U.S. 109 (1972); United States v. O'Brien, 391 U.S. 367 (1968); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Kev, Inc. v. Kitsap County, 793 F. 2d 1053 (9th Cir. 1986); Hang On, Inc. v. City of Arlington, 65 F. 3d 1248 (5th Cir.1995); and South Florida Free Beaches, Inc. v. City of Miami, 734 F.2d 608 (11th Cir. 1984), as well as studies conducted in other cities including, but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Oklahoma City, Oklahoma; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); as well as the following articles on adult regulated uses: "Does the Presence of Sexually Oriented Business Relate to Crime? An Examination using Spatial Analysis", (2012) Eric S. McCord and Richard Tewksbury; "Report: Adult Oriented Businesses in Austin" (1986), Office of Land Development Services; "Adult Entertainment Study" (1994) New York City, Department of City Planning; and "Crime—related secondary effects: secondary effects of "off site" sexually-oriented businesses", (2008) Richard McCleary Ph.D., Report Commissioned by Texas City Attorneys Association.

A. Sexually oriented businesses and other adult business uses, as a category of adult business uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.

B. Sexually oriented businesses and other adult business uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other such uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of such uses in one (1) area.

C. The preceding negative secondary effects constitute harms which the city has a substantial governmental interest in preventing and/or abating. The substantial government interest in preventing negative secondary effects, which is the city's rationale for this chapter, exists independent of any comparable analysis between sexually oriented and adult oriented businesses and non-sexually oriented businesses. Further, the city's interest in regulating sexually oriented businesses and other adult business uses extends to preventing further negative secondary effects of current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to the eradication of negative secondary effects.

D. This section shall not have the purpose or effect of placing a limitation or restriction on the content of communicative materials, including sexually oriented or adult materials, or to deny access by distributors of sexually oriented materials. It is not the purpose of this section to impose limits or restrictions on the content of constitutionally prohibited forms of speech or expression.

3. *Prohibited uses.* It shall be unlawful to operate a sexual encounter center, as defined in article 2 definitions, in any district within the city.

4. *Area requirements.* In addition to compliance with all other provisions within this chapter, the following special regulations apply to all sexually oriented businesses and adult businesses:

A. It shall be unlawful to establish any sexually oriented business as defined in this chapter, except with special use approval in the B-3 (general business) and I-1 (industrial) districts. Sexual encounter centers, as defined, are prohibited in all zoning districts.

B. No such uses may be permitted in the B-3 (general business) or I-1 (industrial) districts within one thousand five hundred (1,500) feet of any residential district, adult regulated use, school, church, child care facility, park, measured from the lot line of the location of the proposed use. For purposes of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.

C. The city council may waive this location provision if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.

2. That the character of the area shall be maintained.

3. That all applicable regulations of this chapter will be observed.

4. That no sexually oriented or adult business shall be located within one thousand five hundred (1,500) feet of any pawn shop, alternative financial institution, medical marijuana facility or other sexually oriented business.

D. Anything herein to the contrary notwithstanding the city council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the city clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51) percent or more of the persons owing property within a radius of one thousand (1,000) feet of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.

E. The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him/her and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000) feet of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the city council.

5. *Parking.* All off-street parking areas for any sexually oriented businesses or adult businesses shall comply with article 4, general provisions of this chapter.

6. *Other requirements.*

A. Entrances to sexually oriented businesses must be posted on both the exterior and interior walls, in a location clearly visible to the entering and exiting public, using lettering no less than four (4) inches in height noting that: a) persons under the age of eighteen (18) are not permitted to enter the premises and b) no alcoholic beverages are permitted in the premises.

B. The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the general business district.

C. The location, size, intensity and periods of operation of any such proposed use may be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

D. The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

E. The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

F. The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

G. The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

H. The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public.

(Ord. No. 1699 , § 7, 12-27-18; Ord. No. 1707 , § 1, 9-26-2019)

Sec. 5.51. Community impact statement.

(1) *Purpose.* The requirement for the submission of a community impact statement during the rezoning and/or site plan review process is to provide relevant information concerning the environmental, economic, social, and cultural effects on the community that a proposed project may have, and to provide the necessary data

for the city to make a rational determination on the request. It is necessary to minimize pollution, protect wildlife and ecologically important features, retain environmental resources, and to investigate the adequacy of public utilities and facilities such as sewer, water, and transportation system.

A community impact statement (CIS), providing the information and data specified herein, shall be required and shall be submitted by the petitioner and at the expense of the petitioner.

(a) When a request for rezoning or site plan approval is submitted, whichever shall occur first, for parcels having an area of ten (10) acres (4.05 hectares) or greater; or

(b) When a development of one hundred fifty thousand (150,000) square feet (13,950 square meters) of gross floor area or greater is submitted for site plan review; or

(c) When a development of two hundred (200) dwelling units or greater is submitted for site plan review; or

(d) A community impact statement shall be required, regardless of the size of the property or project, when three (3) or more points are accumulated from the following table:

1. Displacement of community residents1 point
2. Site serves as a diversified habitat, food source and nesting place for numerous species of wildlife for the surrounding area as determined by the city parks and recreation department or state department of natural resources1 point
3. The site involves land designated as regulatory floodplain1 point
4. The site is considered a wetland, meaning a land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake or pond, or a river or stream; or more than five (5) acres (2.025 hectares) in size, or is determined by the department of natural resources to be essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has notified the owner1 point
5. The site contains a natural or artificial lake, pond or impoundment; a river, stream or creek which may or may not be serving as a drain or any other body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water1 point
6. The site is considered a woodland if a minimum of twenty (20) percent of the site consists of a well-stocked stand of trees with a majority of the trees having a three (3") inch (7.62 centimeters) caliper, or greater.1 point
7. The site has slopes or grades of twenty-five (25) percent or greater1 point
8. The property is located on other than a major thoroughfare1 point
9. The development of the property will necessitate the widening of adjacent thoroughfares1 point
10. The development of the property will necessitate the extension of the following public utilities to adequately serve it:

Storm sewer1 point

Sanitary sewer1 point

Water main1 point

11. Roadway related carbon monoxide concentration exceeding federal standard of ten (10) milligrams per cubic meter for an eight-hour period1 point

(e) The official maps of the city which are designated for wetlands, watercourses, natural and artificial floodplains and drainage courses, rivers and streams in the city including amendments which may be made from time to time, and are on file with the city engineering department, are hereby incorporated into this chapter and made a part hereof by reference.

(f) *Appeals.* The requirement for a community impact statement, as provided above, may be appealed to the city council. Such appeal shall be made in writing and at least fifteen (15) days' notice of the time and place of the hearing on the appeal shall be published in an official newspaper.

If the city council, after the hearing, determines that a community impact statement is not necessary, they shall set forth the reasons for such findings.

(g) *Exclusions.* The development of detached single family dwelling units on an individual basis is hereby excluded from the requirements of this section.

These provisions are applicable to multistage developments whose total building area or dwelling unit count, or both, will ultimately meet or exceed these amounts.

The requirements contained herein shall not relieve the project's sponsor from complying with other land development or environmental impact standards established by other public agencies having jurisdiction.

(2) *Application and review.* The submission of a rezoning request or site plan review shall be accompanied by a community impact statement in accordance with the above criteria. A community impact statement prepared for a rezoning request shall examine the general conditions and effects of the rezoning while the community impact statement prepared for a site plan shall examine the details and requirements of the specific proposal. If the property is presently zoned for the use intended, a community impact statement shall only be required for the site plan review process. Submission shall be made to the planning department concurrently with the payment of rezoning or site plan review fees.

A review and summary report, which shall analyze the material and information provided by the sponsor, will be prepared by an administrative committee consisting of the planning department, department of public services, traffic engineer, and department of parks and recreation. The summary report shall include a fiscal analysis of the subject property and proposed development. The summary report and recommendations shall be submitted to the planning commission and city council prior to their consideration of a rezoning or site plan petition.

Not less than fifteen (15) days' notice of the time and place of the hearing regarding the proposal and the community impact statement shall be published in an official newspaper.

The community impact statement shall be available in the planning department for review by the public. Written comments on the community impact statement may be presented to the planning commission and/or city council prior to their public meeting on the matter.

(3) *Information and data required.* A community impact statement shall include, but not be limited to, the following information:

(a) *Physical conditions:*

1. Legal description of the subject property accompanied by a survey map.

2. Location map indicating the location of the subject property in relation to the city thoroughfare system.

3. Zoning map indicating the subject property and the zoning of adjacent properties for a radius of one-half (½) mile (0.8045 kilometers).

4. Land use map indicating the subject property and land uses of adjacent properties for a radius of one-half (½) mile (0.8045 kilometers).

5. Site conditions of the subject property indicating;

    a. Location and size of existing natural features such as trees, streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, wildlife inventory (type) location, migration patterns, (feeding habits) and vegetation inventory (classification of existing types by general location and numbers or density as appropriate).

    b. Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.).

    c. Features adjacent to and directly across the street, i.e. pavement width, driveways, passing lanes, curb cuts, etc.

6. For any development requiring a community impact statement because of section 5.51 (1) of this chapter, the community impact statement shall include a certification by the petitioner or its agent to the city that the petitioner has consulted with appropriate representatives of the Michigan Department of Natural Resources in regard to the proposed development, and that either:

    a. All comments or requirements received from the department of natural resources are accurately disclosed in the community impact statement, or

    b. That the department of natural resources has failed to respond to the petitioner's proposal.

(b) *Project description:*

1. For rezoning, a general description of the proposed use with emphasis on the following items as they relate to the zoning ordinance:

    a. Density limitations of zone; maximum density allowable on the site.

    b. Parking requirements and probable directional distribution of potential peak hour traffic generation.

    c. Open space requirements as they relate to the request and to the site.

    d. Height limitations of site.

    e. Owners of the property; petitioner and his representative.

2. For site plan approval, a detailed description of the proposal shall be submitted which shall include, but not be limited to:

    a. Density of proposed project including building coverage, height, net and gross floor areas, number of dwelling units and bedroom count, parking spaces required and provided, landscaped areas required and provided, and adjacent thoroughfare right-of-way.

    b. Anticipated number of employees, residents, school age children by school type, and senior citizens.

    c. Projected vehicular generation and probable directional distribution.

    d. Owners and developers of the proposed development.

If rezoning and site plan approval are required, two (2) community impact statements are necessary in accordance with (b-1) and (b-2) above.

(c) *Project impact analysis.* The sponsor shall submit a full analysis and description of the proposed project's required levels of service from public utilities (sanitary and storm sewer, water, gas, electricity, etc.). The administrative committee shall examine and analyze this data in order to

determine the availability and/or capacity of the existing utility systems to accept the demands of the proposed project.

1. *Local economy:*
    a. Number of residents, businesses or employees displaced.
    b. Number of new long-term and short-term jobs provided.
    c. General employment base and/or housing marketing area with a definition of the market area.
    d. Project cost and estimated value.
2. *Thoroughfares:*
    a. Projected traffic volumes generated on and adjacent to the site as a result of the proposed development.
    b. Improvements proposed as a result of the project to properly accommodate the development.
3. *Stormwater management:*
    a. Estimated volumes of surface run-off generated by the proposed development.
    b. A summary of the stormwater management plan and approach on the subject property, including the use of green infrastructure measures.
    c. Proposed plan for maintenance responsibility for any on-site (private) stormwater control measures.
4. *Water service:*
    a. Estimated minimum volumes necessary to adequately service the property and proposed development including minimum pressure and volume for not only domestic needs, but also fire hydrants, sprinklers, etc.
5. *Sanitary waste systems:*
    a. Estimated volumes of sanitary effluent generated by development.
6. *Solid waste collection:*
    a. Method of storage, collection, and disposal.
7. *Power, heat and communication:*
    a. Availability of existing systems and their respective capacities.
    b. Any energy conservation systems of the project.
    c. Estimated requirements to adequately service the project and improvements proposed as a result of the project to properly serve the development.
8. *Transportation facilities other than private automobiles:*
    a. Public.
    b. Bicycle (bikepaths, bike racks, curb cuts, etc.).
    c. Pedestrian (sidewalks, trails, etc.).
9. *Proposed fire protection and prevention provisions including, but not limited to:*

a. Accessibility to structures.

b. Special considerations; rooftop helipad, sprinkler system, fire lanes, etc.

10. *Proposed private safety and security systems of the project:*

a. Gate houses, lighting, surveillance (TV, security guard), regulated/parking, central alarm, etc.

11. *Recreation and leisure time facilities and activities:*

a. Public recreation facilities in the area (existing and proposed).

b. Private recreation facilities in the area (existing and proposed).

c. Proposed facilities to be included in the project.

12. *Environmental considerations:*

a. Treatment of landscaped area, including the integration of stormwater management with landscaping and the conservation of vegetation and trees.

b. Treatment of open space areas.

c. Aesthetic, environmental and ecological benefits.

d. Areas of unique flora and fauna, beauty, geological or historical significance.

e. Changes in existing flora and fauna.

f. Methods of minimizing or avoiding adverse environmental effects.

The community impact statement shall contain a bibliography and a list of persons, organizations and sources consulted. Additional information may be required by the administrative review committee, planning commission, or city council and shall be provided by the petitioner at such request.

(4) The city, its agents, surveyors, or other employees may make reasonable entry upon any lands and waters within the city for the purpose of making any investigation, survey or study contemplated by this section. An investigation of any natural or artificial obstruction may be made by the planning department on its own initiative or on written request of any titleholder of land abutting the watercourse involved, or lands in a flood land area.

(5) Site plans reviewed under this section may be approved contingent upon receiving permits from various county or state agencies. If there are substantial changes to the approved site plan as a result of the review by other agencies, the site plan must be submitted back to the city council for further review.

(Ord. No. 1226, 3-2-87; Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.52. Site plan and traffic engineering plan expiration.

Whenever in this chapter a site plan or traffic engineering plan is required, it shall remain valid for a period of twelve (12) months from the date of approval unless an extension is requested by the petitioner, in writing, of the person, commission, or council having site plan review or traffic engineering review jurisdiction and such request for extension is granted. Such extension, if granted, shall not exceed a period of one (1) year.

The request for extension shall be reviewed in relationship to any change in ordinance or code requirements, development of surrounding land uses and adjacent properties, and the expansion or provision of public facilities and utilities (roads, storm sewer, etc.).

Sec. 5.53. Historic districts.

(1) *General conditions.* Upon the establishment of a "historic district" in accordance with and pursuant to chapter 45 of title V hereunder, the city council may permit a specific use(s) in addition to that permitted by the existing zoning district applied to the land. Provided, however, such additional uses shall be limited in accordance with the following:

(a) With respect to parcels situated within a designated residential zoning district (as defined in section 5.11 hereunder), no additional use(s) shall be permitted hereunder unless such parcel contains frontage on a major thoroughfare as defined in the City of Southfield Master Plan. Additional uses may be permitted with regard to parcels having frontage on a major thoroughfare, however, such additional uses shall be limited to those permitted by article 9, office-service (O-S) district, and article 16 of this chapter, B-1, neighborhood business district.

(b) With respect to parcels situated within a designated nonresidential zoning district (as defined in section 5.11 hereunder), such additional uses may be permitted, however, such additional uses shall be limited to those permitted by articles 9, 16, 17, and 18 hereunder (office-service district, neighborhood business district, planned business district, and general business district).

Upon receipt of a request for the establishment of such additional use(s), the city council shall receive reports and recommendations from the planning commission and the historic district commission as to the nature, effects, suitability and acceptability of the building and/or site alterations proposed in conjunction with the requested additional uses, and the conformance of same with the intent and purpose of this chapter and chapter 50, "historic preservation," of the City Code. Such reports and recommendations shall minimally contain factual evidence directly related to the specific findings required to be made of city council as hereinafter set forth.

The city council shall conduct a public hearing on a request for additional use(s) within a historic district in compliance with section 5.221, special use procedure, of this chapter.

(2) *Findings.* In considering and acting upon requests for the establishment of such additional uses, the city council shall make the following findings:

(a) That the establishment of the proposed use is necessary in order to preserve the subject structure in accordance with the intent and purpose of chapter 50, "historic preservation," of the City Code.

(b) That the proposed building and/or site alterations will be in accordance with the provisions of this chapter and chapter 50, "historic preservation" of the City Code, unless modified as otherwise provided in this section.

(c) That the proposed building and/or site alterations will be designed and implemented so as to minimize any

adverse effects of such uses on the character of the surrounding area and will not be adverse to the promotion of the health, safety and welfare of the surrounding community.

(d) That satisfactory financial guarantees have been provided so as to ensure the removal of the building improvements and/or site improvements necessary to return the subject property to its original use should the historic district designation be removed from the property.

In the absence of any of such specific findings being made by the city council, the proposed use(s) shall not be permitted.

Upon the approval by the city council of a proposed use as herein provided, the city council may impose such other conditions and safeguards as it may deem necessary to protect the public health, safety and general welfare of the community and to minimize any adverse effects of such use(s) on adjacent properties.

Site improvements, such as off-street parking and landscaping, shall be in accordance with those provisions of this chapter applicable to the uses(s) permitted and applicable to the zoning district within which such uses(s) would otherwise occur.

City council action in accordance with this section 5.53 shall be necessary for any succeeding change in use or change in occupancy.

(3) *Bed and breakfast.* Bed and breakfasts ("B&B") shall comply with the following:

(a) The owner of the property, or their designee, is required to live in the B&B and to provide guest services, including, but not limited to:

a. Front desk/communication.

b. Maid/cleaning service.

c. Breakfast after overnight lodging.

(b) The number of rooms available for overnight lodging by guests is limited to five (5).

(c) Overnight guests must have access to a bathroom.

(d) Breakfast prepared in the dwelling's kitchen is to be provided in the morning following an overnight stay as part of compensated guest services.

(e) Breakfast at the B&B must not be advertised to the general public as a restaurant.

(Ord. No. 1699 , § 8, 12-27-18; Ord. No. 1727 , § 2, 9-10-20)

Sec. 5.54. Satellite dish antenna.

Satellite dish antennas shall be permitted in all single-family residential zoning districts subject to the conditions listed in article 5, section 5.69. Satellite dish antennas shall be permitted in all other multiple-family residential zoning districts and all nonresidential zoning districts (except the TV-R, Television-Radio-Office-Studio District), subject to the following conditions:

(1) *Satellite dish antennas—Ground-mounted.*

(a) The placement and construction of satellite dish antennas must be approved by the department of building and safety engineering prior to issuance of a building permit.

(b) Satellite dish antennas shall be located in the rear yard as defined by article 2, section 5.9, definitions (T—Z).

(c) Satellite dish antennas shall not exceed a height of twenty-five (25) feet (7.625 meters) above the average existing grade within ten (10) feet (3.05 meters) of the antenna.

(d) Satellite dish antennas shall be permanently ground-mounted. No antenna shall be installed on a portable or movable structure.

(e) There shall be no text, pictures, logos or advertising displayed on any surface of the satellite dish antennas.

(f) Satellite dish antennas shall not be located within any required parking area.

(2) *Satellite dish antennas—Roof-mounted.*

(a) The placement and construction of roof-mounted satellite dish antennas must be approved by the department of building and safety engineering prior to the issuance of a building permit.

(b) Satellite dish antennas shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances such as chimneys, towers, poles, or spires.

(c) Satellite dish antennas shall not exceed an overall diameter of fifteen (15) feet (4.575 meters) or an overall height of twenty-five (25) feet (7.625 meters) above the height of the building as defined by article 2, definitions, section 5.3, definitions (A—B).

(d) There shall be no text, pictures, logos or advertising displayed on any surface of the satellite dish antennas.

(Ord. No. 1192, 3-17-86)

Sec. 5.55. Wetland and watercourse protection.

(1) *Findings.* The city council finds that wetlands and watercourses are fragile natural resources which provide several public benefits including maintenance of water quality through nutrient cycling and sediment trapping as well as flood and storm water runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands provide pollution treatment by serving as oxidation basins, open space, passive outdoor recreation opportunities, wildlife habitat and environmental niches, and greenbelts. Many of the wetlands remaining in Southfield are of the forested type and are associated with floodplains.

(a) Previous construction, land development and recent redevelopment have displaced, polluted or degraded many wetlands and forested floodplains. Preservation of the wetlands in a natural condition shall be and is necessary to maintain hydrologic, economic, recreational, and aesthetic assets for existing and future residents of the city as well as for downstream landowners.

(2) *Purposes.* The purposes of this section are to provide for:

(a) The protection, preservation, and proper use of wetlands and watercourses in the city;

(b) The coordination of and support for the enforcement of applicable federal, state, and county statutes, ordinances and regulations, including, but not limited to:

1. Section 30307(4) of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act);

2. Part 17, Michigan Environmental Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.1701 et. Seq. (herein the Michigan Environmental Protection Act).

(c) Compliance with the Part 17, Michigan Environmental Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.1701 et. Seq. (herein the Michigan Environmental Protection Act) which imposes a duty on government agencies and private individuals and organizations to prevent or minimize degradation of the environment which is likely to be caused by their activities.

(d) The establishment of standards and procedures for the review and regulation of the use of wetlands and watercourses.

(e) The establishment of penalties for the violation of this section.

(3) *Validity and necessity.* The city council declares that this section is essential to the health, safety, economic and general welfare of the people of the City, and to the furtherance of the policy set forth in article 4, section 52 of the Constitution of the State of Michigan, Section 30307(4) of Part 303, Wetlands Protection, of

the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act); Part 17, Michigan Environmental Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.1701 et. Seq. (herein the Michigan Environmental Protection Act)

(4) *Construction and Application.* The following rules of construction apply in the interpretation and application of this Section:

(a) In the case of a difference of meaning or implication between the text of this section and any caption or illustration, the text shall control.

(b) Particulars provided by way of illustration or enumeration shall not control general language.

(c) This section shall be construed liberally in favor of the protection and preservation of natural resources of the city.

(5) *Definition of terms.* Terms not specifically defined in this section shall have the meaning customarily assigned to them. The following words and phrases shall have the meaning respectively given as follows:

ACTIVITY: shall mean any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water, pumping or discharge of surface water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

BOTTOMLAND: shall mean the land area of a pond or lake which lies below the ordinary high-water mark and which may or may not be covered by water.

CHANNEL: shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water under normal or average flow conditions.

CITY: shall mean the City of Southfield.

CITY COUNCIL: shall mean the Southfield City Council.

CONTIGUOUS shall mean any of the following:

(a) A permanent surface water connection or other direct physical contact with an inland lake or pond, a river or stream.

(b) A seasonal or intermittent direct surface water connection to an inland lake or pond, a river or stream.

(c) A wetland is partially or entirely located within five hundred (500) feet of the ordinary high-water mark of an inland lake or pond or a river or stream, unless it is determined by the city or the Michigan Department of Environment, Great Lakes and Energy (EGLE) in accordance with Rule 281.924 of the Wetland Administrative Rules promulgated under the Wetlands Protection Act that there is no surface or groundwater connection to these waters.

(d) Two (2) or more areas of wetland separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous under the criteria described in paragraphs (a), (b) or (c) of this definition.

DEPOSIT: shall mean to fill, place or dump.

DEVELOPMENT: shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FILL MATERIAL: shall mean soil, sand, gravel, clay, peat, debris and refuse, waste of any kind, or any other material which displaces soil or water or reduces water retention potential.

FLOODPLAIN: shall have the same meaning as provided for in section 5.5(4) of this chapter.

LAKE: shall mean an area of permanent open water which is five (5) acres or more in size.

MAY: shall mean an auxiliary verb qualifying the meaning of another verb by expressing ability, permission, or possibility. The word "may" is indicative of discretion or choice between two (2) or more alternatives.

ORDINARY HIGH-WATER MARK: shall mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

PERSON: shall mean any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind, including governmental agencies conducting operations within the city.

PLANNING DEPARTMENT: shall mean the planning department of the City of Southfield.

PLANNING COMMISSION: shall mean the Southfield Planning Commission.

POND: shall mean any body of permanent open water one (1) acre to five (5) acres in size.

RUNOFF: shall mean the surface discharge of precipitation to a watercourse, drainageway, swale, or depression.

SEASONAL: shall mean any intermittent or temporary activity which occurs annually and is subject to interruption from changes in weather, water level, or time of year, and may involve annual removal and replacement of any operation, obstruction or structure.

SOILS:

(a) Poorly drained soils are those general organic soils from which water is removed so slowly that the soil remains wet for a large part of the time. The water table is commonly at or near the surface during a considerable part of the year. Poorly drained conditions are due to a high-water table, to a slower permeable layer within the soil profile, to seepage, or to some combination of these conditions.

(b) Very poorly drained soils are those soils from which water is removed from the soil so slowly that the water table remains at or on the surface a greater part of the time. Soils of this drainage class usually occupy larger or depressed sites and are frequently ponded.

(c) Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetland vegetation.

STRUCTURE: shall mean any assembly of materials above or below the surface of the land or water, including, but not limited to, houses, buildings, bulkheads, piers, docks, rafts, landings, dams, sheds or waterway obstructions.

UPLAND: shall mean the land area which lies above the ordinary high-water mark, or well-drained land which supports upland vegetation.

WATERCOURSE: shall mean any waterway, drainageway, drain, river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

WETLAND: means a land or water feature, commonly referred to as a bog, swamp, or marsh, inundated or saturated by water at a frequency and duration sufficient to support, and that under normal circumstances does support, hydric soils and a predominance of wetland vegetation or aquatic life. A land or water feature is not a wetland unless it meets any of the following:

(i) Is a water of the United States as that term is used in section 502(7) of the federal water pollution control act, 33 USC 1362.

(ii) Is contiguous to the Great Lakes, Lake St. Clair, an inland lake or pond, or a stream. As used in this subparagraph, "pond" does not include a farm or stock pond constructed consistent with the exemption under section 30305(2)(g).

(iii) Is more than 5 acres in size.

(iv) Has the documented presence of an endangered or threatened species under part 365 or the endangered species act of 1973, Public Law 93-205.

(v) Is a rare and imperiled wetland.

The above is in accordance with Section 324.30301 of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act). Further, and regarding regulation of Wetlands:

(a) All wetlands subject to regulation by EGLE include:

1. Wetlands, contiguous to any inland lake, stream, river, or pond. Not contiguous to an inland lake or pond, or river or a stream; and more than five (5) acres in size.

2. Not contiguous to an inland lake or pond, or river or a stream; and five (5) acres or less in size if EGLE determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner.

(b) All wetlands subject to regulation by the city include:

1. Wetlands two (2) acres or greater in size, whether partially or entirely contained within the project site, which are not contiguous to any lake, stream, river or pond.

2. Wetlands smaller than two (2) acres in size which are not contiguous to any lake, stream, river or pond and are determined to be essential to the preservation of the natural resources of the city as provided for in paragraph (18) of this section.

WETLANDS MAP: shall mean the City of Southfield's official map, as updated from time to time, which delineates the general location of wetlands and watercourses throughout the city.

WETLAND MITIGATION: shall mean any or all of the following: (1) methods for eliminating potential damage or destruction to wetlands; or (2) creation of wetlands from uplands to offset the loss of protected wetlands.

WETLAND USE PERMIT: shall mean the city approval required for activities in wetlands and watercourses described in paragraph (8) of this section.

WETLAND VEGETATION: shall mean plants, including, but not limited to trees, shrubs, and herbaceous plants, that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil.

(6) *Relationship to state and federal permit requirements.* Whenever persons requesting a wetland use permit are also subject to state and/or federal permit requirements, the following shall apply:

(a) Approvals under this section shall not relieve a person of the need to obtain a permit from the EGLE and/or the U.S. Army Corps of Engineers, if required.

(b) Issuance of a permit by the EGLE and/or the U.S. Army Corps of Engineers shall not relieve a person of the need to obtain approval under this section, if applicable.

(c) If requirements of federal, state, and local officials vary, the most stringent requirements shall be followed.

(7) *Applicability to private and public agency activities and operations.* The provisions of this section, including wetland use permit requirements and criteria for wetland use permit approval, shall apply to activities and operations proposed by federal, state, local and other public agencies as well as private organizations and individuals.

(8) *Prohibited activities.* Except for those activities expressly permitted by paragraph (9) it shall be unlawful for any person to do any of the following in a protected wetland or watercourse unless and until a wetland use permit is obtained from the city pursuant to this section.

(a) Deposit or permit to be deposited any fill material or structures into any watercourse or within or upon any protected wetlands.

(b) Remove or permit to be removed any soil from any watercourse or from any protected wetland.

(c) Remove or permit to be removed any vegetation, including trees, from protected wetlands if such removal would adversely affect the nutrient cycling, sediment trapping, or hydrologic functions of such wetlands or cause disturbance of the soil.

(d) Dredge, fill or land balance watercourses or protected wetlands.

(e) Create, enlarge, diminish or alter a lake, pond, creek, stream, river, drain, or protected wetland.

(f) Construct, operate or maintain any development in or upon protected wetlands or watercourses.

(g) Erect or build any structure, including, but not limited to buildings, roadways, bridges, tennis courts, paving, utilities, or private poles or towers in or upon protected wetlands or watercourses.

(h) Construct, extend or enlarge any pipe, culvert, or open or closed drainage facility which discharges silt, sediment, organic or inorganic materials, chemicals, fertilizers, flammable liquids or any other pollutants to any lake, stream, protected wetland, or watercourse, except through a retention area, settling basin, or treatment facility designed to control and eliminate the pollutant. This section shall apply to all land uses except single family uses.

(i) Construct, enlarge, extend or connect any private or public sewage or waste treatment plant discharge to any lake, stream, river, pond, watercourse, or protected wetland except in accordance with the requirements of Oakland County, State of Michigan and/or the United States, to the extent that such entities have jurisdiction.

(j) Drain, or cause to be drained, any water from a protected wetland or watercourse.

(k) Fill or enclose any ditch which would result in a significant reduction of storm water absorption and filtration into the ground or would otherwise have an adverse impact on receiving watercourses or wetlands.

(9) *Permitted activities.* Notwithstanding the prohibitions of paragraph (8), the following activities are permitted within watercourses or protected wetlands without a wetland use permit, unless otherwise prohibited by statute, ordinance or regulation:

(a) Fishing, swimming, boating, canoeing, hiking, horseback riding, bird-watching, or other similar recreational activities which do not require alteration of wetland vegetation or grading of soils.

(b) Grazing and/or watering of animals.

(c) Education, scientific research, and nature study.

(d) Installation for noncommercial use of temporary seasonal docks, rafts, diving platforms and other recreational devices customarily used for residential purposes.

(e) Maintenance or repair of lawfully located roads, sewers, ditches, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or

other services, provided that such roads, sewers, ditches, structures, or facilities are not materially changed or enlarged, and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of watercourses and wetlands are not impaired and that any adverse effect on the aquatic environment will be minimized.

(f) Excavation and filling of no more than fifty (50) cubic yards of material if necessary for the repair and maintenance of bridges, walkways, and other existing structures, provided that such structures allow for the unobstructed flow of water and preserve the natural contour of the protected wetland, except as authorized by permit.

(g) Improvement or maintenance of the Rouge River or its tributaries when such operations are organized or sponsored by the city and are specifically intended to preserve natural resources. Such permitted activities shall include, but not be limited to: (1) removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush, and debris; (2) bank stabilization projects which require minimal disturbance of existing conditions; and (3) wildlife and aquatic habitat improvement projects.

(h) A wetland use permit shall not be required for any use which is exempt from a permit under section 30307(4) of part 303, wetlands protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act).

(10) *Wetlands Map.* The city hereby incorporates into this section and makes a part hereof by reference an official map of wetland areas and watercourses showing the general location of wetlands and watercourses in the city. Said wetlands map shall be updated when substantial new data is available or corrections are needed in order to maintain the integrity of the wetlands map.

In revising the wetlands map, the city council shall satisfy the requirements of Act 207, Public Acts of 1921, as amended, relative to the amendment of zoning ordinance maps. The wetlands map shall serve as a general guide for locating wetlands and watercourses. Field investigations to delineate the precise boundaries of wetlands and watercourses on a project site shall be the responsibility of the applicant. In cases where the city needs additional information to complete a wetland use permit application review, the city may complete on-site investigations of protected wetlands and watercourses.

(11) *Application for a wetland use permit.*

(a) An application for a wetland use permit shall be filed with the planning department. Both permit application forms, the "Application for a Local Wetland Permit" and the EGLE "Application for Permit," shall be submitted to the city as required by Act 203.

(b) Upon receipt, the planning department shall forward a copy of each completed application to the EGLE.

(c) When a site is proposed for development or activity necessitating review and approval of a site plan, plat or other proposed land use pursuant to City Code, said application for a wetland use permit shall be made at the same time as the site plan, plat or other proposed land use submittal. The application for a wetland use permit shall consist of the following:

1. Four (4) copies of the wetland use permit application for each project.

2. For a wetland use permit approval required in conjunction with a site plan, plat or other proposed land use, the applicant shall at the time of application elect to have the application processed under either subsection (i) or subsection (ii) below:

(i) The wetland use permit application shall be reviewed, either prior to or concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, with the understanding that the land use review may not be completed at the time the

decision is rendered on the wetland use permit application. Election of this alternative may require a reopening of the wetland use permit application if the land use approval is inconsistent with the wetland use permit approval; or

(ii) The wetland use permit application shall be reviewed and acted upon concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, and the 90-day review period limitation specified in section 30307(4) of part 303, wetlands protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act) shall thereby be extended accordingly.

3. Twenty (20) copies of a drawing of the proposed activity for projects which require city council review and approval; or four (4) copies of a drawing of the proposed activity for projects which require administrative review and approval. Each drawing must contain the following elements:

(i) Title block, including the applicant's name, name of waterway, section of city, description of activity, scale of drawing, date drawing was prepared, name and professional credentials of the engineer, architect, or planner preparing the site drawing and the name and professional credentials of the wetlands scientist or environmental specialist who has delineated the wetland boundaries.

(ii) Location and extent of protected wetlands and watercourses as identified through field investigation and presented on a topographic map of suitable scale. A scale of at least one (1) inch equals fifty (50) feet is required for all projects.

(iii) Types of wetlands on the site, e.g., forested, shrub, emergent marsh, wet meadow, and aquatic bed, identified by using methods approved by EGLE. (iv) A site plan, subdivision plat, or planning map which overlays the proposed development or project onto wetlands and watercourses. Existing and proposed structures and utilities on or directly adjacent to the site shall be clearly identified in relation to existing wetland features and topography.

(v) Typical cross sections of existing and proposed structures, dredge cuts and fills, including dimensions and elevations, and location of wetlands.

(vi) A description of construction materials such as: type (concrete, stone, wood, etc.), thickness or depth, size, weight, slope; and a description of cut, filled or dredged materials such as: type (yellow clay, sand, silt, etc.), volume, depth and areas impacted.

(vii) Identification of type and location of soil erosion control measures to be used during construction, including measures which will be used to trap sediment which might otherwise run off into wetlands.

(viii) Identification of disposal areas for dredged material, if any, vicinity map showing the disposal area if off-site disposal is proposed, and method for containing dredge material to prevent reentry into wetlands or watercourses.

(ix) Bridge or culvert cross section, if any, including the location of wetlands, and a profile of the proposed structure showing the proposed end treatment and bank stabilization locations.

(x) Identification and description of all mitigation areas, if any, whether on-site or off-site.

4. Four (4) copies of a cover letter signed by the applicant including the following information:

(i) Name of project and brief description (one (1) sentence).

(ii) Date upon which the activity is proposed to commence.

(iii) Explanation of why the project meets the wetland use permit standards and criteria contained in paragraph (18) of this section.

(iv) List of all federal, state, county or other local government agency permits or approvals required for the proposed project including permit approvals or denials already received. In the event of denials, the reasons for denials shall be given. Attach copies of all permits which have been issued.

(v) Identification of any present litigation involving the property.

(iv) Signature of applicant.

(12) *Planning department review.* The planning department shall process a wetland use permit application as follows:

(a) The planning department shall review the wetland use permit application to verify that all required information has been provided. At the request of the applicant or the city, an administrative meeting may be held to review the proposed activity in light of the purposes of this section.

(b) Upon receipt of a complete application, the planning department shall:

1. Initiate review procedures for the wetland use permit application.

2. Forward a copy of each application to EGLE as required by section 30307(4) of part 303, wetlands protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act).

3. Conduct or authorize a field investigation to review and verify the accuracy of information received and during such review shall refer to the wetlands map. The receipt of a wetland use permit application shall comprise permission from the owner to complete an on-site investigation.

4. Coordinate field investigations and data with EGLE personnel when feasible.

5. Modify, approve or deny the application within ninety (90) days after receipt of the completed application subject to the provisions of this section.

6. Provide a written reason for the denial of any wetland use permit. Failure to supply complete information with an application may be reason for denial of a permit.

7. Notify the EGLE of its decision.

(c) Plans for wetland mitigation shall not be considered unless and until the requirements of paragraphs (18), (19) and (20) of this section have been met.

(d) It shall be the responsibility of the planning department to employ a qualified wetlands consultant or retain qualified staff to conduct wetland field investigations and complete assessments on behalf of the city.

(13) *Planning commission review of wetland use permit application.* After the planning department has completed its review of a wetland use permit application as provided for in paragraph (12) of this section, said application shall be referred to the planning commission if it relates to a proposed development or activity which requires a site plan review by said commission pursuant to the terms of this chapter or a preliminary plat pursuant to chapter 47 of the City Code. A public hearing with regard to the wetland use permit application shall be held by the planning commission at the same meeting at which it considers the related site plan or preliminary plat with notice of such hearing being sent to owners of adjoining property by first-class mail which notice shall be sent at least fifteen (15) days prior to the hearing. A legal notice of the public hearing shall be published in a local newspaper not less than five (5) days nor more than fifteen (15) days prior to the public hearing. The planning commission after conducting the public hearing shall make a

recommendation to the city council with regard to whether the wetland use permit application shall be issued and relating to a favorable recommendation may suggest conditions or a mitigation plan in accordance with paragraphs (19) and (20) of this section.

(14) *City council review of wetland use permit application.* Upon receipt of the planning commission recommendation with regard to a wetland use permit application and the related site plan or preliminary plat or upon receipt of a wetland use permit application which relates to a proposed development or activity which requires a soil removal or landfill permit pursuant to chapter 46 of the City Code, the city council shall hold a public hearing with regard to the wetland use permit application at the same meeting at which it considers the related site plan, preliminary plat or soil removal or landfill permit application with notice of such hearing being sent to owners of adjoining property by first-class mail which notice shall be sent at least fifteen (15) days prior to the hearing. A legal notice of the public hearing shall be published in a local newspaper not less than five (5) days nor more than fifteen (15) days prior to the public hearing. The city council may approve, deny, or approve the wetland use permit application with conditions or in conjunction with a mitigation plan as provided for in paragraphs (19) and (20) of this section.

(15) *City planner review of wetland use permit application.* When a wetland use permit application is not related to a development or activity necessitating review and approval of a site plan, plat or a soil removal or landfill permit by the city council pursuant to the City Code, the city planner shall be responsible for granting or denying the application. Prior to his or her decision, notice of the wetland use permit application shall be sent to owners of adjoining property by first-class mail at least fifteen (15) days before the city planner makes his or her decision which notice shall indicate where and when the wetland use permit application may be examined and which shall further indicate that said owner(s) may file a written objection thereto with the planning department. The city planner may approve, deny or approve the wetland use permit application with conditions or in conjunction with a mitigation plan as provided for in paragraphs (19) and (20) of this section.

(16) *Appeal from decision of city planner.* The city shall not issue a wetland use permit approved by the city planner until ten (10) days have passed following such approval. Any person denied a wetland use permit by the city planner, or any owner of property adjoining the property upon which the activity is proposed (including property directly across public rights-of-way and easements) when a wetland use permit is approved for issuance, may appeal to the city council. An appeal must be filed with the city clerk's office, in writing, within ten (10) days of the date of the decision being appealed. Timely filing of an appeal shall have the effect of suspending the issuance of a wetland use permit pending the outcome of the appeal. The city council, upon review, shall determine, with findings, whether or not there has been compliance with the requirements and standards of this section, and based upon its findings, it may affirm, reverse or modify the decision rendered by the city planner.

(17) *Wetland use permit conditions.* Whenever the planning commission recommends issuance of a wetland use permit or the city council or city planner approves the issuance of a wetland use permit, the planning commission, the city council or the city planner shall:

(a) Attach any reasonable conditions considered necessary to insure that the intent of this section will be fulfilled, to minimize or mitigate damage or impairment to, encroachment in or interference with natural resources and processes within the protected wetlands or watercourses, or to otherwise improve or maintain the water quality. Any conditions related to wetland mitigation shall follow the provisions of paragraphs (19) and (20) of this section.

(b) Fix a reasonable time to complete the proposed activities.

(c) Require the applicant to file with the city a cash or corporate surety bond or irrevocable bank letter of credit in an amount, if any, determined necessary to insure compliance with the wetland use permit approval conditions and this section.

(d) Require that final approval of a wetland use permit application shall be contingent upon receipt of evidence by the city that required state and federal permits, if any, have been obtained by the applicant.

(18) *Wetland use permit standards and criteria.*

(a) A wetland use permit shall be approved with respect to a non-contiguous wetland less than two (2) acres in area unless the planning department determines that the wetland is essential to the preservation of the natural resources of the city. It shall not be the burden of the property owner to prove the wetland is not essential to the preservation of the natural resources of the community.

(b) All non-contiguous wetland areas of less than two (2) acres which appear on the wetlands map, or which are otherwise identified during a field inspection by the city, shall be analyzed for the purpose of determining whether such areas are essential to the preservation of the natural resources of the city. If there is to be a denial of a wetland use permit in a non-contiguous wetland area of less than two (2) acres), then, on the basis of data presented by the applicant, or supplemental data gathered by or on behalf of the city, findings shall be made in writing and given to the applicant stating the basis for the determination that such wetland is essential to preservation of the natural resources of the city. In order to make such a determination, there shall be a finding that one (1) or more of the following exist within such wetland:

1. The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in section 36505, endangers species protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
2. The site represents what is identified as a locally rare or unique ecosystem.
3. The site supports plants or animals of an identified local importance.
4. The site provides groundwater recharge documented by a public agency.
5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
6. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
7. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
8. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
10. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(c) The data which must be submitted by the applicant for purposes of making the determination whether the wetland is essential to the preservation of the natural resources of the city, the property owner shall make an election and response under subparagraph 1 or 2 below, relative to each non-contiguous wetland area less than two (2) acres.

1. In lieu of having the City of Southfield or its wetland consultant proceed with the analysis and determination, the property owner may acknowledge that one (1) or more of the criteria in subparagraphs (b-1) through (b-10) above, exist on the wetland in question, including a specification of the one or more criteria which do exist; or

2. An election to have the City of Southfield or its wetland consultant proceed with the analysis of each of the criteria in paragraphs (b-1) through (b-10) exist or do not exist in the wetland in question, including specific reasons for the conclusion in respect to each of the criteria.

(d) If the City determines that the wetland is not essential to the preservation of the natural resources of the city, the city's decision shall be so noted on the wetland map, at the time it is amended. The requested activity shall be approved subject to all other applicable laws and regulations.

(e) If the city determines the wetland is essential to the preservation of the natural resources of the city, and the city has found that one (1) or more of the criteria set forth exist on the site, the city shall notify the applicant in writing stating the reasons for determining the wetland to be essential to the preservation of the natural resources.

After determining that a wetland less than two (2) acres in size is essential to the preservation of the natural resources of the city, the wetland use permit application shall be reviewed according to the standards in paragraph (f) below.

(f) The planning commission in making a recommendation with respect to a wetland use permit application and the city council or city planner in making a determination whether to approve a wetland use permit application shall consider the following standards and criteria:

1. A wetland use permit shall be issued only if the proposed project or activity is in the public interest and is otherwise lawful in all respects.

2. In determining whether the activity is 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 activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources from pollution, impairment and/or destruction. The following general criteria shall be applied in undertaking this balancing test:

   (i) The relative extent of the public and private need for the proposed activity.

   (ii) The availability of feasible and prudent methods and alternative locations, other than the project site, to accomplish the expected benefits from the activity.

   (iii) 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 protected wetland provides.

   (iv) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

   (v) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.

   (vi) The size and quality of the protected wetland being considered.

   (vii) The amount and quality of remaining wetland in the area.

   (viii) Proximity to any waterway.

   (ix) Economic value, both public and private, of the proposed land change to the general area.

   (x) Findings of necessity for the proposed project which have been made by federal, state or local agencies.

3. A wetland use permit shall not be granted unless it is shown that: an unacceptable disruption will not result to the aquatic resources. In determining whether a disruption to the aquatic resources is unacceptable, the criteria set forth in section 30302 of the Wetlands Protection Act and section

(f) above shall be considered. A permit shall not be issued unless the applicant also shows either of the following:

(i) The proposed activity is primarily dependent upon being located in the protected wetland

(ii) A feasible and prudent alternative does not exist; and

(iii) The manner in which the activity is proposed to be undertaken will result in the minimum negative impact upon protected wetlands, watercourses, and attendant natural resources under all of the circumstances; and

(g) Following approval of the application, a wetland use permit shall be issued upon determination that all other requirements of ordinance and law have been met, including site plan, plat or land use approval is applicable, and including issuance of a permit by EGLE, if required under section 30307(4) of part 303, wetlands protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (herein the Wetlands Protection Act). In cases where an EGLE permit allows activities not permitted by the wetland use permit approval granted under this section, the restrictions of the approval granted under this section shall govern.

(19) *Consideration of proposals for wetland mitigation.* Prior to considering a proposal for wetland mitigation, the planning commission, the city council or the city planner shall make all of the following findings:

(a) That all feasible and prudent efforts have been made to avoid the loss of protected wetland.

(b) That all practical means have been considered to minimize protected wetland impacts.

(c) That it is practical to replace the protected wetland which will be unavoidably eliminated.

(d) That all alternatives for preserving protected wetlands and watercourses have been evaluated and found to be impractical, inappropriate, or ineffective.

(20) *Criteria for approving proposals for wetland mitigation.* If the planning commission, the city council or the city planner determines that it is practical to replace the protected wetlands which will be impacted, mitigation plans shall be approved only if all of the following criteria are met:

(a) That the mitigation plan provides for the substantial replacement of the predominant functional values of the protected wetland to be lost. Mitigated wetlands shall be replaced at a minimum of one and one-half (1.5) new acres of wetland to one (1) acre lost. A larger replacement ratio may be required if the lost wetlands are deemed to have exceptional value.

(b) That the mitigation plan provides for no net loss of protected wetland resources and watercourses unless the planning commission, the city council or the city planner determines that the net loss will result in a minimum negative impact upon protected wetlands, watercourses, and attendant natural resources under all of the circumstances.

(c) That the mitigation shall comply with all applicable federal, state, and local laws.

(d) That a plan to monitor preserved and replacement wetlands over a minimum of five (5) years has been specified. The plan shall include the following information:

1. Schedule and list of activities to be contracted and conducted related to the site's hydrology, including sub-surface and surface water for a period of at least five (5) years. A report and recommendation on the hydrologic conditions of the site should be submitted to the city annually.

2. Schedule and list of activities to be contracted and conducted related to the site's plant establishment and control of invasive exotic species for a period of at least five (5) years. A report and recommendation on the plant establishment of the site should be submitted to the city annually.

3. To assure that the objectives established in the mitigation plan are successful, the monitoring plan should indicate the mechanisms necessary to execute the recommendations from the annual reports and provide for additional monitoring after the five (5) year period.

(e) Wetland mitigation and monitoring plans have been made conditions of the wetland use permit and shall be the responsibility of the applicant.

(f) Financial assurances that mitigation is accomplished as specified by the permit condition may be required by the city.

(g) Any mitigation activity shall be completed before the initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the city and applicant.

(h) Wetland mitigation plans that create less than two (2) acre wetlands shall be designed and constructed to meet one (1) of the conditions listed in paragraph 18(b)(1-10).

(21) *Protection of wetlands and watercourses during and after construction.* An applicant who has received a wetland use permit under this section shall comply with the following in connection with any construction or other activity on the property for which the wetland use permit has been issued:

(a) Maintain soil erosion control structures and measures, including, but not limited to silt fences, straw bale berms, and sediment traps. The landowner shall provide for periodic inspections throughout the duration of the project.

(b) Through staking or other means acceptable to the planning department, clearly identify the locations of protected wetlands or watercourses on the project site so that such locations are visible to all construction workers. The visible identification of protected wetlands and watercourses shall be in place prior to the grading of any land or issuance of any construction permit.

(c) Assure that there is no encroachment of equipment or earth-moving activities into protected wetlands or watercourses except as provided in the wetland use permit.

(d) Prominently display at the site a copy of the wetland use permit or other evidence that a wetland use permit has been obtained. The owner shall display a copy of the wetland use permit or other certification continuously when authorized activities are conducted and for ten (10) days following completion. The owner shall allow city representatives to enter and inspect the premises at any reasonable time, and failure to allow inspections shall constitute a violation of this section.

(22) *Fees.* Applications for a wetland use permit under this section shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the city council. In addition, an applicant shall pay an additional escrow fee in an amount determined by the planning department to pay for the estimated cost of outside consultant(s) who may be retained by the city in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the city prior to the issuance of a wetland use permit. A denial of an application for a wetland use permit shall not affect the applicant's obligation to pay the escrow fee provided for in this section.

(23) *Restoration requirements for illegal wetland alteration.* In the event of a violation involving illegal alteration of a watercourse or protected wetland under this section, the city shall have the power to order complete restoration of the watercourse or protected wetland area by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the city shall have the authority to restore the affected watercourse or protected wetland to their prior condition wherever possible, and the person or agent responsible for the original violation shall be held liable to the city for the cost of restoration. Requirements and watercourse or

protected wetland restorations ordered by the city shall be coordinated with state and/or federal agency requirements and specifications for watercourse or wetland restoration.

(24) *Injunction.* Any activity conducted in violation of this section is declared to be a nuisance per se, and the city may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the protected wetland or watercourse as nearly as possible to its condition before the violation.

(25) *Stop-work order.* The city may also issue a stop-work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this section, including any conditions attached to a wetland use permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this section.

(26) *Relationship to floodplain regulations; conflict.* In the event of conflict or disparity between any provisions and regulations of this section and those contained in section 5.49 of this chapter, floodplain controls, with respect to a proposed activity which is regulated under both sections, the more stringent provision or regulation shall apply.

(27) *Property tax assessment.* If a wetland use permit is denied, a landowner may appear at the annual board of review for the purpose of seeking a re-valuation of the affected property for assessment purposes to determine its fair market value under the use restriction.

(Ord. No. 1315, 1-31-91; Ord. No. 1367, 6-9-94; Ord. No. 1734 , § 2, 4-22-21)

Sec. 5.56. Woodlands and tree preservation.

(1) *Findings.* The City of Southfield finds that rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees, woodlands and other forms of vegetation and natural resources and processes associated therewith which if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational, health and economic assets to existing and future residents of the city. Specifically, the city finds:

(a) That trees and woodlands protect public health through the absorption of air pollutants and contamination, by the reduction of excessive noise and mental and physical damage related to noise pollution, and through their cooling effect in the summer months;

(b) That trees and woodlands are an essential component of the general welfare of the city by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future city residents;

(c) That trees and woodlands play an important role in filtering waste water which passes through the ground from the surface to ground water tables and lower aquifers;

(d) That trees and woodlands, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control, and flood control;

(e) That trees and woodlands appreciably reduce the carbon dioxide content and increase the oxygen content of the air and play a vital role in purifying the air;

(f) That the protection of such natural resources is a matter of paramount public concern, as provided by article IV, section 52 of the constitution of the State of Michigan and the Michigan Environmental Protection Act of 1970, as amended MCL 691.1201 et seq.

(2) *Purposes.* The purposes of this section are:

(a) To provide for the protection, preservation, proper maintenance and use of trees and woodlands located in this city 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;

(b) To protect the trees, woodlands, and other forms of vegetation of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, ecological or historical significance;

(c) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this city.

(d) The protection of such natural resources is a matter of paramount public concern in the interest of health, safety and general welfare of the residents of the City, consistent with the Michigan Zoning Enabling Act 110, as amended, Public Acts of 2006, as amended, the State Constitution of 1963 and the Michigan Environmental Protection Act of 1970, as amended.

(3) *Definition of terms.* The following definitions shall apply in this section:

ACTIVITY: shall mean any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structure; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water, pumping or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operation.

CITY: shall mean the City of Southfield.

DEPARTMENT: shall mean the City of Southfield Planning Department.

DEVELOPMENT: shall mean man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

D.B.H.: shall mean diameter at breast height or the diameter in inches of a tree measured at four and one-half (4½) feet above the existing grade.

DIRECTOR: shall mean the City of Southfield Planning Director (also known as the city planner)

DRIP LINE: shall mean an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

GRUBBING: shall mean the effective removal of understory vegetation from a site.

LAND CLEARING: shall mean those operations where trees and vegetation are removed and which occur previous to construction or building; e.g. road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.

LANDMARK TREE: shall mean a tree of the genus and/or species and diameter listed in paragraph 13 (a) of this section, and any tree of twenty-four (24) inches D.B.H. or greater, which meet the health/condition criteria of paragraph 13(b) of this section.

PERSON: shall mean any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind conducting operations within the City of Southfield, including all tree removal companies and persons removing trees on behalf of others.

REMOVE OR REMOVAL: shall mean the act of removing a tree by digging up or cutting down, or the effective removal through damage to the tree or its root system.

TRANSPLANT: shall mean the digging up of a tree from one (1) place on a property and the planting of the same tree in another place on the same property, in accordance with city tree transplanting standards and specifications

TREE: shall mean a woody plant with an erect perennial trunk, which at maturity is thirteen (13) feet or more in height, which has a more or less definite crown of foliage.

TREE PROTECTION: shall mean protective wood or plastic snow fence or similar sturdy stock material staked with metal stakes ten (10) feet on center which will shield and protect trees, no closer than six (6) feet from the trunk or at the drip line, whichever is greater, of all such trees or group of trees.

WOODLANDS AREA: shall mean either:

(a) An area of land two (2) contiguous acres or larger which is covered by at least fifty (50) percent tree canopy from one (1) or more groups of trees which have a natural understory and the remainder of the area not within the tree canopy is covered by other natural vegetation.

(b) An area meeting the requirements of subparagraph (a) above but no less than one-half (½) but no more than two (2) acres in size and said area must meet one (1) or more of the following criteria:

1. The area acts as a major buffer for residential property.

2. The area is a significant entry landmark to a residential subdivision or other prominent public area which in its absence would have a significant negative impact on the area.

3. The area is an important greenbelt linkage between other natural areas for pedestrians, recreational activities and/or wildlife.

4. The area has high environmental value due to unusual topography, diversity of habitat, unique beauty, rare plant species or unusually large quality trees.

(4) *Woodlands map.* The city hereby incorporates into this section and makes a part hereof by reference an official map of woodlands areas showing the general location of woodlands areas in the City. Said map shall be updated at any time that new and substantial data for woodlands are available. In revising the woodlands map, the city shall satisfy the requirements of Act 207, Public Acts of 1921, as amended, relative to the amendment of zoning ordinance maps. The woodlands map shall serve as a general guide for the delineation of boundaries of woodlands areas. Field investigations to delineate the precise boundaries of woodlands areas shall be the responsibility of an applicant for a tree permit. In cases where the city needs additional information to complete a tree permit application review, the city may conduct on-site investigations of woodlands areas.

(5) *Tree permit required.* It shall be a violation of this section for any person, except as otherwise provided herein, to remove, cause to be removed, transplant or destroy a tree within the city without a tree permit issued in accordance with this section.

(a) A tree permit shall be required for the following except as otherwise exempted under paragraph (6) of this section:

1. The removal, transplanting or destruction of any tree within a woodlands area.

2. The removal, transplanting or destruction of any tree of six (6) inches D.B.H. or greater outside of a woodlands area.

3. The removal, transplanting or destruction of a landmark tree.

4. Land clearing or grubbing within a woodlands area.

(6) *Exceptions.* Notwithstanding the requirements of paragraph (5), the following activities are allowed without a tree permit, unless otherwise prohibited by statute or ordinance:

(a) On occupied property for which a valid certificate of occupancy has been issued within a woodlands area, the removal or transplanting of no greater than ten (10) percent of the total number of trees on the property of less than six (6) inches D.B.H. per calendar year.

(b) The removal or transplanting of a pear (pyrus), apple (malus), cherry (prunus), peach (prunus) or plum (prunus) tree.

(c) The removal of dead trees where the damage resulted from an accident or non-human cause.

(d) The trimming or care of trees or other woody vegetation provided that the work is accomplished in accordance with standardized forestry and horticultural practices as established by the American Association of Nurserymen or the National Arborist Association.

(e) Actions made necessary by an emergency such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation, or other man-made or natural disaster, in order to prevent injury or damage to persons or property.

(f) Tree removal in order to perform maintenance or repair of lawfully located roads, sewers, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services, provided that such roads, sewers, structures, or facilities are not materially changed or enlarged, and provided that the work is conducted using best management practices to ensure that the woodlands areas are not adversely impaired.

(g) Improvement or maintenance of the Rouge River or its tributaries when such operations are organized or sponsored by the City and are specifically intended to preserve natural resources. Such activities shall include, but not be limited to: (1) removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush, and debris; (2) bank stabilization projects which require minimal disturbance of existing conditions; and (3) wildlife and aquatic habitat improvement projects.

(7) *Application for tree permit.* Applications for a tree permit shall be filed with the department. When a site is proposed for development necessitating review and approval of a site plan, plat or any other type of permit pursuant to the City Code, said application for a tree permit shall be made at the same time as such other related application. The application for a tree permit shall consist of the following:

(a) One (1) copy of the tree permit application.

(b) A tree location survey in a form acceptable to the department which shall bear the following information and details:

1. Minimum scale of one (1) inch equals twenty (20) feet. The scale shall be the same as a related site plan.

2. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities.

3. Locations and dimensions of all setbacks and existing or proposed easements.

4. All trees of six (6) inches D.B.H. or greater on the project site shall be tagged in the field with identifying numbers, using noncorrosive metal tags.

5. Exact locations of all existing trees, determined by actual field survey, of six (6) inches D.B.H. or greater including trees within the adjoining street right-of-way, trees twenty-five (25) feet beyond the limits of the property lines including adjacent properties and all trees to be affected by the development such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, to be relocated or to be removed, shall be so designated and the numbered trees shall be identified by size (D.B.H.), grade at the base of each tree and crown spread to scale. Such verified information shall be provided by a registered land surveyor. The survey shall be accompanied by a separate key identifying the numbered trees by

size, common name/genus and condition. This information must be provided by a registered landscape architect, certified arborist or forester, through an on-site inspection, who must verify the contents by seal or signature, whichever applies.

6. If existing trees are to be relocated, the proposed location for such trees, together with a statement as to how such trees are to be moved, protected and/or stored during land clearance and construction and how they are to be maintained after construction.

7. A statement showing how trees to remain are to be protected during land clearance, construction and on a permanent basis including the proposed use of tree wells, protective barriers, tunneling or retaining walls.

8. The number of trees to be removed which are of six (6) D.B.H. or greater.

9. The requirement for a tree location survey may be waived by the department for areas fifty (50) feet or more outside the construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area shall be required. The area to remain undisturbed shall be snow fenced prior to any activity.

(c) For tracts of land ten (10) acres or larger, a tree location survey meeting the conditions of the above requirements shall be submitted with the following supplemental documentation:

1. An aerial photograph or copy thereof, of suitable quality one (1) inch equals one hundred (100) feet minimum.

(d) An on-site examination shall be made by the department in lieu of the tree location survey under any of the following conditions:

1. Where a permit is requested to remove or transplant trees on a lot which is zoned for single family purposes and upon which is located an occupied one-family dwelling; or

2. Where a permit is requested in connection with the construction of a one-family dwelling on a lot which is zoned for single family purposes and which is not located within a subdivision for which a final plat has been approved subsequent to the effective date of this section; or

3. Where a permit is required to remove three (3) or fewer trees.

(8) *Review of tree permit application.* The city shall process a tree permit application as follows:

(a) The department shall review the tree permit application to verify that all required information has been provided. At the request of the applicant or the department, an administrative meeting may be held to review the proposed application in light of the purpose and review standards of this section.

(b) Upon receipt of a complete application, the department may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received and during such review shall refer to the woodlands area map, if applicable. The receipt of a tree permit application shall constitute permission from the owner of the property to conduct such on-site investigation.

(c) If a tree permit application relates to a proposed development or activity on a site necessitating site plan review, plat approval or any other type of permit approval by the city council, the council shall consider said application concurrent with its review of the related site plan, plat or other permit approval. If council approves a site plan, plat or other permit which conforms with the requirements of this section that approval, together with any additional terms and conditions attached thereto, will be considered to have fulfilled the requirements for a tree removal permit.

(d) When a tree permit application is not related to a development or activity necessitating review and approval of a site plan, plat or other permit by the city council, the director shall be responsible for granting or denying the application. In the event the tree permit application is related to development

on property for which administrative site plan approval is required prior to his or her decision, notice of the tree permit application shall be sent by first-class mail to all property owners adjoining the property upon which the development is proposed (including property directly across rights-of-way and easements) at least fifteen (15) days before the director makes his or her decision which notice shall indicate where and when the tree permit application may be examined and which shall further indicate that said owner(s) may file a written objection thereto with the department.

(e) The city shall not issue a tree permit related to an administrative site plan approval approved by the director until ten (10) days have passed following such approval. Any person denied a tree permit by the director or any owner of property adjoining the property upon which a development is proposed (including property directly across public rights-of-way and easements) when a tree permit related to an administrative site plan approval is approved, may appeal to the city council. An appeal must be filed in the city clerk's office, in writing, within ten (10) days of the date of mailing of the decision being appealed. Timely filing of an appeal shall have the effect of suspending the issuance of a tree permit related to an administrative site plan approval pending the outcome of the appeal. The city council, upon review, shall determine, with findings, whether or not there has been compliance with the requirements and standards of this section and based upon its findings, it may affirm, reverse or modify the decision rendered by the director.

(f) Whenever an application for a tree permit is granted, the city council or the director shall:

1. Attach to the granting of the tree permit any reasonable conditions considered necessary to ensure that the intent of this section will be fulfilled.

2. Affix a reasonable time to carry out the activities approved in the permit; and

3. Require the permit grantee to file with the city a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary to ensure compliance with tree permit conditions and this section.

(9) *Applications which qualify for a mandatory tree permit.* A tree permit application shall be granted for the following:

(a) Where a permit has been requested with regard to occupied property for which a valid certificate of occupancy has been issued which is less than one (1) acre (.405 hectare) in area for the removal or transplanting of three (3) trees of six (6) inches D.B.H. or greater within a calendar year or not more than ten (10) percent of the total number of trees of six (6) inches D.B.H. or greater on the property, whichever is less. This provision shall not apply to landmark trees.

(b) Where a permit has been requested with regard to occupied property for which a valid certificate of occupancy has been issued which is one (1) acre or more in area for the removal or transplanting of eight (8) trees of six (6) inches D.B.H. or greater within a calendar year or not more than ten (10) percent of the total number of trees of six (6) inches D.B.H. or greater on the property, whichever is less. This provision shall not apply to landmark trees.

(10) *Applications which do not qualify for a mandatory tree permit.* The following standards shall govern the granting or denial of an application for a tree permit for property which does not qualify for a permit pursuant to paragraph (9):

(a) The preservation and conservation of trees, woodlands areas, similar woody vegetation, wildlife and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other site improvements.

(b) The integrity of woodlands areas shall be maintained irrespective of whether such woodlands cross property lines.

(c) Diversity of tree species shall be maintained where essential to preserving a woodlands area.

(d) Where the proposed activity consists of land clearing it shall be limited to designated street rights-of-way, drainage and utility areas, and areas necessary for the construction of buildings, structures or other site improvements.

(e) 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.

(f) The proposed activity shall comply with all applicable statutes and ordinances.

(g) The proposed activity shall include necessary provisions for tree relocation or replacement in accordance with Paragraph (12) of this Section.

(h) Tree removal or transplanting shall be limited to the following instances:

1. When removal or transplanting is necessary for the construction of a building, structure or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on-site for a proposed building, structure or other site improvement; or

2. The tree is dead, in decline, in danger of falling, is located too close to existing buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or does not conform to other city ordinances or regulations.

(11) *Tree protection prior to and during construction.*

(a) Prior to construction and/or land clearing the applicant shall do the following:

1. All trees for which application is being made for removal shall be so identified on-site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the Department. Trees selected for transplanting shall be flagged with a separate distinguishing color.

2. Construction limit fencing shall be erected which restricts access to protected areas and tree protection devices shall be installed where required over tree roots, branches and/or tree trunks. All tree protection fencing and tree protection devices shall be installed as approved by the department.

3. Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas.

(b) During construction, the applicant shall do the following:

1. Maintain all fences and tree protection devices as approved by the department and refrain from causing or permitting any activity within the drip line of any tree or group of trees including, but not limited to, the storage of equipment, supplies, excavative materials, disposal of fuels, solvents or chemicals, or causing the disturbance of any soils or vegetation within protected areas without the prior approval of the department.

2. No damaging attachments, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this section.

(c) The department shall conduct periodic inspections of the site during land clearing and/or construction in order to insure compliance with this section.

(12) *Replacement or relocation of trees.* Whenever a tree permit allows removal of trees of six (6) inches D.B.H. or greater, the permit grantee shall relocate or replace the trees, except as provided in subparagraph (e) below, on a two-to-one basis and all replacement trees must measure two and one-half (2½) inch diameter or greater measured six (6) inches above grade. In lieu thereof, the city and the permit grantee may agree to

replacement trees of varying diameters so long as the market value of said trees would approximate the value of the replacement trees which would be required in accordance with the above formula. In addition:

(a) Replacement trees shall have shade potential and other characteristics comparable to the removed trees, and shall be state department of agriculture nursery grade No. 1 or better. All replacement trees, whether nursery stock or transplanted trees must be approved by the city on the project site prior to planting and must be planted in accordance with city standards for planting and transplanting including, but not limited to, staking, mulching and watering. All nursery stock and transplanted trees shall be guaranteed for one (1) year. Arborvitae and other bush-like vegetation may only be used to satisfy up to twenty-five (25) percent of all required replacements and must meet all other replacement criteria, including height requirements as reviewed and approved by the director. In addition, for replacement purposes, four (4) Arborvitae will be required to meet one (1) tree replacement.

(b) The city shall approve tree relocation or replacement locations in order to provide optimum enhancement, preservation and protection of woodlands areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.

(c) Where it is not feasible and desirable to relocate or replace trees on-site, relocation or replacement may be made at another approved location in the City.

(d) Where it is not feasible and desirable to relocate or replace trees on-site or at another approved location in the city, the tree permit grantee shall pay into the city tree fund, which fund is hereby created, an amount of money approximating the current market value of the replacement trees that would otherwise be required. The city shall use the city tree fund for the purpose of maintaining and preserving wooded areas, for planting and maintaining trees within the city and for expenses related to the administration and enforcement of this section.

(e) Replacement trees shall not be required for a tree which is removed pursuant to a tree permit granted pursuant to either paragraph (9) or for a reason described in paragraph 10(h)(2) of this section.

(13) *Landmark trees.* All trees within the city of twenty-four (24) inches D.B.H. or greater and all trees listed below by genus and/or species and minimum size D.B.H. shall be considered landmark trees if they also meet the health/condition criteria of subparagraph (b) below:

(a) [Landmark trees:]

Common Name	Botanical Name	Size D.B.H.
Arborvitae	Thuja	18"
Beech	Fagus	18"
Birch	Beula	18"*
Black Gum	Nyssa Sylvatica	12"
Blue Beech	Carpinus Caroliniana	8"
Cedar, Red	Juniperus Virginiana	12"
Chestnut	Castanea	10"
Crabapple	Malus	12"
Dogwood	Cornus	8"
Douglas Fir	Pseudotsuga Menziesii	18"
Fir	Abies	18"
Gingko	Ginkgo	18"
Hawthorn	Crataegus	12"
Hemlock	Tsuga	18"
Hickory	Carya	18"
Hornbeam	Ostrya	8"
Horsechestnut/Buckeye	Aesculus Glabra Carnea	18"

Kentucky Coffeetree	Gymnocladus Dioicus	8"
Larch/Tamarack	Larix	12"
London Plane/Sycamore	Platanus	18"
Magnolia	Magnolia	8"
Maple, Red	Acer Rubrum	18"
Maple, Norway	Acer Platanoides	18"
Pine	Pinus	18"
Redbud	Cercis Canadensis	8"
Sassafras	Sassafras albidum	15"
Serviceberry	Amelanchier	8"
Spruce	Picea	18"
Sweetgum	Liquidambar styraciflua	16"
Tulip Tree	Liriodendron tulipifera	18"
Walnut	Juglans	20"
Wild Cherry	Prunus	18"
Witch Hazel	Hamamelis virginiana	8"

* If a birch tree has multiple trunks, then its total D.B.H. shall be computed by adding the D.B.H. in inches of each of the trunks.

(b) In order to be considered a landmark tree, in addition to the above requirements, said tree shall also have a score of sixteen (16) or higher as determined by the department in accordance with the following health/condition criteria:

CHART

FACTOR	RANKING		
	5 or 4	3 or 2	1
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow
Growth Rate	More than 6" twig elongation	2"—6" twig elongation	Less than 2" twig elongation
Structure	Sound	one major or several minor limbs dead	2 or more major limbs dead
Insects/Diseases	No pests present	One pest present	2 or more pests present
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced/lacking a full crown
Life Expectancy	Over 30 years	15—20 years	Less than 5 years

(c) When landmark trees are permitted to be removed, in addition to compliance with the provisions of paragraph (12), replacement trees shall be provided to a minimum of thirty (30) percent of D.B.H. of the tree to be removed. Replacement trees, measured in D.B.H. or calipers, shall be provided either individually or on an accumulative basis to meet the thirty (30) percent D.B.H. requirement, however, if on an accumulative basis, all individual trees shall measure at least two and one-half (2½) inch diameter.

(14) *Fees.* Applications for a tree permit under this section shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the city council. In addition, an applicant may be required to pay an additional escrow fee in an amount determined by the department to pay for the estimated cost of any needed outside consultant(s) who may be retained by the city in connection with the review of the application. In the event the cost of the services of the consultant(s)

is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the city prior to the issuance of a tree permit. A denial of an application for a tree permit shall not affect the applicant's obligation to pay the escrow fee provided for in this section.

(15) *Fee for illegally removed trees.* In addition to any penalty provided for in the event of a conviction for a violation of this section, and notwithstanding whether or not the city has commenced a civil suit for injunctive relief, any person who removes or causes any tree to be removed except in accordance with this section shall forfeit and pay to the city a civil fee equal to the total value of trees illegally removed or damaged, as computed from the International Society of Arboriculture shade tree value formula. The fee shall accrue to the city, and, if necessary, the city may file a civil action to recover the fee. The city shall place any sum collected in the city tree fund. Alternatively, the city may require replacement of illegally removed or damaged trees as restitution in lieu of the fee. Replacement will be on an inch-to-inch basis computed by adding the total diameter measured at D.B.H. in inches of the illegally removed or damaged trees. The city may use other reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. The city may also require a combination of fee payment and tree replacement.

(16) *Injunction.* Any activity conducted in violation of this section is declared to be a nuisance per se, and the city may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation.

(17) *Stop-work order.* The city may also issue a stop-work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this section, including any conditions attached to a tree permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this section.

(18) *Approved site plans and plats.* This section shall not apply to a site plan or plat which has received final approval prior to the effective date of this section so long as the site plan or plat remains in effect and in good standing pursuant to this chapter.

(19) *Variance for hardship.* The city council may grant a variance from the provisions of this Section when undue hardship may result from strict compliance thereof.

(a) In granting any variance, the city council shall prescribe conditions that it deems necessary or desirable for the public interest and in furtherance of the intent of this section.

(b) No variance shall be granted unless the city council finds:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this section would deprive the applicant of the reasonable use of his or her land;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right by the applicant;

3. That the variance will further the objectives and policies of this section and chapter and the City Code.

(20) No person shall have the right to plant any variety of Poplar trees, Willows, Box Elders, Silver Maples, Tree of Heaven, Horse Chestnut, Buckeye, or other quick-growing trees shall be planted in such locations where their roots are likely to injure sewers or heave walk or street surfaces.

(21) *Replacement trees.* Minimum replacement sizes shall be as follows:

2.5—3 inches caliper for shade trees

1.75—2 inches caliper for ornamental trees

7—8 foot height for evergreen trees

(Ord. No. 1324, 8-26-91; Ord. No. 1734 , § 2, 4-22-21)

Sec. 5.57. Outdoor nonaccessory temporary retail sales.

(1) Nonaccessory temporary retail sales may be conducted outside of a permanent building in all zoning districts except that in a single-family residence zoning district such sales are permitted only if a permanent nonresidential use is situated on the property.

(2) Notwithstanding section 5.221 of this chapter, nonaccessory temporary retail sales, with the exception of sales conducted by a church, mosque, synagogue or school, may be conducted outside of a permanent building in the above zoning districts only after receipt of special use approval from the director of the department of building and safety engineering. A petitioner shall submit to the director an application, site plan, and such other information as the director shall request to assist in the review of the request. Prior to a decision, the public hearing and notice requirements, as provided for in MCL 125.584(a), shall be complied with. The requested use shall only be approved by the director of the department of building and safety engineering when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(a) *Standards:*

(i) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(ii) The proposed use is of such character and the vehicular traffic generated will not have an adverse affect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(iii) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse affects resulting from noise, dust, dirt, glare, odor, or fumes.

(iv) The location, size, intensity, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby uses.

(v) The proposed use will not be adverse to the promotion of the health, safety, and welfare of the community.

(b) *Conditions:*

(i) Parking requirements shall be determined in accordance with section 5.30, of this chapter; and, if the area for parking serves another use or uses, the requirement shall be met only from parking spaces available in excess of parking requirements for the other use(s).

(ii) The parking area shall be designed and constructed in accordance with the requirements of section 5.31, of this chapter.

(iii) The use shall be set back at least fifty (50) feet (15.25 meters) from all lot lines.

(iv) All areas providing a temporary use, including but not limited to: sales areas, aisles and passageways, parking, entrances and exits, shall be accessible as required under Act No. 1 of the Public Acts of 1966, as amended, being MCL 125.1351 et seq.

(Ord. No. 1405, 5-11-97; Ord. No. 1528, 2-16-06)

Sec. 5.58. Wireless communication facilities.

A. *Purpose and intent.* It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the city to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities.
2. Establish predetermined districts of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.
5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
6. Promote the public health, safety, and welfare.
7. Provide for adequate information about plans for wireless communication facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas, and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
10. The city council finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.

B. *Definitions.* The following definitions shall apply in the interpretation of this section:

1. *Wireless communication facilities* shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

2. *Attached wireless communication facilities* shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

3. *Wireless communication support structures* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

4. *Collocation* shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

5. *Planning official* shall mean the Southfield City Planner.

6. *City* shall mean the City of Southfield.

7. *Small cell wireless facility* shall mean the definition as found in the Small Wireless Communications Facilities Deployment Act, Act 365 of 2018; a wireless facility that meets both of the following requirements:

    a. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet

    b. All other equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

C. *Authorization.*

1. Subject to the standards and conditions set forth in subparagraph D.1., below, wireless communication facilities shall be permitted uses in the following circumstances:

    a. *Circumstances creating permitted use treatment.* In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use:

        (1) An existing structure which will serve as an attached wireless communication facility, except within a single-family residential zoning district, where the existing structure is not, in the discretion of the planning official, proposed to be either materially altered or materially changed in appearance.

        (2) A proposed collocation upon an attached wireless communication facility which had been preapproved for such collocation as part of an earlier approval by the city.

(3) An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the planning official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

2. Subject to the standards and conditions set forth below, wireless communication facilities shall be authorized as special land uses within all zoning districts except for single family residential and television-radio-office-studio districts.

3. If it is demonstrated by an applicant that a wireless communication facility may not reasonably be established as a permitted use under paragraph 1, above, and is required to be established outside of a district identified in paragraph 2, above, in order to operate a wireless communication service, then, wireless communication facilities may be permitted elsewhere in the city as a special land use, subject to the criteria and standards of subsections D and F, below.

D. *General regulations.*

1. *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions; and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the city council in its discretion:

a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

b. Facilities shall be located and designed to be harmonious with the surrounding areas.

c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

e. Applicants shall demonstrate why a site or sites recommended by the City are not appropriate.

f. The following additional standards shall be met:

(1) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

(2) The minimum setback of the proposed, new, or modified support structure and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. If the support structure is proposed to be located in a zoning district which has no setback requirements and is part of a site containing two (2) or more zoning districts, the setback requirement of the most restrictive district shall apply. (See paragraph E.3, below).

(3) There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities;

the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(4) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

(5) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

(6) The city council shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction; reduce visibility; maximize aesthetic appearance; and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

(7) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

(8) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.

(9) Small cell facilities proposed within the following areas shall conform with the styles and color schemes associated with that area as indicated on the city subareas design standards and branding guidelines, as amended[3]:

a. Centrepolis.

b. Historic districts.

c. National historic neighborhoods.

d. Southfield City Centre.

e. Southfield Downtown Development Authority.

2. *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which may be approved as special land uses under subparagraphs 2 or 3 of paragraph C, above, shall be reviewed; and if approved, constructed, and maintained, in accordance

[3]Note(s)—The maps may reflect certain design requirements for particular districts identified in these maps and the city reserves the right over time and with greater actual experience with installation management, to require further particularized installation design schemes consistent with the adjacent area in each district. These potential design requirements could include but not be limited to color, height, size, separation, camouflaging, construction materials and pole capacity to place all wireless equipment inside the pole itself.

with the standards and conditions in subparagraph D.1, and in accordance with the following standards (also see paragraph F for special land uses under subparagraph 3 of paragraph C):

a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:

(1) Proximity to an interstate or major thoroughfare.

(2) Areas of population concentration.

(3) Concentration of commercial, industrial, and/or other business centers.

(4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

(5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(6) Other specifically identified reason(s) creating facility need.

b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

c. The proposal shall be processed in accordance with section 5.221 of this chapter.

E. *Application requirements.*

1. A site plan prepared in accordance with section 5.22 of this chapter shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping. Site plans shall be approved pursuant to the procedure set forth in this chapter for the particular zoning district in which the facility is proposed to be located.

2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) case; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the city attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the city in securing removal.

5. The application shall include a map showing existing and known proposed wireless communication facilities within the city, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the city in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and

to the extent the information in question is on file with the city, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy, MCL 15.243(1)(g). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the city.

6. The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

7. Applications, in addition to the applicable non-refundable, administrative application fee, shall be accompanied by an escrow fee in an amount determined by the planning department to pay for the estimated cost of outside consultant(s) who may be retained by the city in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the city prior to the issuance of a permit. A denial of an application for a permit shall not affect the applicant's obligation to pay the deficiency.

F. *Special requirements for facilities proposed to be situated outside district.* For facilities which are not permitted uses under paragraph C.I., above, and proposed to be located outside of a district identified in C.2., above, an application shall be reviewed; and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in paragraph D.

1. At the time of the submittal, the applicant shall demonstrate that a location within the district cannot reasonably meet the coverage and/or capacity needs of the applicant.

2. Wireless communications facilities shall be of a design as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the city.

3. In single family, residential districts, site locations shall be permitted on the following sites only subject to application of all other standards contained in this section:

   a. Municipally owned site.

   b. Other governmentally owned site.

   c. Religious or other institutional site.

   d. Public park.

   e. Public or private school site.

G. *Collocation.*

1. *Statement of policy:* It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the city, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in paragraph A of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonable anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City that all users should

collocate on attached wireless communication facilities and wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph A of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent, and purpose of the city. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the city.

2. *Feasibility of collocation:* Collocation shall be deemed to be feasible for purposes of this section where all of the following are met:

    a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

    b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

    c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

    d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the city, taking into consideration the several standards contained in parts D and F of this section, above.

3. *Requirements for collocation:*

    a. A special land use permit for the construction and use of a new wireless

    b. communication facility shall not be granted unless and until the applicant

    c. demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

    d. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

    e. The policy of the city is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.

4. *Incentive:* Review of an application for collocation, and review of an application for a permit for use of a facility permitted under paragraph C.1.a., above, shall be expedited by the city.

H. *Removal.*

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

    a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

b. Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.

2. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.

3. Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the planning official.

4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected, and/or enforced from or under the security posted at the time application was made for establishing the facility.

(Ord. No. 1419, 5-28-98; Ord. No. 1461, 5-29-01; Ord. No. 1614 , § 1, 9-8-13; Ord. No. 1734 , § 2, 4-22-21)

Sec. 5.59. Comprehensive master plan procedure.

In the event the city desires to adopt a master plan or amend an existing plan (collectively referred to as "plan"), it shall be adopted, pursuant to the following procedure:

(1) The plan shall be prepared by the planning department ("department"). The department may develop the plan with the assistance of a professional consultant if approved by the city council ("council"). The process used to obtain and review information for the plan and for its final formulation shall be reviewed by the council. Upon completion, the plan shall be submitted to the planning commission ("commission") for review.

(2) The commission shall hold a public hearing on the proposed plan. The commission shall give notice of the time and place of the public hearing, not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation in the city. The commission shall thereafter make a recommendation to the council with regard to the plan, but the council may act on the plan without the recommendation if it is not received within ninety (90) days after submission of the plan to the commission.

(3) Upon receipt of the commission's recommendation or in the absence of a recommendation after the expiration of ninety (90) days from the time the plan was submitted to the commission, the council shall hold a public hearing on the proposed plan. The council shall give notice of the time and place of the public hearing, not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation in the city. The council shall thereafter approve, approve with modifications, or reject the plan.

(4) At least every five (5) years after adoption of a plan, the council shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan, pursuant to this section.

(Ord. No. 1543, 1-16-07)

Sec. 5.60. Reserved.

Sec. 5.60-D. Reserved for rainwater harvesting systems.

A. Identify opportunities where water can be reused for irrigation or used for indoor greywater reuse. From this, calculate the water need for the intended uses. For example, if a two thousand (2,000) square feet landscaped area requires irrigation for four (4) months in the summer at a rate of one (1) inch per week; the designer must determine how much water will be needed to achieve this goal, and how often the storage unit will be refilled via precipitation. The usage requirements and the expected rainfall volume and frequency must be determined.

B. Rain barrels and cisterns should be positioned to receive rooftop runoff.

C. Provide for the use or release of stored water between storm events in order for the necessary stormwater storage volume to be available.

D. If cisterns are used to supplement greywater needs, a parallel conveyance system must be installed to separate reused stormwater or greywater from other potable water piping systems. Do not connect to domestic or commercial potable water systems.

E. Household water demands must be considered when sizing a system to supplement residential greywater.

F. Pipes or storage units must be clearly marked "Caution: reclaimed water, do not drink".

G. Screens must be used to filter debris from storage units.

H. Protect storage elements from direct sunlight by positioning and landscaping. Limit light into devices to minimize algae growth.

I. The proximity to building foundations must be considered from overflow conditions. Overflow discharge must be a minimum of ten (10) feet from building foundation.

J. Climate is an important consideration. Capture/reuse systems must be disconnected and emptied during winter to prevent freezing.

K. Cisterns must be watertight (joints sealed with nontoxic waterproof material) with a smooth interior surface, and capable of receiving water from rainwater harvesting system.

L. Covers and lids must have a tight fit to keep out surface water, animals, dust and light.

M. Positive outlet for overflow must be provided a few inches from the top of the cistern.

N. Observation risers must be at least six (6) inches above grade for buried cisterns.

O. Reuse may require pressurization. To add pressure, a pump, pressure tank and fine mesh filter can be used which adds to the cost of the system, but creates a more usable system.

P. Rain barrels require a release mechanism in order to drain empty between storm events. Connect a soaker hose to slowly release stored water to a landscaped area.

(Ord. No. 1678 , § 2, 7-6-17)

Sec. 5.60-E. Marihuana establishments prohibited.

1 Purpose and findings.

A. *The Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.*27951, et seq., and more specifically section 6(1) thereof, MCL 333.27956(1), authorizes municipalities to prohibit marihuana establishments within their boundaries by adoption of an ordinance. Adoption of such ordinance does not preclude a municipality from further studying and revisiting the issue at a future date.

B. *Prohibition of marihuana establishments.*

1. *Definitions.* Words used in this Section shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

2. *Prohibition.* Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., all marihuana establishments are prohibited within the boundaries of the city.

3. *Penalty.* A person who violates this section shall be responsible for a municipal civil infraction punishable as set forth in chapter 15, section 1.703 of this Code. Such sanctions shall be in addition to the rights of the city to proceed at law or equity with other appropriate and proper remedies, including, but not limited to, the right to seek injunctive relief against persons alleged to be in violation of this chapter, and such other relief as may be provided by law. Additionally, the violator shall pay all costs, including all direct and indirect expenses that the city incurs in connection with the municipal civil infraction. Each day during which any violation continues shall be deemed a separate offense.

(Ord. No. 1708 , § 1, 9-5-19)

ARTICLE 5. SINGLE-FAMILY RESIDENCE DISTRICTS (R A, R 1, R 2, R 3, R 4, R E)

Sec. 5.61. Intent.

These residential districts are intended to provide areas in the city for single-family dwellings as permitted uses and residentially related uses subject to special approval. The districts are designed to encourage the continued use of land for single-family dwellings and discourage any land use which would create excessive or unsafe traffic on local streets.

The R A District is intended to apply only to those areas where the existing lots are platted at less than the minimum lot size of the R 1 District or where the existing character of development in the immediate vicinity is less than the minimum lot size of the R 1 District and that the legislative body does find that an unreasonable hardship would be created for the property owners to develop in accordance with the existing zoning district regulations.

The R E District is intended to apply to those areas where the existing development clearly meets the requirements of this district and that any future reduction of those development standards would have a serious adverse effect upon the surrounding neighborhood and would reduce the existing character of such residential area to the detriment of the community.

There are certain special land uses that may be permitted after a finding by the planning commission and city council subject to the specific standards as enumerated in article 5 of this chapter.

The regulations in this article shall apply to all R A, R 1, R 2, R 3, R 4, and RE Districts.

(Ord. No. 1446, 8-5-99)

Sec. 5.62. Uses permitted.

In all single-family residence districts, no building or structure or part thereof shall be erected, altered, or used, or land used, in whole or in part, except as otherwise provided in this chapter except for one (1) or more of the following specified uses:

(1) One family dwellings.

(2) Farms and buildings erected, altered or moved onto farms which shall conform to all provisions of this chapter.

(3) Accessory buildings or uses customarily incidental to any of the above permitted uses; one (1) private garage for each residential lot, shall be considered a legal accessory use. Not more than one (1) of each of the following shall be allowed to be stored, placed, or kept on the property: boat, domestic trailer, commercial vehicle or recreational vehicle. A boat, domestic trailer, commercial vehicle or recreational vehicle which does not exceed twenty (20) feet (6.1 meters) in length may be kept, placed or stored in the rear yard of the property or within a private garage; however, if any length thereof exceeds twenty (20) feet (6.1 meters) such boat, domestic trailer, commercial vehicle or recreational vehicle must be kept, place or stored fully within a private garage. "Commercial motor vehicle" means a motor vehicle used in commerce or business to transport passengers or property. However, if any commercial vehicle is being used as a daily mode of transportation for an occupant of the residence, and does not exceed twenty (20) feet (6.1 meters) in length, it may be temporarily parked (not exceeding seventy-two (72) hours) in the driveway of the residential structure while not in use.

(Ord. No. 1446, 8-5-99; Ord. No. 1588 , § 2, 12-25-11; Ord. No. 1648 , § 2, 12-27-15)

Sec. 5.62A. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(A) The residential character of the area shall be maintained.

(B) The subject property is so located as not to hinder the natural and presumed residential development of the area, nor negatively impact, existing woodlands and wetlands as defined by the city's adopted woodlands and wetlands map and ordinance of article 4, general provisions.

(C) The subject property will act as a buffer or transitional area between a residential development and a nonresidential development.

(D) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate there from which might be adverse to occupants of any other nearby permitted uses.

(E) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(F) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(G) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(H) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

(2) *Uses.*

(1) Public and private schools offering courses in general education and not operated for profit.

(2) Publicly owned buildings and buildings located on publicly owned land.

(A) General or professional office uses (operated for profit or not for profit) within publicly owned buildings may be considered ancillary uses, conditional upon the following:

i. The provisions as set forth within this section do not supersede and must comply with all pertinent requirements of section 5.53 historic districts, article 4, if applicable to the property

ii. Parking shall be required in accordance with article 4, section 5.30 off-street parking requirements.

iii. Outside storage shall be prohibited.

iv. Hours of operation limited to 8:00 a.m. To 8:00 p.m.

v. All activities shall be held inside the building.

vi. On-site barrier-free spaces and access aisles are to be asphalt or concrete. Balance of parking areas and driveways are to be gravel in a form acceptable to the city engineering department. Parking areas are to be clearly demarcated with signs or bumper blocks.

vii. Subject to all other ordinance requirements pertaining to pedestrian circulation, ADA requirements, landscaping, storm water management, etc.

(B) Bed and breakfasts ("B&B") within publicly owned buildings or located on publicly owned land shall comply with the following:

i. The provisions as set forth within this section do not supersede and must comply with all pertinent requirements of section 5.53 historic districts, article 4, if applicable to the property.

ii. The owner of the property, or their designee, is required to live in the B&B and to provide guest services, including, but not limited to:

1. Front desk/communication.

2. Maid/cleaning service.

3. Breakfast after overnight lodging.

iii. The number of rooms available for overnight lodging by guests is limited to five (5).

iv. Overnight guests must have access to a bathroom.

v. Breakfast prepared in the dwelling's kitchen is to be provided in the morning following an overnight stay as part of compensated guest services.

vi. Breakfast at the B&B must not be advertised to the general public as a restaurant.

(3) Parks and nature preserves.

(4) Community buildings, country clubs, fraternal lodges, or similar civic or social clubs.

(5) Recreational areas which are predominately open uses of land with indoor facilities no larger in gross floor area than twenty-five (25) percent of the ground area occupied by the outdoor recreational facilities. Outdoor recreational facilities in this section shall include swimming pools and adjoining decks, tennis courts, shuffleboard courts, handball courts, baseball fields, soccer fields, golf courses, driving ranges, picnic grounds and other areas that are designated to be used for specified recreational activities.

(6) Indoor recreational facilities, including, but not limited to, hockey, soccer, lacrosse, tennis, racquetball, squash and gymnasiums for basketball and volleyball which may or may not be operated for profit.

(7) Churches, synagogues, mosques, cemeteries.

(A) Emergency shelters for the homeless and soup kitchens may be considered ancillary uses conditional upon the following:

i. Shelter and/or meal service for seven (7) or more recipients is limited to two (2) weeks maximum in any one (1) calendar year.

ii. Shelter and/or meal service for seven (7) or more recipients is limited to one (1) week at a time throughout the calendar year.

iii. Limitations on duration for six (6) or fewer recipients of shelter and/or meal service at a time do not apply.

(8) Group child care homes.

(9) Small event venues.

(A) Maximum building size of three-thousand (3,000) square feet on first floor.

(B) One (1) acre minimum of land area required.

(C) Maximum building height is thirty (30) feet.

(D) Must be located on a major thoroughfare.

(E) Parking shall be required in accordance with article 4, section 5.30 off-street parking requirements.

(F) Outside storage shall be prohibited.

(G) Hours of operation limited to 10:00 a.m. to midnight.

(H) All activities shall be held inside the building.

(I) Building setback shall be a minimum of thirty (30) feet from all property lines.

(J) A six (6) foot tall residential fence or unpierced masonry wall shall be provided on all sides adjacent to residential districts.

(K) Driveway approach must be of a material acceptable to the City of Southfield, Michigan Department of Transportation or Road Commission for Oakland County.

(L) On-site barrier-free spaces and access aisles are to be asphalt or concrete. Balance of parking areas and driveways are to be gravel in a form acceptable to the city engineering department. Parking areas are to be clearly demarcated with signs or bumper blocks.

(M) Subject to all other ordinance requirements pertaining to pedestrian circulation, ADA requirements, landscaping, storm water management, etc.

(Ord. No. 1446, 8-5-99; Ord. No. 1588 , § 2, 12-25-11; Ord. No. 1654 , § 4, 3-20-16; Ord. No. 1702 , § 2, 5-30-19; Ord. No. 1727 , § 1, 9-10-20)

Sec. 5.62B. Required conditions.

(1) Animals, including fowl, other than pets shall be housed in accessory buildings. No building or buildings shall be used or built for the housing of animals or fowl, other than pets, on the front half of any lot nor nearer

than one hundred seventy-five (175) feet (53.375 meters) to any adjoining dwelling nor nearer than fifty (50) feet (15.25 meters) to the dwelling of the owner thereof and, provided further, that no animals which are or shall be in any way noisy, obnoxious, unwholesome, destructive, dangerous, or offensive shall be kept, harbored or housed in any section of the city.

(2) The owner shall not permit any animal or fowl owned by him or in his possession or control, to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof.

(3) It shall be the duty of the owner or person in possession or control of any animal or fowl, other than such animals or fowl as are commonly housed in a human dwelling as household pets, to provide, construct and maintain fencing devices reasonably designed or adapted to effectively exclude such animal or fowl from the area within five (5) feet (1.525 meters) of the property line of the owner of the animal or fowl.

(4) Indoor recreational facilities, churches, synagogues, mosques, cemeteries, country clubs, fraternal bodies or similar civic or social clubs, shall comply with the following:

(A) The depth of the front and of the rear yards and the width of each side yard shall not be less than fifty (50) feet (15.25 meters).

(B) At least fifty (50) percent of the above yard setback shall be in landscaping.

(C) The subject property must be located on a major thoroughfare, with direct access to the thoroughfare.

(D) An unpierced masonry wall shall be provided on all sides adjacent to residential districts.

(5) Picnic grounds, miniature golf courses, golf driving ranges, golf courses, shall comply with the following:

(A) The subject property must be located on a major thoroughfare, with direct access to the thoroughfare.

(6) Group child care homes shall comply with the following:

(a) Only the care provider and his/her immediate family shall reside in the home.

(b) For each child, a child care home shall have a minimum of thirty-five (35) square feet of indoor activity space for use, exclusive of all of the following:

- Hallways
- Bathrooms
- Storage areas and cloak rooms
- Kitchens
- Reception and office areas
- Non-habitable basement space

(c) Adequate outdoor play area (minimum of one thousand two hundred (1,200) square feet) shall be provided on the subject property or located within five hundred (500) feet of the subject property at a public park or at other outdoor facilities, which are accessible by public walkway.

(d) All outdoor play areas, on subject property, shall be located in the rear or side yards only and shall be enclosed with a completely obscuring decorative masonry wall or ornamental fence six (6) feet in height.

(e) Children (not related to the care provider) shall not be dropped off or picked up between the hours of 10:00 p.m. and 6:00 a.m.

(f) There shall be no signs for the child care home.

(g) The appearance and maintenance of the property is consistent with the visible character of the neighborhood.

(Ord. No. 1229, 4-6-87; Ord. No. 1446, 8-5-99; Ord. No. 1588 , § 2, 12-25-11)

Sec. 5.63. Front yard.

In all residence districts, there shall be a front yard on every lot, the minimum depth shall be as set forth in the "schedule of regulations" in article 22.

Sec. 5.64. Side yard.

In all residence districts, there shall be a side yard on each side of every lot, the minimum width of side yards shall be as set forth in the "schedule of regulations" in article 22, except that in no instance shall any side yard abutting a street be less than twenty-five (25) feet (7.625 meters) in width.

Sec. 5.65. Rear yard.

In all residence districts, there shall be a rear yard on every lot, the minimum depth shall be as set forth in the "schedule of regulations" in article 22, except that for residential buildings with attached garages, the minimum depth of the rear yard shall not be less than twenty-five (25) feet (7.625 meters).

Where a rear yard on a lot abuts a street (such lot is commonly known as a thru lot), the minimum depth of such rear yard shall be equal to the minimum front yard requirement for the lots fronting on said street within the same frontage block.

Sec. 5.66. Area and size of buildings.

In all residence districts, the minimum usable floor area and the maximum percent of the area of a lot that one (1) family dwellings, together with accessory buildings, may occupy shall be as set forth in the "schedule of regulations" in article 22.

Sec. 5.67. Height.

In all residence districts, the maximum height of buildings shall be regulated by the "schedule of regulations" in article 22.

Sec. 5.68. Lot area.

In all residence districts, the minimum required lot area shall be as set forth in the "schedule of regulations" in article 22, and further:

(1) All areas of developed single-family property that are not covered by buildings and hard-surfaced areas such as driveways, patios, swimming pools, tennis courts, and other permitted outdoor activity areas, shall be landscaped as defined in article 2, section 5.7, paragraph (1), and further, not less than sixty-five (65) percent of all front and side yards shall be landscaped.

(2) The parking of motor vehicles shall not be permitted on any front or side yard landscaped area.

(Ord. No. 1321, 7-18-91)

Sec. 5.69. Accessory buildings and structures.

One (1) or more accessory buildings, including one (1) detached garage, shall be permitted in all single-family residence districts provided that:

(1) Such buildings comply with the height and setback limitations of the zoning code.

(2) The total sum of the gross floor area of all accessory buildings on any assessment tax parcel shall not exceed the smaller of either ten (10) percent of the land area of the assessment tax parcel, or the gross area of the first story or ground floor of the principal building or use to which the accessory building relates.

(3) No portion of any accessory building shall be within three (3) feet (0.915 meters) of a side or of a rear property line.

(4) Where a rear yard abuts a street (such lot being commonly known as a thru lot), accessory buildings shall not occupy any of the minimum required rear yard space.

(5) On a corner lot, accessory buildings shall not occupy any of the minimum required side yard area abutting a street nor any of that portion of the rear yard nearer to the street than the width of said yard required on such lot and abutting on such street.

Accessory transmitting and/or receiving towers, antenna or satellite dish antennas shall not be located in any front yard or any required side yard as regulated by article 2, definitions, section 5.9 (T—Z). On a corner lot, any such accessory structures shall not occupy any of the side yard abutting upon a street. Guy wires or any other structural supports shall not encroach upon any right-of-way, adjoining property, easements, or yard areas abutting a street.

The maximum height of any accessory transmitting and/or receiving tower or antenna shall not exceed seventy-five (75) feet (22.875 meters) from grade.

Satellite dish antennas shall be approved by the department of building and safety engineering prior to issuance of a building permit and shall not exceed an overall diameter of twelve (12) feet (3.66 meters) or an overall height of fifteen (15) feet (4.575 meters) above existing grade and shall be permanently ground-mounted.

(Ord. No. 1229, 4-6-87)

Sec. 5.70. Single-family cluster option.

The intent of this section is to permit the development of single-family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas. Realizing the increased public importance of protecting woods and parks in their natural state, special attention will be given to the creation of private garden areas, public sitting areas, tot lots, and park areas. Prime locations for the use of this option will be those areas where natural features would be destroyed due to the mass grading resulting from the conventional subdividing of property. To accomplish this, modifications to the single-family residential standards, as outlined in article 22, schedule of regulations, shall be permitted.

(1) The city council may, after recommendation from the planning commission, approve the clustering and/or attaching of single-family dwelling units on parcels of land under single ownership and control when, in the opinion of the city council, such development would have advantages over development under the normal subdivision approach.

In approving an area for cluster development, at least one (1) of the following conditions shall exist as it relates to the subject property:

(a) The property is of such a depth and/or width to make normal subdivision platting difficult.

(b) The parcel is shaped in such a way that it contains acute angles which would make a normal subdivision difficult to achieve.

(c) The parcel contains a floodplain or poor soil conditions which results in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the planning commission in order to substantiate the parcel's qualification for cluster development.

(d) The parcel contains natural assets which could be preserved through the use of cluster development. Such assets may include the natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which should be preserved.

(e) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. The elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the city could be impossible unless the site were mass graded.

(f) The parcel has at least one (1) lot line which abuts a nonsingle-family residential zoning district or a permanent nonresidential use.

(g) The parcel is in an area which has been designated by the city council, after a report and recommendation from the planning commission, as a residential conservation area. For purposes of this chapter, residential conservation areas are defined as areas of sound structures but with some scattered dilapidation and poor maintenance. The majority of the structures can be economically rehabilitated into sound residential structures.

(h) The parcel is situated such that the cluster option will allow flexibility in design and placement of open space for increased insulation and protection for the residential units from adjacent freeways or other major thoroughfares.

(i) A request for the cluster option shall not be approved when:

1. In the opinion of the city council the proposal would be contrary to the health, safety and general welfare of the developed and established residential areas in the immediate vicinity; or

2. The request would be contrary to the purpose of the cluster option which is to maintain important natural areas, topography and improving the open space characteristics of a given area; or

3. The request is not consistent with the goal of revitalizing residential conservation areas into sound and stable residential areas and improving the health, safety, and welfare of residential areas.

(2) In areas meeting the above criteria, the minimum yard setbacks and minimum lot sizes per unit as required by article 22, schedule of regulations, may be waived and the attaching of dwelling units may be permitted subject to the following:

(a) The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one (1) or more of the following:

1. Through a common party wall which does not have over thirty (30) percent of the plan view overlap of any wall in common with an abutting dwelling wall.

2. By means of an architectural wall which does not form interior room space.

3. Through a common party wall in only the garage portion of the abutting structure.

(b) No other common party wall relationship is permitted and the number of units attached in the above manner shall not exceed four (4).

(c) In a cluster development, the maximum density permitted shall be determined by the following regulations:

Zone District	Land Area Per Unit
R A	9,000 Sq. Ft.
R 1	11,000 Sq. Ft.
R 2	11,000 Sq. Ft.
R 3	11,000 Sq. Ft.
R 4	11,000 Sq. Ft.
R E	20,000 Sq. Ft.

(d) The minimum floor area per unit shall be determined by the respective zoning district in which the development is located and as listed in article 22, schedule of regulations.

(e) Yard requirements shall be provided as follows:

1. No building shall be less than fifty (50) feet (15.25 meters) from a perimeter lot line; all other yard requirements shall be determined and controlled by the site plan.

2. Off-street parking spaces shall not be permitted within a minimum yard abutting a public street.

(3) The procedure for preparation and submittal of a plan under this section shall be as follows:

(a) Ten (10) copies of a preliminary plan of the cluster development with a written application shall be submitted to the planning department.

(b) The preliminary plan should be drawn to scale and show the arrangement of dwelling units, streets, and open space. Dimensions of these elements shall be shown but may be approximated. It is the intent of this section that the preliminary plan be done in sufficient detail to permit planning review and yet not require precisely engineered plans. At this stage, the planning commission shall have the authority to require alterations to be made in the plan if this is found necessary to comply with the intent of this section.

(c) The preliminary plan shall include:

1. An overall map showing the relationship of the property to its surroundings within one-half (½) mile (0.8045 kilometers) such as section lines and/or major and secondary streets.

2. Property and lot lines and public and private streets of adjacent tracts of subdivided and unsubdivided property within two hundred (200) feet (61 meters) of the proposed plan.

3. Location of existing sewers, water mains, storm drains and other underground facilities within or immediately adjacent to the proposed property.

4. Topography drawn at two-foot (0.61 meters) contour intervals, preliminary landscaping plans, and all computations relative to acreage and density.

To the extent possible, all the natural features of the property such as large trees, natural groves, watercourses and similar assets that will add attractiveness and value to the

property and will promote the health and welfare of the community shall be preserved. The preservation of drainage and natural stream channels must be maintained by the proprietor and the provision of adequate easements, where appropriate, shall be required.

5. At least two (2) trees per unit shall be provided within the area, related to the respective units. Said trees shall have at least three-inch (7.62 centimeters) caliper measured one (1) foot (0.305 meters) above the ground.

6. Sidewalks shall be required on all public rights-of-way and in any area the planning commission or city council deems necessary to insure pedestrian movement and safety.

The planning commission and/or city council may request typical building elevations and floor plans and any other details which assist in reviewing the proposed plan.

(d) Site plans submitted under the option shall be accompanied by written statements regarding the following:

1. The proposed manner of holding title to the open land.

2. The proposed manner of payment of taxes.

3. The proposed method of regulating the use of the open land and the persons or corporations responsible for maintenance.

4. The proposed method of financing the maintenance and development of the property.

(e) Upon receipt of all the necessary material and plans, the planning commission shall review all details of the proposed plan within the framework of the zoning ordinance, within the various elements of the master plan, and within the intent of this section.

(f) After the review of the preliminary plan, the proprietor may be requested to submit detailed plans showing detailed building location, final topography, landscaping, driveways and parking and any other items which the commission deems necessary for their final review.

(4) The planning commission shall not act upon the request until notices by registered or certified mail have been sent to the proprietor and to the owners of land immediately adjoining the proposed plan. Said notices shall include the time and place of the commission meeting and shall be sent not less than five (5) days before the date fixed therefor. In addition, not less than fifteen (15) days notice of the time and place of such public hearing shall be published in the official newspaper of the city.

(5) If the planning commission is satisfied that the proposal meets the spirit and intent of the zoning ordinance, it shall give tentative approval with the conditions upon which such approval should be based. If the planning commission is not satisfied that the proposal meets the spirit and intent of the zoning ordinance or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record reasons therefor in the minutes of the planning commission meeting. If the proposal has been approved by the planning commission, the city clerk shall place the matter upon the agenda of the city council. If disapproved, the applicant shall be entitled to a hearing before the city council if he requests one (1) in writing within thirty (30) days after action by the planning commission.

The city council shall not act upon the request until notices by registered or certified mail have been sent to the proprietor and to the owners of land immediately adjoining the proposed plan. Said notices shall include the time and place of the council meeting and shall be sent not less than five (5) days before the date fixed therefor. In addition, not less than fifteen (15) days notice of the time and place of such public hearing shall be published in the official newspaper of the city.

(6) If the city council approves the site plan, they shall instruct the city attorney to review deed restrictions setting forth the conditions upon which such approval is based. The restrictions, after approval by the

city council, shall be binding upon the property and the prospective purchasers. Said restrictions shall include, but not be limited to:

(a) A severance clause for noncompliance with the approved plan.

(b) A specified time period for development. Failure to begin construction within twelve (12) months of approval of the city council shall make the approval null and void unless the extension is requested, in writing, by the applicant and the request is granted by the city council.

(c) A provision which will guarantee the completion of the proposed improvements to the open land within a time to be set by the city council.

(Ord. No. 1266, 2-27-89)

ARTICLE 5-A. MOBILE HOME PARK DISTRICT (RMH)

Sec. 5.70-1. Intent.

The Mobile Home Park District (RMH) is intended to apply only to large, vacant, unplatted areas and will serve as zones of transition between more intensive land uses such as office or commercial and other residential districts or permanent nonresidential uses. The Mobile Home Park District is further provided to allow an alternate form of housing that provides the flexibility of moving living units from place to place.

Sec. 5.70-2. Site plan review.

No mobile home shall be placed on a site in a Mobile Home Park District (RMH) unless a site plan therefor has been approved by the city council. The city council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the planning commission within sixty (60) days after it has been requested by the council. In addition to general considerations of health, safety and welfare, the city council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided to a major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety except:

(a) Ingress and egress driveways may be permitted to other than a major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveways and all property abutting such street between the driveways and a major thoroughfare or freeway service drive is zoned for multiple-family use, any nonresidential uses, or is developed with permanent uses other than single-family residences. This exception shall only apply if the council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

Sec. 5.70-3. Uses permitted.

(1) One-family mobile home.

(2) Double-wide, one-family mobile home.

(3) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(4) Automobile parking spaces to be provided, as required in sections 5.30 and 5.31, which may be located in carports or garages adjacent to, or in close proximity to, the units they are intended to serve.

Sec. 5.70-4. Area and bulk regulations.

It is the purpose and intent of this article to establish site design and construction standards for mobile home parks insuring that the arrangement of mobile homes provides adequate light, air, convenience of access, safety, essential utilities and recreational facilities and other open spaces.

(1) *Minimum site size.* The minimum site size for development purposes of a Mobile Home Park District is twenty-five (25) acres (10.125 hectares).

(2) *Density.* The maximum density shall be limited by the requirement of a minimum of seven thousand five hundred (7,500) square feet (697.5 square meters) of land area per mobile home, exclusive of the area of internal minor and collector streets.

(3) *Minimum floor area.* The minimum floor area for any mobile home to be utilized for residential purposes shall be not less than one thousand (1,000) square feet (93 square meters).

(4) *Circulation.* The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead-end streets shall be provided with an adequate vehicular turning circle at least ninety (90) feet (27.45 meters) in diameter. A minor street shall be not less than twenty-seven (27) feet (8.235 meters) wide, measured between curb faces, and a collector street shall be not less than thirty-three (33) feet (10.065 meters), measured between curb faces.

(5) *Setbacks.* All mobile homes and any accessory buildings shall maintain a 50-foot (15.25 meters) setback to any boundary line of the development to adequately protect the residential use of the development.

(6) *Spacing between mobile homes.* Mobile home sites shall be so arranged so as to provide a minimum distance of not less than twenty-five (25) feet (7.625 meters) between any unit or attached appendage to the main unit. The minimum distance between the roadway which provides circulation to the site and the unit shall be not less than twenty-five (25) feet (7.625 meters).

(7) *Mobile home stands.* Each mobile home must be situated on a series of concrete piers arranged in accordance with the following diagram. The concrete piers shall be not less than sixteen (16) inches (40.64 centimeters) in diameter, not less than forty-two (42) inches (106.68 centimeters) deep, and shall have a maximum footing load of fifteen (15) pounds (6.804 kilograms) per square inch (6.451 square centimeters).

Each mobile home shall be located on the stands and supported with masonry blocks or jacks, shall have the wheels removed, shall be connected to utilities, and be provided with skirting from the bottom of the walls of the mobile home to the ground which shall consist of face brick or aluminum siding and shall provide an uninterrupted screening device around the mobile home.

(8) *Anchorage and tie downs*. Every space for mobile homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Anchorage may be by eyelets imbedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift based upon the size and weight of the units and as detailed in the BOCA Code.

(9) *Open space.* Each mobile home shall be provided with an outdoor living and service area. Such area should be improved and landscaped as necessary to assure reasonable privacy and comfort. The minimum area should not be less than three hundred (300) square feet (27.9 square meters) with a least dimension of fifteen (15) feet (4.575 meters).

In addition to the above, there shall be provided at least three hundred (300) square feet (27.9 square meters) of open space and recreation space for each mobile home and shall be developed in clusters located uniformly throughout the site. At least one (1) such area in each mobile home park shall be of

such size and shape that a minimum 100-foot square (9.3 meters square) may be laid out within it and be substantially flat, without trees, bushes or other obstructions, and maintained as lawn and is suitable for active forms of recreation. Streets, driveways and parking areas are not to be included in calculating the size of the recreation area.

(10) *Utilities.* All utilities are to be located underground. In addition, an underground master television antenna system must be provided for each mobile home park for the use of each unit; exterior antennas shall not be permitted on individual mobile homes.

(11) *Sidewalks.* Sidewalks, at least five (5) feet (1.525 meters) wide, shall be provided adjacent to all drives and streets that provide vehicular circulation through the mobile home park. Sidewalks shall be located on both sides of the drives and streets.

(12) *Refuse collection facilities.* Refuse containers, having a capacity of one (1) cubic yard (0.765 cubic meters) for each four (4) mobile homes, shall be provided in a location where vehicular and pedestrian access is convenient, must be located on Portland cement concrete stands, and shall be surrounded, except on the driveway side, by a brick faced masonry wall at least six (6) feet (one and eighty-three hundredths meters) high.

(13) *Boat and camper storage.* The storage of boats, snowmobiles, all terrain vehicles, trailers and non-motorized campers shall be permitted only in an area designated for such storage and shall not be permitted on any mobile home space.

(14) *Community building.* Each mobile home park development shall contain a community building of sufficient size to accommodate laundry facilities, indoor recreational facilities, and room for community gatherings to service the residents of the mobile home park.

(15) *Project improvements.* Each mobile home park development shall comply with the requirements and regulations of chapter 48, subdivision and project improvements, of the City Code.

(16) *Fire safety requirements.* Each mobile home, regardless of age, shall be equipped with approved smoke detection and alarm systems in addition to an approved portable fire extinguisher suitable for handling incipient fires to the home.

(17) *Storage sheds.* Storage sheds may be permitted as accessory buildings. No outdoor storage shall be permitted by any mobile home park or committed by any occupant, including the storage of anything underneath any mobile home.

(18) *Walls.* A six-foot (one and eighty-three hundredths meters) high brick faced, solid masonry wall shall be required wherever parking areas are adjacent to single-family residentially zoned property as determined by the city council at the time of site plan review.

(19) *Signs.* Permitted signs are limited to directional, speed limit, street address and street name signs.

(Ord. No. 1338, 6-8-92)

Sec. 5.70-5. Fees.

Fees charged for the site planning review of requests under the provisions of this section shall be in the amount of three hundred fifty dollars ($350.00) plus two dollars ($2.00) per mobile home. This fee is necessary and reasonably related to the expense incurred in processing such requests and shall be paid at the time of presenting the site plan to the planning department.

(Ord. of 4-1-91)

ARTICLE 6. ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT (R-T)

Sec. 5.71. Intent.

The Attached Single-Family Residential District (R-T) is intended to permit and to relate the type, design, and layout of attached and detached single-family residential development to the particular site in a manner consistent with the preservation of the property values in established residential areas. This district is also intended to encourage a more efficient and more desirable use of land.

This district is specifically intended to prohibit multiple-family buildings where entry to individual dwelling units is from an interior common area, to require that units be separated from any abutting dwelling unit by a party wall extending up from the ground the full height of the building, and to require each dwelling unit to have direct access from outdoors from at least the front and rear or side of the unit.

Sec. 5.72. Site plan review.

No building, structure or land shall be erected or used in an Attached Single-Family Residential District (R-T) unless the site plan therefor has been approved by the city council. The city council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is not received from the planning commission within sixty (60) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided to a secondary thoroughfare, major thoroughfare, or freeway service drive and that a proper relationship exists between the secondary thoroughfare, major thoroughfare, and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, except:

   (a) Ingress and egress driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is zoned for multiple-family use, any nonresidential uses, or is developed with permanent uses other than single-family residences. This exception shall only apply if the council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety or that the property will be a transitional zone between a single-family zoning district and a nonresidential district.

   (b) All the development features including the principal building and any accessory buildings, open spaces, service roads, driveways and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

Sec. 5.73. Principal uses permitted.

(1) One-family attached dwellings (townhouses) with not less than three (3) attached units.

(2) Accessory buildings and uses customarily incidental to any of the above-permitted uses.

(3) The entire area of the site shall be treated to service the residents of the development and any accessory buildings, uses or services shall be developed solely for the use of the residents. Uses considered herein as accessory uses include: swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

Sec. 5.74. Other uses.

The city council may, after a recommendation from the planning commission, permit one-family detached dwellings and one-family attached dwellings of less than three (3) attached units when they are found to be:

(1) Reasonably necessary or convenient for the satisfactory and efficient development of a complete townhouse district, and

(2) Necessary for the creation of an effective density development, and

(3) Necessary for the extension of a single-family character in a single-family residential area.

Sec. 5.75. Density control.

Dwelling units per acre shall be determined by the required land area in square feet per number of bedrooms as follows:

(1) One-bedroom unit - Three thousand, six hundred thirty (3,630) square feet (twelve (12) dwelling units per acre)

(2) Two-bedroom unit - Four thousand, three hundred fifty (4,350) square feet (ten (10) dwelling units per acre)

(3) Three-bedroom unit - Five thousand, four hundred, forty-five (5,445) square feet (eight (8) dwelling units per acre)

(4) Four-bedroom unit - Seven thousand, two hundred, sixty (7,260) square feet (six (6) dwelling units per acre)

(Ord. No. 1642 , § 1, 7-19-15)

Sec. 5.76. Area and bulk regulations.

(1) See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the permitted development area and provides minimum setback requirements.

(2) No building shall be less than thirty (30) feet (9.15 meters) from a perimeter lot line; all other yard requirements shall be determined and controlled by the site plan.

(3) No building or structure within one hundred fifty (150) feet (45.75 meters) of a perimeter lot line shall exceed twenty-five (25) feet (7.625 meters) or two (2) stories in height. All other buildings shall not exceed thirty-five (35) feet (10.675 meters) or three (3) stories in height.

(4) Automobile parking spaces are to be provided as required in section 5.30.

(5) Provide a minimum of four hundred (400) square feet (37.2 square meters) of landscaped open space adjacent to each unit.

(6) Attached single-family units shall not exceed two hundred fifty (250) feet (76.25 meters) in total length.

(7) Dwelling units may be attached by other than side walls when the attachment does not exceed eighty (80) percent of the plan view overlap of any wall in common with an abutting dwelling unit or attached garage.

(Ord. No. 1539, 10-10-06)

Sec. 5.77. Walls.

A six-foot (one and eighty-three hundredths meters) high solid masonry wall of similar material as the principal buildings may be required wherever parking areas are adjacent to single-family residentially zoned property.

Sec. 5.78. Conditions.

When approving a site plan for an attached single family residential development, the city council shall prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of an attached single family residential site plan which are as follows:

(1) The development is compatible with the future land use plan as recommended by the planning commission.

(2) The development is an effective and unified treatment of the development possibilities of the subject property.

(3) The development will harmonize and be compatible with any existing or proposed development in the area surrounding the subject property.

(4) Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

The violation of any conditions so imposed shall constitute a violation of this chapter.

(Ord. No. 1678 , § 3, 7-6-17)

Secs. 5.79, 5.80. Reserved.

ARTICLE 7. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS-LOW RISE (RM)

Sec. 5.81. Intent.

The Multiple-Family Residential Districts (Low Rise) are designed to provide sites for multiple-family dwelling structures which will generally serve as zones of transition between commercial districts and the lower density single-family districts. The multiple-family dwelling district is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, single-family community.

Sec. 5.82. Site plan review.

In an RM, Multiple-Family Residential District, no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this chapter. No building, structure or land shall be erected or used in an RM, Multiple-Family Residential District unless the site plan therefor has been approved by the city council. The city council shall not approve the site plan until it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is

not received from the planning commission within thirty (30) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided only to a secondary thoroughfare, major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety except:

(a) Ingress and egress driveways may be permitted to other than a secondary thoroughfare, major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveways and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple-family use, any nonresidential uses, or is developed with permanent uses other than single-family residences. This exception shall only apply if the council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety or that the property will be a transitional zone between a single-family zoning district and a nonresidential district.

(2) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent properties.

(3) The traffic engineer shall submit to the planning commission and city council a report regarding the improvements in the public right-of-way which are necessary for the satisfactory operation of contiguous roadways.

(4) To the extent possible, all the natural features of the property such as large trees, natural groves, watercourses, and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved.

Such review of the site plan is required to minimize the possibility of any adverse effects upon adjacent properties and, furthermore, to find proper relationships between the following development features as they relate to traffic safety: service roads, driveways, parking areas, accessory buildings and uses, and open spaces.

Sec. 5.83. Uses permitted.

(1) All principal uses permitted in single-family residence districts with all the requirements equal to at least the requirement of the most restrictive immediately abutting residential district or, if there is none, the requirements of the least restrictive residential district shall apply. Provided that single-family structures shall not require site plan review and approval.

(2) Two-family dwellings.

(3) Multiple-family dwellings not in excess of two (2) stories.

(A) The site shall be so developed as to create a land-to-building ratio on the lot or parcel in accordance with the following schedule:

1. One-bedroom unit - Two thousand, two hundred ninety (2,290) square feet of land area (nineteen (19) dwelling units per acre)

2. Two-bedroom unit - Two thousand, seven hundred twenty (2,720) square feet of land area (sixteen (16) dwelling units per acre)

3. Three-bedroom unit - Three thousand, three hundred fifty (3,350) square feet of land area (thirteen (13) dwelling units per acre)

4. Four-bedroom unit - Three thousand, nine hundred sixty (3,960) square feet of land area (eleven (11) dwelling units per acre)

(4) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(5) Automobile parking space to be provided as required in section 5.30.

(Ord. No. 1642 , § 2, 7-19-15)

Sec. 5.84. Uses permitted subject to special approval.

The following use (uses) may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed:

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the multiple family residential district—low rise.

(b) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(c) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(d) Failure to begin construction within twelve (12) months of approval of the city council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the city council.

(e) In approving a special use, the city council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this section.

(2) *Uses.*

(a) Housing for the elderly upon review and report from the city housing commission concerning the suitability and appropriateness so as to not isolate the development either socially or physically from the balance of the community; in relation to accessibility to convenience services such as shopping, banking, health care, community facilities, and transportation. In addition, the housing commission shall review and report on the design of the project and the amenities of the project such as, but not limited to, recreational, social and other support facilities and further that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen, and private bath and toilet and each unit shall contain not less than five hundred twenty-five (525) square feet (48.825 square meters) for a one-bedroom unit and seven hundred (700) square feet (65.1 square meters) for a two-bedroom unit except that not more than twenty-five (25) percent of the units may be of an efficiency type of not less than four hundred twenty-five (425) square feet (39.525 square meters). The floor area shall be measured from the interior faces of all walls. This requirement of unit sizes for housing for the elderly has been established to reflect economy as well as efficiency recognizing the absence of children, the lack of need for large entertaining areas within units, and the provision of common areas located within the project.

2. Parking shall be established per section 5.30, off-street parking requirements assisted living/elderly. The city council may permit the reduction of parking spaces provided in a landscaped parking bank which will allow the conversion of landscaped areas into additional

parking at the request of the planning department. Such landscaped parking banks shall not be computed in minimum landscape requirements. All required parking shall be ten (10) feet (3.05 meters) in width, center to center, and twenty (20) feet (6.1 meters) in length with a minimum aisle width of twenty-two (22) feet (6.71 meters).

3. The site shall be so developed as to create a land-to-building ratio on the lot or parcel in accordance with the following schedule:

Stories	Required Land Area Per Unit	Density DU/Acre (0.405 Hectares)
2	1,500 sq. ft. (139.50 sq. m.)	29.0

4. The owner shall file with the Oakland County Register of Deeds a covenant, approved as to form by the city attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than housing for the elderly unless the use complies with all requirements of the zoning ordinance. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

(Ord. No. 1641 , §2, 5-31-15)

Sec. 5.85. Use restrictions.

All dwelling units shall have at least one (1) living room and one (1) bedroom, except as provided in section 5.84, paragraph (2), subparagraph (a)1., housing for the elderly.

All dwelling units shall contain not less than two (2) rooms of not less than eighty (80) square feet (7.44 square meters) each, not including kitchen or sanitary facilities, except that not more than ninety (90) percent of the units may be of the one (1) bedroom type.

Sec. 5.86. Area and bulk regulations.

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22 except that carports or garages may be located within fifty (50) feet (15.25 meters) of a side or rear property line where such lot line abuts a multiple-family zoning district or a nonresidential zoning district.

Sec. 5.87. Building distance formula.

In all Multiple-Residence Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings.

The formula regulating the required minimum distance between two (2) buildings (referred to as building "A" and building "B") is described in section 5.97.

Sec. 5.88. Landscaping.

Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1678 , § 4, 7-6-17)

Secs. 5.89—5.90. Reserved.

ARTICLE 8. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS—MEDIUM RISE (RMM) AND HIGH RISE (RMU)

Sec. 5.91. Intent.

The Multiple-Family Residential Districts (Medium Rise) are designed to provide sites for medium-density multiple-dwelling structures adjacent to secondary and major thoroughfares and freeway service drives. This district is designed to provide a zone of transition between secondary and major thoroughfares and/or more intensive uses of land such as high rise office or high rise multiple-family uses and the less intensive uses of land such as low rise multiple-family uses and/or single-family residential. This district is further designed to provide a zone of medium height limitation which may be more desirable than the RMU (High Rise) District which permits unlimited height and could be detrimental to established areas.

The Multiple-Family Residential Districts (High Rise) are designed to provide sites for high-density multiple-dwelling structures adjacent to high traffic generators commonly found in the proximity of Regional Shopping Centers and areas abutting major thoroughfares and expressways. This district is further provided to serve the residential needs of persons desiring the apartment-type of accommodation with central services as opposed to the residential patterns found in the one (1) family residential and RM, Multiple-Family Residential Districts. This district is further designed so as to provide a zone of transition between these major thoroughfares and high traffic generators and other residential districts through more open space.

Sec. 5.92. Site plan review.

In an RMM or RMU Multiple-Family Residential District, no building, structure or land shall be erected or used in an RMM or RMU Multiple-Family Residential District unless the site plan therefor has been approved by the city council. The city council shall not approve the site plan until it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided only to a major thoroughfare or freeway service drive except that the RMM District may have ingress and egress to a secondary thoroughfare, and that a proper relationship exists between the thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, except:

   (a) Ingress and egress driveways may be permitted to other than a major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple-family use, any nonresidential uses, or is developed with permanent uses other than single-family residences. This exception shall only apply if the council finds that there are special circumstances which indicate that there will be a transitional zone between a single-family zoning district and a nonresidential district.

(2) Such review of the site plan is required to minimize the possibility of any adverse effects upon adjacent properties and furthermore, to find proper relationships between the following development features

as they relate to traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and open spaces.

(3) The traffic engineer shall submit to the planning commission and city council, a report regarding the improvements in the public rights-of-way which are necessary for the satisfactory operation of contiguous roadways.

Sec. 5.93. Uses permitted.

(1) Multiple-family dwellings in structures between three (3) and six (6) stories within the RMM Medium Rise District, and seven (7) stories to unlimited in height, providing yard requirements are satisfied within the RMU High Rise District.

(2) Retail and service uses clearly accessory to the principal use and in accordance with section 5.95, paragraph (3).

(3) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(Ord. No. 1432, 1-14-99)

Sec. 5.94. Uses permitted subject to special approval.

The following use (uses) may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the multiple family residential districts - medium rise (RMM) and high rise (RMU).

(b) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(c) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(d) Failure to begin construction within twelve (12) months of approval of the city council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the city council.

(e) In approving a special use, the city council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this section.

(2) *Uses.*

(a) Housing for the elderly upon review and report from the Southfield Housing Commission concerning the suitability and appropriateness so as to not isolate the development either socially or physically from the balance of the community; in relation to accessibility to convenience services such as shopping, banking, health care, community facilities, and transportation. In addition, the housing commission shall review and report on the design of the

project and the amenities of the project (such as, but not limited to, recreational, social and other support facilities) and further that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen, and private bath and toilet and each unit shall contain not less than five hundred and twenty-five (525) square feet (48.825 square meters) for a one (1) bedroom unit and seven hundred (700) square feet (65.1 square meters) for a two (2) bedroom unit except that not more than twenty-five (25) percent of the units may be of an efficiency type of not less than four hundred and twenty-five (425) square feet (39.525 square meters). The floor area shall be measured from the interior faces of all walls. This requirement of unit sizes for housing for the elderly has been established to reflect economy as well as efficiency recognizing the absence of children, the lack of need for large entertaining areas within units, and the provisions of common areas located within the project.
2. Parking shall be established per section 5.30, off-street parking requirements assisted living/elderly. The city council may permit the reduction of parking spaces installed not to exceed fifty (50) percent which may be provided in a landscaped parking bank which will allow the conversion of landscaped areas into additional parking at the request of the planning department. Such landscaped parking banks shall not be computed in minimum landscape requirements. All required parking shall be ten (10) feet (3.05 meters) in width, center to center, and twenty (20) feet (6.1 meters) in length with a minimum aisle width of twenty-two (22) feet (6.71 meters).
3. The site shall be so developed as to create a land-to-building ratio on the lot or parcel in accordance with the following schedule:

Stories	Required Land Area Per Unit (Square Feet)	Density DU/Acre (0.405 Hectares)
6 or more	800 (74.4 sq. m.)	54.5
5	900 (83.7 sq. m.)	48.4
4	1,000 (93.0 sq. m.)	43.6
3	1,100 (102.3 sq. m.)	39.6

4. The owner shall file with the Oakland County Register of Deeds a covenant, approved as to form by the city attorney, in which said owner shall covenant on behalf of himself, his heirs, executors and assigns not to use the property for any other use than housing for the elderly unless the use complies with all requirements of the zoning ordinance. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

(b) Urban town homes or row style housing is defined as attached, two to three-story residential units designed with the appearance of an individual unit with the main entrance fronting a public right-of-way or private road. To accomplish this effect, modifications are allowed from the area and bulk regulations of the RMM or RMU district, as stated in sections 5.95, 5.96 and 5.97, article 8 and section 5.193, article 22. Approval is subject to the following standards and conditions:

1. The proposed development shall have at least one (1) property line abutting a major thoroughfare and no further than ¼ of a mile from established retail uses.
2. The building facades visible from all exterior property lines shall be constructed to be compatible with the adjoining land uses.
3. There shall be a minimum of one (1) garaged parking space per residential unit which shall be attached to or within the residential unit.

4. The required number of parking spaces per unit shall be defined under article 4, general provisions, section 5.30 off-street parking provisions.

5. The unit density shall not exceed twenty-two (22) dwelling units per acre.

6. Minimum floor area shall be determined by the following schedule:

1 bedroom	800 sq. ft. (74.4 sq. m.)
2 bedroom	1,000 sq. ft. (93.0 sq. m.)
3 bedroom	1,100 sq. ft. (102.3 sq. m.)
4 bedroom	1,300 sq. ft. (120.9 sq. m.)

Minimum floor area is the area of the unit measured from the outside faces of exterior walls to the center of interior walls of the unit. Included within the minimum floor area computation may be private balconies or private patios having a minimum dimension of five (5) feet (1.525 meters) and a minimum area of forty (40) square feet (3.72 square meters) with a maximum allowable area for computing minimum floor area not to exceed ten (10) percent of the unit size.

7. Not less than fifteen (15) percent of the total gross site shall be developed in landscaping or public open space. As a part of the required landscaped area, a minimum of two and one half (2.5) percent of the site shall be provided in a private park site for the benefit of the residents of the development. The park may be developed with recreational uses, such as swimming pools, cabanas, gazebos, play structures, and other similar uses.

8. Internal streets shall be constructed in accordance with city engineering standards and are intended to encourage on-street parking.

9. Internal sidewalks five (5) feet wide shall be provided to connect residential units for pedestrian access.

10. All buildings shall be set back not less than tewnty (20) feet from all peripheral property lines. Further, no front or side of any building shall be located closer than twenty (20) feet from the edge of pavement of any public or private street. Within the required twenty-foot building setback, the entire area, exclusive of sidewalks, driveways and porches, shall be in landscaping.

11. There shall be a minimum of ten (10) feet of landscaped area along all peripheral property lines.

12. Building separation shall be a minimum of sixty two (62) feet face to face and rear to rear with twenty (20) feet face to end, and fifteen (15) feet side to side.

13. Building height shall not exceed three (3) stories or thirty six (36) feet in height and shall be measured in accordance with the standards under article 2 definitions, section 5.3 definitions (a-b).

14. Building length and grouping. No building shall exceed ten (10) units and stacked units shall not exceed twenty (20) units and further no building shall exceed two hundred fifty (250) feet in total length.

15. Condominium documents, if any, must be reviewed by the planning department, building department and city attorney's office to determine compliance with City Codes and ordinances.

16. On street parking for the residential units is encouraged.

17. Storm water management measures shall be designed in accordance with the city storm water management plan, as applicable, and the stormwater management plan for the site.

18. No mechanical equipment shall be located in front of the homes. If mechanical equipment is located within a side yard, the equipment must be screened. Air conditioning units shall be incorporated within the design of the building, wherever possible.

19. These requirements are applicable only for urban town homes or row style housing under subsection (b).

(Ord. No. 1462, 6-17-01; Ord. No. 1641 , § 3, 5-31-15; Ord. No. 1678 , § 5, 7-6-17)

Sec. 5.95. Use restrictions.

(1) The proposed development area for any RMU use shall have one (1) property line abutting a major thoroughfare or expressway service drive. The site shall be planned so as to provide ingress and egress only to said thoroughfare or expressway service drive.

(2) All units shall have at least one (1) living room and one (1) bedroom except that ten (10) percent of the dwelling units in a multiple-family building may be of an efficiency type.

(3) Any business uses on the site shall be developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. Such business uses shall not exceed twenty-five (25) percent of the floor area at grade level or fifty (50) percent of the floor area of a sub-grade level and shall be prohibited on all floors above the first floor, or grade level.

(4) The entire area of the site shall be treated to service the residents of the apartment and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include: swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

(Ord. No. 1339, 6-8-92)

Sec. 5.96. Area and bulk regulations.

See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the permitted development area and provides minimum yard setback requirements in the RMM and RMU Districts.

It is the intent of this schedule to incorporate a sliding scale density provision which will prevent high density developments in low profile and low rise buildings which will provide a good living atmosphere and environment by controlling the open space in relationship to the dwelling units.

The distance between buildings on the same lot is regulated by the building distance formula and where, because of the building arrangement, the formula is not applicable, the minimum distance between buildings shall be thirty (30) feet (9.15 meters).

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22 except that: carports or garages may be located within fifty (50) feet (15.25 meters) of a side or rear property line where such lot line abuts a multiple-family zoning district or a nonresidential zoning district.

Sec. 5.97. Building distance formula.

In all Multiple-Residence Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings.

The formula regulating the required minimum distance between two (2) buildings (referred to as building "A" and building "B") is as follows:

S =

WHERE

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

HA = Height of building A

The height of building A at any given level is the height above natural grade level of any portion of portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB = Height of building B

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

Sec. 5.98. Landscaping.

Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1678 , § 5, 7-6-17)

Secs. 5.99, 5.100. Reserved.

ARTICLE 9. OFFICE-SERVICE DISTRICT (O-S)

Sec. 5.101. Intent.

The office-service district (O-S) is designed to accommodate various types of office uses performing administrative, professional and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares and/or commercial districts and the less intensive uses of land such as single-family residential.

This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short-term parking and traffic from the general public except as provided in section 5.104.

This district is also intended to provide ancillary facilities and uses which will service the occupants of, and be in harmony with, the appropriate and orderly development of the office-service district.

Sec. 5.102. Site plan review.

No building, structure or land shall be erected or used in an office-service district (O-S) unless a site plan therefor has been approved by the city council. The city council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the planning commission, but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple-family district or any nonresidential district, or is developed with permanent uses which are other than single-family residences. This exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

(Ord. No. 1046, 1-5-81)

Sec. 5.103. Uses permitted.

In an O-S, office-service, district no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this chapter:

(1) Executive, administrative and professional offices.

(2) Medical offices, including clinics and medical laboratories, and medical marihuana safety compliance centers (see article 4section 5.22-7 for requirements).

(3) Facilities for human care, such as hospitals, sanitariums, convalescent and nursing homes.

(4) Banks and similar financial institutions.

(5) Libraries and government office buildings and public utility offices, but not including storage yards or post offices.

(6) Private social or fraternal clubs or lodges.

(7) Churches and related facilities.

(a) Emergency shelters for the homeless and soup kitchens may be considered ancillary uses conditional upon the following:

i. Shelter and/or meal service for seven (7) or more recipients is limited to two (2) weeks maximum in any one calendar year.

ii. Shelter and/or meal service for seven (7) or more recipients is limited to one (1) week at a time throughout the calendar year.

iii. Limitations on duration for six (6) or fewer recipients of shelter and/or meal service at a time do not apply.

(8) Public or private schools or colleges for general or vocational education.

(9) Nursery schools.

(10) Photographic studios and interior decorating studios.

(11) Funeral homes.

(12) Establishments which perform personal services on the premises such as: beauty parlors and barber shops.

(13) Veterinary clinics and hospitals provided all activities are conducted within a totally and permanently enclosed building.

(14) Accessory buildings or uses customarily incidental to any of the above permitted uses.

(Ord. No. 1654 , § 5, 3-20-16; Ord. No. 1709 , § 7, 10-3-19)

Sec. 5.104. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use or uses may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the office-service district.

(b) The location, size, and intensity of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The request for a use requiring special approval shall be accompanied by a site plan indicating the treatment of the subject property, the adjacent uses and properties, and the relationship of the building and site to adjoining thoroughfares.

(g) Failure to begin construction within eighteen (18) months of approval of the city council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the city council.

(h) In approving a special use, the city council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this section.

(i) In the event of a protest to a proposed special use duly signed by the owners of twenty (20) percent or more of the combined area of land included within an area extending outward one hundred (100) feet (30.5 meters) from any point of the boundary, including one hundred (100) feet (30.5 meters) of the property directly across any street right-of-way measured from the property lines extended, a two-thirds concurring vote of the city council shall be required.

(2) *Uses.*

(a) Pharmacies and prescription centers when located in, or near, medical offices, medical clinics, hospitals, convalescent or nursing homes or similar facilities.

(b) Private or public athletic clubs or health spas when conducted within a completely enclosed building.

(c) Office and drafting supplies.

(d) Reproduction and duplicating facilities and other complementary office services, but not a print shop.

(e) Office warehousing when storage or warehousing of goods or products does not exceed sixty (60) percent of the usable area and further provided that:

1. No manufacturing or production of goods or materials is conducted on the premises.

2. Loading zones are not on any street frontage and are adequately obscured and screened from any residentially zoned property. Loading and unloading shall be restricted to normal business hours.

3. The parking of trucks, truck trailers, vans or cars incidental to the use shall not exceed a period of twenty-four (24) hours.

4. The outdoor storage or display of goods or materials is prohibited.

5. The retail sales on a "cash and carry" basis of goods is prohibited.

6. The minimum site size shall be three (3) acres (1.215 hectares).

(f) Buildings in excess of two (2) stories or twenty-five (25) feet (7.625 meters), but not in excess of three (3) stories or thirty-five (35) feet (10.675 meters), provided that:

1. The minimum site size shall be three (3) acres (1.215 hectares).

2. The minimum setback from any single-family residentially zoned property shall be not less than seventy-five (75) feet (22.875 meters).

(g) Automobile leasing and rental offices provided that:

1. The area designated for the leasing or rental of automobiles and vans only shall not exceed fifteen (15) vehicles per site or the number of parking spaces available on the site in excess of parking requirements of article 4, section 5.30, off-street parking requirements, whichever is less. the standard is necessary to insure maintenance of the office character of the site.

2. The parking area for the vehicles for lease or rental shall not be located in areas that are required for tenant parking, aisleways, loading, landscaping, sidewalks, or required setbacks.

3. The parking of the vehicles for lease or rental shall not interfere with the primary office use of the site.

4. The leasing of vehicles exceeding three (3) tons (2.721 metric tons) is expressly prohibited.

5. The sale, maintenance, and/or repair of vehicles at the site is prohibited.

6. All vehicles shall be licensed, operable, and in good physical condition.

7. The storage or parking of tow trucks is expressly prohibited.

8. The firm, company, or agent's office for the leasing of said vehicles is located on the premises, and further, said use shall be accessory to the permitted uses within this district and not be the only use located within a freestanding building.

(h) Residential structures converted to, or used for, nonresidential purposes as permitted in section 5.103, uses permitted, and section 5.104, uses permitted subject to special approval, of article 9, Office-Service District (O-S), and further provided that:

1. The minimum floor area of the existing structure is two thousand (2,000) square feet (186 square meters).

2. The proposed use meets all requirements within this chapter.

3. All residential structures that were converted to nonresidential purposes with the approval of the city prior to the effective date of this chapter (May 22, 1989), which contain less than two thousand (2,000) square feet (186 square meters) shall not be deemed in noncompliance with this subsection 5.104.(2)(h), merely because of floor area.

(i) Uses that are related and reasonably necessary or convenient for the satisfactory and efficient operation of a complete and integrated Office-Service District.

(j) Self-storage facilities may be permitted under special use upon the following conditions and restrictions and shall be exempt from the requirements of subsection 5.105, required conditions of this article.

1. The site property line shall abut on at least one (1) side, property zoned I-1, Industrial, which allows for outside storage of materials or TVR, Television-Radio-Office Studio Districts, which allows independent equipment to be placed outside of buildings.

2. The height of the building shall not exceed three (3) stories or thirty-five (35) feet.

3. The building shall be constructed on the exterior in such a manor as to resemble an office building.

4. All storage rental areas shall be accessed from the interior only with only one (1) primary ingress door and one egress door for vehicles allowed.

5. Any manager's apartment or caretaker facilities shall not exceed one thousand four hundred (1,400) square feet (130.2 square meters) and located within the building.

6. The area and bulk regulations shall be determined by article 22, schedule of regulations, except a side yard is not required on interior side lot lines when abutting the I-1, Industrial, and TV-R, Television-Radio-Studio Districts and which is developed with a permanent permitted use.

(3) *Restaurants.* Any restaurant approved by the city council under this section prior to the effective date of this amendment to the zoning ordinance shall be deemed to be a permitted use within the O-S District and such use shall remain subject to all of the provisions of this section as it existed immediately prior to the adoption of this amendment.

(Ord. No. 1044-A, 12-22-80; Ord. No. 1237, 2-15-88; Ord. No. 1277, 5-22-89; Ord. No. 1463, 6-17-01)

Sec. 5.105. Required conditions.

(1) No interior display shall be visible from any property line.

(2) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(3) Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(4) Not more than fifty (50) percent of any front or side yard abutting a street shall be used for vehicular parking or driveways. This parking restriction is necessary to maintain the transitional character of the area that this district is intended to preserve.

(5) In addition to required landscaping, landscaping may be provided in lieu of ten (10) percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises, and further provided, that the owner agrees to provide such parking at the city's request.

(6) Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1242, 2-25-88; Ord. No. 1678 , § 6, 7-6-17)

Sec. 5.106. Signs and lighting.

(1) Necessary directional or regulatory traffic signs of not more than two (2) square feet (0.186 square meters) each shall be permitted.

(2) No moving or flashing parts or lights or devices shall be permitted. All incandescent light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

(Ord. No. 1340, 6-8-92)

Sec. 5.107. Area and bulk regulations.

See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the permitted development area, and provides minimum yard setback requirements.

Sec. 5.108. Provision for a one-year grace period for approved site plans.

This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the city or approved by the city, in accordance with the provisions of the former section 5.102, site plan review, of article 9, Office-Service District (O-S), of chapter 45, as amended on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment.

(Ord. No. 1046, 1-5-81)

Sec. 5.109. Reserved.

ARTICLE 10. EDUCATION-RESEARCH-OFFICE-LIMITED (ERO-M) AND EDUCATION-RESEARCH-OFFICE (ERO) DISTRICTS

Sec. 5.110. Intent.

The Education-Research-Office Districts (ERO-M, ERO) are designed to accommodate various types of office uses performing administrative, professional and technical services. These are typically large office buildings which can serve as a transitional use between major thoroughfares, more intensive uses of land and/or commercial districts and less intensive uses of land such as multiple-family or single-family residential.

These districts are specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short-term parking and traffic from the general public but are intended to permit those businesses which are required to serve the normal daily needs of the occupants of the permitted primary uses.

The Education-Research-Office-Limited (ERO-M) District is designed to provide a site for medium density office structures adjacent to major thoroughfares by providing a medium height limitation which may be more desirable than the unlimited height (ERO) to preserve the character and quality in adjoining areas.

Sec. 5.111. Site plan review.

In an ERO-M (Education-Research-Office-Limited) or ERO (Education-Research-Office) District no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this chapter. No building, structure or land shall be erected or used in an ERO-M (Education-Research-Office-Limited) or ERO (Education-Research-Office) District unless the site plan therefor has been approved by the city council. The city council shall not approve the site plan until it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided only to a major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, except:

(a) Ingress and egress driveways may be permitted to other than a major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple-family use, any nonresidential uses, or is developed with permanent uses other than single-family residences. This exception shall only apply if the council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety or that the property will be a transitional zone between a single-family zoning district and a nonresidential district.

(2) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon the adjacent properties.

(3) The traffic engineer shall submit to the planning commission and city council a report regarding the improvements in the public rights-of-way which are necessary for the satisfactory operation of contiguous roadways.

(4) To the extent possible, all the natural features of the property such as large trees, natural groves, watercourses, and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved.

Such review of the site plan is required to minimize the possibility of any adverse effects upon adjacent properties and, furthermore, to find proper relationships between the following development features as they relate to traffic safety: service roads, driveways, parking areas, accessory buildings and uses, and open spaces.

Failure to begin construction within twelve (12) months of approval of the city council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the city council.

Sec. 5.112. Uses permitted.

In the Education-Research-Office-Limited (ERO-M) and the Education-Research-Office (ERO) Districts, no building, structure or land shall be erected or used except for the following uses unless otherwise provided in this chapter:

(1) All uses permitted and uses permitted subject to special approval in article 9, O-S District, and meeting the requirements as set forth in said district with the exception of funeral homes and veterinary clinics which shall be expressly prohibited from this district.

(2) Any uses which are charged with the principal function of education, research, design and technical training and experimental product development when conducted wholly within a completely enclosed building.

(3) Facilities for human care such as convalescent and nursing homes.

(4) Dormitories for students enrolled in, and quarters for instructors employed by, educational institutions when incidental to any permitted principal use.

(5) Data processing and computer centers, including service and maintenance of electronic data processing equipment.

(6) Studios for professional work or teaching of interior decorating, photography, music, drama or dancing.

(7) Hospitals, when the following conditions are met, provided, however, hospitals for criminals and those primarily for the treatment of persons who are mentally ill are not permitted:

(a) All such hospitals shall be developed only on sites consisting of at least five (5) acres (2.025 hectares) in area.

(b) The property shall have at least one (1) property line abutting a major thoroughfare (a thoroughfare of at least one hundred twenty (120) feet (36.6 meters) of right-of-way, existing or proposed).

(c) The minimum distance of any main or accessory building from bounding lot lines or streets that are adjacent to property zoned residential shall be at least one hundred (100) feet (30.5 meters) unless footnote (v) [of section 5.195] requires a greater setback.

(d) Ambulance and delivery areas shall be screened from all residential view with a brick faced masonry wall not less than six (6) feet (one and eighty-three hundredths meters) in height. Ingress and egress to the site shall be directly from a major thoroughfare.

(e) All ingress and egress to the off-street parking areas, for guests, employees, staff, as well as any other users of the facility, shall be directly from a major thoroughfare.

(8) Accessory uses customarily incidental to any of the above-permitted uses such as services for employees and other persons normally associated with the permitted uses such as: coffee shop, pharmacy, barber shop, tobacco shop, post office and parking structures.

(9) Any housing for the elderly project approved by the city council pursuant to sections 5.111 and 5.112 of the zoning ordinance prior to the effective date of this amendment to the zoning ordinance shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan or any approved revision thereof within one (1) year from the effective date of this amendment.

(Ord. No. 927, 2-28-77)

Sec. 5.113. Required conditions.

(1) No display shall be permitted in an exterior show window or be visible from any property line. The total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed fifteen (15) percent of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure. (This condition shall not apply to accessory uses permitted in section 5.112, paragraph 9).

(2) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(3) Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(4) Not more than fifty (50) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15) feet (4.575 meters) wide except at points of approved vehicular access to the street. This parking and landscaping restriction is necessary to maintain the transitional character of the area that this district is intended to serve and to assure pedestrian and vehicular safety by separating the off-street parking area from the vehicular and pedestrian traffic in the public right-of-way.

(5) In addition to the landscaping required above, not less than five (5) percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than

five (5) feet (1.525 meters) shall be considered in the five (5) percent minimum landscaping requirement. This requirement is necessary to provide for the safety and welfare of pedestrians in large parking areas and to provide for effective traffic control regulations.

(6) In addition to required landscaping, landscaping may be provided in lieu of ten (10) percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises, and further provided, that the owner agrees to provide such parking at the city's request.

(7) Where the parking is provided in parking structures to satisfy the parking requirements of section 5.30, they shall be designed so all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety.

(8) Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1126, 8-22-83; Ord. No. 1678 , § 7, 7-6-17)

Sec. 5.114. Area and bulk regulations.

See article 22, "schedule of regulations," which limits the height and bulk of buildings, determines the permitted development area, and provides for minimum yard setback requirements in the ERO-M and ERO districts.

The ERO-M district permits a height of four (4) stories or fifty-five (55) feet (16.775 meters) with provisions that the city council may, after a recommendation from the planning commission, permit a development in the ERO-M district not to exceed six (6) stories in height or seventy-five (75) feet (22.875 meters) subject to the following conditions and standards:

(1) The proposed use and height must be of such character that it will be in harmony with the appropriate and orderly development of the education-research-office-limited district (ERO-M) and other development in the immediate area.

(2) The location, size, and intensity of any such proposed development must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(3) The proposed development must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(4) The proposed development is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(5) The proposed development is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(6) In approving an increase in height, the city council may attach reasonable conditions regarding the location, character, density, and other features of the proposed development as they may deem reasonable in the furtherance of the intent of this section.

The ERO District permits unlimited height provided all setback, parking, and landscaping requirements are satisfied and may be used in those areas adjacent to high intensity uses.

Parking structure locations shall be governed by: (a) the setbacks established in article 22, "schedule of regulations," and (b) proper traffic engineering as reviewed and approved by the city traffic engineer.

(Ord. No. 1044-B, 12-22-80; Ord. No. 1678 , § 7, 7-6-17)

Sec. 5.115. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed:

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Education-Research-Office-Limited (ERO-M) and the Education-Research-Office (ERO) Districts.

(b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

(2) *Uses.*

(a) Hotels.

(Ord. No. 1222, 2-16-87)

Secs. 5.116, 5.117. Reserved.

ARTICLE 11. TECHNICAL-EDUCATION-RESEARCH DISTRICTS (TR)

Sec. 5.118. Uses permitted.

In all Technical-Education-Research Districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one (1) or more of the following specified uses:

(1) Any uses which are charged with the principal function of education, research, or technical training and accessory uses and which further meet the following performance standards set forth in section 5.119 relevant to smoke, dirt, and dust; noise, glare and heat; wastes, odors, noxious gases, fire hazards and electromagnetic radiation.

(2) Dormitories for students enrolled in, and quarters for instructors employed by, institutions offering technical education, when incidental to any permitted principal use.

Sec. 5.119. Performance standards.

No use, otherwise allowed, shall be permitted within any Technical-Education-Research District (TR District) which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within the said area.

(1) *Smoke.* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 on the Ringlemann Chart; provided, that the following exceptions shall be permitted: Smoke, the shade of appearance of which is equal to, but not darker than, No. 2 of the Ringlemann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes.

Method of measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

(2) *Dust, dirt and fly ash.* No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas or airborne solids shall not exceed two-tenths (0.20) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust and dirt shall be completely eliminated insofar as escape or emission into the open air is concerned. The director of the department of building and safety engineering may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust and dirt have been made.

(3) *Noise.* The intensity level of the sounds being emitted from any operation within the TR District shall not exceed the following decibel levels when adjacent to the following types of use districts:

Sound Levels in Decibels	Adjacent Use	Where Measured
50	All Residential Districts	Common Property Line
55	Neighborhood Business District	Common Property Line
60	General Business District	Common Property Line
65	Light Industrial District	Common Property Line
75	Heavy Industrial District	Common Property Line
75	Major Street	At Street Line
60	Secondary Residential Street (Residential Opposite)	At Street Line

Objectionable noises, due to intermittence, heat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

Method of Measurement: The sound level, in decibels, measured at the points adjacent to the various use districts shall meet the established levels ninety (90) percent of the time, and shall at no time exceed the established sound levels by more than ten (10) percent; the sound levels shall be measured with an approved standard sound-level meter incorporating a 40-db. frequency-weighing network, or by any method subsequently approved by the U.S. Bureau of Standards.

(4) *Glare and heat.* Such operations producing an intensity of light and heat (e.g. welding operations and acetylene torch cutting) which would prove detrimental to any person or to the public, or to endanger the health, comfort or safety of any such person or to the public, shall be performed within a completely enclosed building or behind a fence so as to completely obscure said operation from view from any point beyond the property line, except during the period of construction of the facilities to be used and occupied.

(5) *Sewage wastes.* Privately developed and installed sewage treatment systems shall meet the requirements of, and be given approval by, the county board of health. The city shall not issue a building permit for the erection, construction, reconstruction or alteration of any building or structure until the plans for said sewage treatment have been given final approval by the county board of health.

Wherever public sewer systems are involved, any person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process which will meet the following requirements:

(a) No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety or create obnoxious conditions inimical to the public interest.

(b) Acidity and alkalinity shall be neutralized to a pH of 7.5 as a daily average in a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0. The term pH refers to the degrees of alkalinity or acidity of wastes.

(c) Wastes shall contain not more than ten (10.0) p.p.m. (parts per million) of the following gases: Hydrogen, Sulfide, Sulphur Dioxide, Oxides of Nitrogen, and any of the Halogens. Wastes shall contain no cyanides.

(d) Wastes shall not contain any grease or oil or any oily substance in excess of one hundred (100) p.p.m. (parts per million), or exceed a daily average of twenty-five (25) p.p.m.; or that will solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit.

(e) Wastes shall not contain any insoluble substances in excess of ten thousand (10,000) p.p.m. (parts per million) or exceed a daily average of five hundred (500) p.p.m. (parts per million) or fail to pass a No. 8 (U.S. Bureau of Standards) sieve, or have a dimension greater than one-half (½) inch (1.27 centimeters).

(f) Wastes shall not have a chlorine demand greater than fifteen (15) p.p.m. (parts per million).

(g) Wastes shall not contain phenols in excess of .005 p.p.m. (parts per million).

(h) Wastes shall not contain insoluble substances having specific gravity greater than 2.65.

(i) Wastes shall not have any chemical reaction, either directly or indirectly, with materials of construction to impair the strength or durability of sewer structures.

Method of measurement. All the preceding standards and requirements of this subsection are to apply at the point where wastes are discharged into a public sewer or drainage way. Furthermore, all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(6) *Odor.* The emission of obnoxious odors of any kind shall be unlawful.

Method of measurement. For the purpose of defining an odor, as such, it is hereby established that at such point where the measurement of the threshold of smell can be achieved, it shall be considered a noxious concentration and shall not be exceeded. These measurements will show the minimum concentration at which the first sensation of odor is had and shall be made in ounces of the substance per thousand cubic feet of air (e.g. Max. for ethyl selano mercaptan shall be eighteen-millionths of an ounce per one thousand (1,000) cu. ft. of air).

(7) *Gases.* The escape or emission of any gas which is injurious or destructive in character shall be unlawful and may be summarily caused to be abated.

(8) *Electromagnetic radiation* The following standards shall apply with respect to all Technical-Education-Research Districts:

(a) *General.* It shall be unlawful within any TR District for any person, firm or corporation to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission's regulations if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors or quality and proper design because of proximity, primary field, blanketing, spurious reradiation conducted energy in power or telephone systems or harmonic content.

The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturers Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers; (2) Institute of Radio Engineers; and (3) Radio Manufacturers Association. Recognizing the special nature of many of the operations which will be conducted because of the research and education activities, it shall be unlawful for any person, firm or corporation to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy the radiated power from which exceeds one thousand (1,000) watts, without the express approval of the city zoning and planning commission.

(b) *Electromagnetic interference.* For the purpose of these regulations, electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy which interfere with the proper operation of electromagnetic receptors of quality and proper design.

It shall be unlawful, within the city, for any person, firm or corporation to knowingly operate or to knowingly cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the minimum values tabulated below:

RADIATED		
Section of Electromagnetic Spectrum (from—to)	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
10 Kc.—100 Kc.	Communications Services	500 Microvolts/Meter
100 Kc.—535 Kc.	Navigational Aids	300 Microvolts/Meter
535 Kc.—1605 Kc.	AM Broadcasting	200 Microvolts/Meter

1605 Kc.—44 Mc.	Various	200 Microvolts/Meter
COMMUNICATIONS SERVICES		
44 Mc.—88 Mc.	VHF Television	150 Microvolts/Meter
88 Mc.—174 Mc.	FM Broadcasting	200 Microvolts/Meter
174 Mc.—216 Mc.	VHF Television	150 Microvolts/Meter
216 Mc.—580 Mc.	Navigational Aids	250 Microvolts/Meter
580 Mc.—920 Mc.	UHF Television	300 Microvolts/Meter
920 Mc.—30,000 Mc.	Various	2,000 Microvolts/Meter

BY TRANSMISSION OR CONDUCTION		
Section of Electromagnetic Spectrum (from—to)	Primary Intended Service	Maximum Voltage measured line to line or line to ground where power or telephone lines cross edge of property Containing Interference Source
10 Kc.—100 Kc.	Communications Services	2.5 Millivolts
100 Kc.—535 Kc.	Navigational Aids	1.5 Millivolts
535 Kc.—1605 Kc.	AM Broadcasting	1.0 Millivolts
1605 Kc.—44 Mc.	Various	0.5 Millivolts
COMMUNICATIONS SERVICES		
44 Mc.—88 Mc.	VHF Television	0.25 Millivolts
88 Mc.—174 Mc.	FM Broadcasting Airport Control	1.5 Millivolts
174 Mc.—216 Mc.	VHF Television	0.5 Millivolts
216 Mc.—580 Mc.	Navigational Aids Citizens Radio	20.0 Millivolts
580 Mc.—920 Mc.	UHF Television	50.0 Millivolts
920 Mc.—30,000 Mc.	Various	60,000 Millivolts

Method of measurement: For purposes of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured and measured field strength exceeds the maximum value tabulated for this spectrum section.

For purposes of determining the level of electromagnetic interference transmitted or conducted by power, or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall, by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured and the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

Sec. 5.120. Violations of performance standards.

In every TR District, any use of any facility or equipment, which results in a violation of the aforestated performance standards, shall be, and is hereby declared to be, a violation of this chapter and a nuisance and the

same may be prosecuted under the penal provisions hereof, or abated by any proper legal means upon application of the city or any affected private person; provided, however, that in the event of any violation of the performance standards above set forth with respect to electromagnetic radiation or interference, no legal action shall be taken by the city to penalize the offender or to abate the nuisance unless the owner or operator of the offending facilities shall fail to correct the faulty conditions and conform to the stated performance standards within fifteen (15) days after the service of notice of such improper radiation or interference upon the owner or operator of such facilities.

For the purpose of determining the existence of a violation of the performance standards with respect to electromagnetic radiation or interference, the measurement of the intensity thereof may be made either at the borders of the premises upon which the offending facility is located or at any point outside the borders of such premises.

Sec. 5.121. Accessory uses permitted.

In every Technical-Education-Research District, the following accessory uses shall be permitted:

(1) The operation of necessary facilities and equipment in connection with the principal use.

(2) Other accessory uses and structures not otherwise prohibited, customarily incidental to any principal use.

Sec. 5.122. Area and bulk regulations.

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22.

Sec. 5.123. Reserved.

ARTICLE 12. TELEVISION-RADIO-OFFICE-STUDIO DISTRICTS (TV-R)

Sec. 5.124. Uses permitted.

In all Television-Radio-Office-Studio Districts, no building or land, except as otherwise provided in this chapter, shall be used except for one (1) or more of the following uses:

(1) Radio and television transmitter towers.

(2) Transmitters.

(3) Office buildings and broadcasting studios of radio and television stations not to exceed two (2) stories or thirty (30) feet (9.15 meters) in height.

(4) Uses directly related to or in conjunction with any of the above permitted uses.

(5) Off-street parking serving such facilities.

The above uses shall be permitted upon review and approval of the city council based upon a finding that all the development features, including the principal building and any accessory buildings, open spaces and any service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent properties and the surrounding area.

(Ord. No. 1149, 10-22-84; Ord. No. 1267, 3-2-89; Ord. No. 1360, 7-6-93)

ARTICLE 13. NEIGHBORHOOD SHOPPING DISTRICT (NS)

Sec. 5.125. Intent.

The Neighborhood Shopping District (NS) is designed to service the needs of the local residential community as well as provide shopping opportunities for convenience or comparison shoppers. The district is generally characterized by a concentration of uses sharing common parking. The district will generally be located at the intersection of two (2) major thoroughfares.

(Ord. No. 1483, 2-16-03)

Sec. 5.126. Site plan review.

No building, structure or land shall be erected or used in a Neighborhood Shopping (NS) District unless a site plan therefore has been approved by the city council. The city council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the planning commission, but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are so located as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare and that a proper relationship exists between the major or secondary thoroughfare and any proposed ser

vice roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety.

(3) The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

(Ord. No. 1483, 2-16-03)

Sec. 5.127. Uses permitted.

In all neighborhood shopping districts, no building or land, except as otherwise provided in this chapter, shall be used except for one (1) or more of the following specified uses:

(1) Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to, groceries, baked goods or other food, drugs, dry goods, clothing, notions and hardware.

(2) Medical offices and clinics.

(3) Banks and similar financial institutions.

(4) Government office buildings and public utility offices, but not including storage yards.

(5) Administrative and professional offices.

(6) Free-standing restaurants and carry out restaurants, and restaurants and carryout restaurants when attached to, and located within, a shopping center building complex. Excludes any restaurant with a drive-thru, drive-in, restaurants with a bar/lounge, and any restaurant open twenty-four (24) hours.

(7) Photographic studios and interior decorating studios.

(8) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

(9) Establishments which perform personal services on the premises such as beauty parlors, barber shops, nail salons, tanning salons, repair shops (including watches, radio, television, shoe, and etc., but prohibiting major repair shops such as automotive, heavy equipment, large appliances, furniture and etc.), tailor shops, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(10) Accessory uses customarily incidental to any of the above permitted uses.

(Ord. No. 1483, 2-16-03; Ord. No. 1699 , § 9, 12-27-18)

Sec. 5.128. Uses permitted subject to special approval.

The following use (uses) may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed:

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the neighborhood shopping district (NS).

(b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect or be detrimental to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(g) The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public.

(2) *Uses.*

(a) Any restaurant with a drive-thru, restaurants with a bar/lounge, and any restaurant open twenty-four (24) hours.

(b) Additional commercial uses, related to and reasonably necessary or convenient for, the satisfactory and efficient operation of a complete and integrated neighborhood shopping center.

(c) Small box retail subject to the following conditions:

1. Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.
2. Hours of operation are limited to 8:00 a.m. To 10:00 p.m.
3. Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(Ord. No. 1483, 2-16-03; Ord. No. 1699 , § 9, 12-27-18; Ord. No. 1734 , § 3, 4-22-21)

Sec. 5.129. Required conditions.

(1) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(2) Whenever a project is developed under the NS, Neighborhood Shopping District, a landscape plan by a registered landscape architect shall be submitted to and reviewed and approved by the city planner or his designated representative. The landscape plan shall be developed in accordance with the city general landscape standards and shall contribute significantly to the overall appeal of the site. The integration of the landscaping plan with stormwater management for the site, and use of vegetated stormwater control measures, are encouraged. Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(3) Storm water management for the site shall be designed in accordance with the city storm water management requirements, as applicable, and the stormwater management plan for the site.

(4) An underground sprinkler system shall be required for all landscape areas, including rights-of-way.

(5) The owner/developer shall execute a perpetual maintenance agreement for landscaping and parking areas for the entire site.

(6) The owner/developer shall implement the recommendations of the city police department's crime prevention bureau.

(7) The owner/developer shall participate in a special assessment district (SAD) for street lighting along any public right-of-way abutting the development.

(Ord. No. 1483, 2-16-03; Ord. No. 1678 , § 8, 7-6-17)

Sec. 5.130. Area and bulk regulations.

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22.

ARTICLE 14. REGIONAL SHOPPING DISTRICT (RS)

Sec. 5.131. Intent.

The Regional Shopping District (RS) is designed to provide for a large concentration of comparison shopping, office, and service needs for persons residing in a densely settled suburban area. This district will allow for an intense use of land to service regional needs and will be located adjacent to high volume major thoroughfares.

Sec. 5.132. Site plan review.

No building, structure or land shall be erected or used in a Regional Shopping (RS) Center District unless a site plan therefore has been approved by the city council. The city council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the planning commission, but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas, are so located as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety.

(3) The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

(Ord. No. 1484, 2-16-03)

Sec. 5.133. Uses permitted.

In regional shopping districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one (1) or more of the following specified uses:

(1) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to, groceries, baked goods or other food, drugs, dry goods, clothing, notions and hardware.

(2) Medical offices and clinics.

(3) Banks and similar financial institutions.

(4) Government office buildings and public utility offices, but not including storage yards.

(5) Administrative and professional offices.

(6) Day care center, nursery school, with a permanently secured outside play area.

(7) Photographic studios and interior decorating studios.

(8) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, nail salons, tanning salons, repair shops (including watches, radios, television, shoe, etc.), health and fitness clubs, tailor shops, cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(9) Assembly halls, concert halls, banquet halls or similar places of assembly, when conducted within enclosed buildings.

(10) Open-air retail sales of plant materials and sales of lawn furniture, playground equipment and garden supplies provided that:

(a) The open-air sales area is enclosed with a fence.

(b) That such sales area is in conjunction with indoor sales of the same general type.

(c) That the square footage of the open sales area is no greater than the indoor sales area.

(11) Hotels.

(12) Free-standing restaurants, including restaurants with a bar/lounge, fast food restaurants, and carry out restaurants, and any of the above restaurants when attached to and located within a shopping center building complex. Excluding restaurants with a drive-thru, restaurants open twenty-four (24) hours, and drive-in restaurants.

(13) Accessory uses customarily incidental to any of the above permitted uses.

(Ord. No. 1484, 2-16-03; Ord. No. 1699 , § 10, 12-27-18)

Sec. 5.134. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Uses.*

(a) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses, by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building.

(b) Automobile and truck agency sales and showrooms subject to the following provisions:

1. The automobile and truck sales agency must be located on a site having a frontage of not less than one hundred and fifty (150) feet on a major thoroughfare and an area of not less than two (2) acres.

2. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.

3. Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200) feet from residentially zoned property and conducted entirely within an enclosed building.

4. No outside display of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.

5. The outside display of new and used automobiles and trucks shall be permitted, but the outside storage of vehicles shall be limited to new vehicles, and such storage area shall occupy no more than thirty-five (35) percent of a lot, which is used for new vehicle sales.

6. A fifteen (15) foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.

7. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.

(c) Automobile repair and service facilities subject to the following provisions:

1. Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, automobile, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.
2. All activities shall be conducted in an enclosed building.
3. All buildings shall be set back not less than forty (40) feet from all existing or proposed street right-of-way lines, whichever is greater.
4. No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles.
5. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.
6. There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.
7. Parking shall be provided per section 5.30, off-street parking requirements.
8. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(d) Drive-in, any restaurant with a drive-thru, and any restaurant open 24 hours subject to the following conditions:

1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
2. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets and shall be directly from a major thoroughfare.
3. There shall be provided a landscaped area (which may include fencing or walls) of not less than twenty (20) feet in width (except for points of ingress and egress) on all sides of the premises. The landscaped area shall be designed in such a manner that the combination of plant materials, fencing or walls, and site topography will provide an effective visual buffer from the impacts of lighting and traffic at the site.
4. Parking requirements: Per section 5.30, off-street parking requirements.
5. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500) feet from residentially zoned property.

(e) Full-time or continuing retail sales operations specializing in primarily handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or stall-like enclosures using arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to, so-called farmers' markets, flea markets, trading posts and the like.

(f) Multiple family residential when located within a building containing other uses allowed within the regional shopping district and further, provided that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen and private bath and toilet, and each unit shall contain not less than seven hundred and fifty (750) square

feet for a one (1) bedroom unit and eleven hundred and twenty-five (1,125) square feet for a two (2) bedroom unit.

2. Off-street parking requirements provided per section 5.30, off-street parking requirements.

(g) Motels.

(h) Theaters.

(i) Additional commercial uses, related to and reasonably necessary or convenient for, the satisfactory and efficient operation of a complete and integrated regional shopping center.

(j) Smoking lounges, subject to the following conditions:

1. Must be approved by the State of Michigan Department of Community Health as a tobacco specialty retail store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.

2. Hours of operation are limited to 10:00 a.m. to 12:00 a.m.

3. Cannot be located any nearer than two thousand six hundred and forty (2,640) feet (½ mile) to any other smoking lounges.

4. Cannot be located any nearer than five hundred (500) feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.

5. Outdoor patios used for smoking cannot be any closer than twenty (20) feet from any other business entrance or outside dining area.

6. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.

7. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.

8. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.

9. The maximum occupancy level for a smoking lounge shall be established by the fire department.

(k) Shelters for the homeless, subject to the following conditions:

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

2. Resident manager and support services shall be provided.

3. Cannot be located any nearer than two thousand (2,000) feet to any other emergency shelter for the homeless or soup kitchen.

4. Cannot be located any nearer than five hundred (500) feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

5. Must be located on a major thoroughfare.

6. Maximum occupancy is limited to thirty (30) persons.

7. Facilities jointly operated as an emergency shelter for the homeless and soup kitchen must also meet the requirements for soup kitchens.

(l) Soup kitchens, subject to the following conditions:

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

2. Must provide proof of license or approval by the Oakland County Health Department.

3. Seating shall be provided at one hundred (100) percent of meal service capacity.

4. Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, rights-of-way and private property, and that emergency access points are clearly identified and maintained. Adequate space must be available to accommodate the expected number of persons who will be served meals.

5. All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:00 a.m. and 7:00 p.m. The hours should be posted and clearly visible to the public. This limitation does not apply to meals served to the residents and staff of a facility that is jointly operated as an emergency shelter for the homeless and a soup kitchen.

6. Cannot be located any nearer than two thousand (2,000) feet to any other soup kitchen or emergency shelter for the homeless.

7. Cannot be located any nearer than five hundred (500) feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

8. Must be located on a major thoroughfare.

9. Maximum occupancy is limited to fifty (50) persons.

(m) Small box retail subject to the following conditions:

1. Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.

2. Hours of operation are limited to 8:00 a.m. To 10:00 p.m.

3. Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(Ord. No. 1484, 2-16-03; Ord. No. 1619 , § 3, 3-9-14; Ord. No. 1641 , § 4, 5-31-15; Ord. No. 1654 , § 6, 3-20-16; Ord. No. 1678 , § 9, 7-6-17; Ord. No. 1699 , § 10, 12-27-18; Ord. No. 1734 , § 4, 4-22-21)

Sec. 5.135. Uses prohibited.

No activity shall be carried on in a regional shopping district so as to be obnoxious or offensive by reason of the emission of odor, fumes, dust, smoke, waste or vibration.

Sec. 5.136. Area and bulk regulations.

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22.

Sec. 5.137. Parking requirements for regional shopping centers.

For those uses permitted within a regional shopping center, parking shall be provided per section 5.30, off-street parking requirements.

(Ord. No. 1641 , § 4, 5-31-15)

Sec. 5.138. Required conditions.

1. Whenever a project is developed under the RS, Regional Shopping District, a landscape plan by a registered landscape architect shall be submitted to and reviewed and approved by the city planner or his designated representative. The landscape plan shall be developed in accordance with the city general landscape standards and shall contribute significantly to the overall appeal of the site. Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).
2. Storm water detention shall be designed in accordance with the city storm water management requirements and stormwater management plan for the site.
3. An underground sprinkler system shall be required for all landscape areas, including rights-of-way.
4. The owner/developer shall execute a perpetual maintenance agreement for landscaping and parking areas for the entire site.
5. The owner/developer shall implement the recommendations of the city police department's crime prevention bureau.
6. The owner/developer shall participate in a special assessment district (SAD) for street lighting along any public right-of-way abutting the development.

(Ord. No. 1484, 2-16-03; Ord. No. 1678 , § 9, 7-6-17)

ARTICLE 15. REGIONAL CENTER DISTRICT (RC)

Sec. 5.138-A. Intent.

The Regional Center District is intended to provide for the combining of high rise office, high rise multiple-family, and hotels and motels in a planned development and to provide for the combining of secondary retail and service uses with high rise office and/or residential development. The district is also established in order that the public health, safety and general welfare will be furthered in an era of increasing urbanization and of growing demand for office and multiple-family residential facilities of all types and design. This district is also provided to encourage innovations and variety in type, design and arrangement of such uses. Because of the intensity of development permitted in the Regional Center Districts, they shall generally be used only abutting one (1) or more major thoroughfares.

Secondary retail business or service establishments as set forth below shall be permitted subject to the restrictions set forth in section 5.141, paragraph (4). Secondary uses are permitted to reduce the dependence of office and multiple-family occupants of the Regional Center District upon goods and services outside of the Regional Center District and to reduce traffic congestion in such areas of intensive development.

Because the arrangement of such diversified land uses in a Regional Center District may not be predetermined in detail, site plan approval of each development is an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be mixed and their relationship to surrounding areas. Great emphasis will be placed upon the review of pedestrian and vehicular circulation facilities such as sidewalks, parking, interior streets, pavement widths and rights-of-way because of the anticipated high volumes of pedestrian and vehicular traffic which will be generated.

Editor's note(s)—Ord. No. 678 as amended through November 13, 2005, enacted provisions to be designated as § 5.137. Inasmuch as there already exists a § 5.137, and in order to maintain the numeric style of the Code, said provisions have been redesignated as § 5.138-A.

Sec. 5.138-B. Site plan review.

In an RC, Regional Center, District no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this chapter. No building, structure, or land shall be erected or used in an RC, Regional Center District unless the site plan therefor has been approved by the city council. The city council shall not act on the site plan until it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is not received from the planning commission within ninety (90) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including principal buildings and any accessory buildings, open spaces, service roads, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.

(2) The site plan does show that access is provided only to a major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety except that: access driveways may be permitted to other than a major thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is within a multiple-family district or any nonresidential district, or is developed with permanent uses which are other than single-family residences.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of approval of the site plan for such sufficiently improved rights-of-way.

In order that the public health, safety, morals and general welfare be furthered in an era of increasing urbanization and of growing demand for housing; to provide for necessary office space; and to allow for commercial facilities located conveniently to the population of the housing and office space; to encourage innovations in residential, office and commercial development so that the growing demands of the population may be met by great variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; in order to encourage a more efficient use of land and of public services; to lessen the burden of traffic on streets and highways; to provide a procedure which can relate the type, design and layout of residential, office and commercial development to the particular site, it is necessary to review site plans on a master plan concept for the property indicating the staging of development and defining the location and acreages to be devoted to specific uses.

The traffic engineer shall submit to the planning commission and city council a report regarding the improvements in the public rights-of-way which are necessary for the satisfactory operation of contiguous roadways based upon the submitted master plan.

Editor's note(s)—Ord. No. 678 as amended through November 13, 2005, enacted provisions to be designated as § 5.138. Inasmuch as there already exists a § 5.138, and in order to maintain the numeric style of the Code, said provisions have been redesignated as § 5.138-B.

Sec. 5.139. Uses permitted.

In an RC, regional center district, no building, structure, or land shall be erected or used except for the following specified uses, unless otherwise provided in this chapter:

(1) *Primary uses.*

(a) Office uses.

1. Executive, administrative and professional offices.
2. Medical offices, including clinics and laboratories.
3. Facilities for human care such as hospitals, sanitariums, convalescent and nursing homes.
4. Banks and similar financial institutions.
5. Libraries and government office buildings, public utility offices, and post offices.
6. Private clubs or lodges.
7. Public or private schools or colleges for general or vocational education.
8. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
9. Any uses which are charged with the principal function of education, research, design, and technical training and experimental product development when conducted wholly within a completely enclosed building.

(b) Hotels.

(c) Multiple-family uses.

1. See article 22 - Schedule of regulations for density requirements.

(Ord. No. 1105, 10-11-82; Ord. No. 1223, 2-16-87; Ord. No. 1284, 5-22-89; Ord. No. 1322, 7-25-91; Ord. No. 1642 , § 3, 7-19-15)

Sec. 5.140. Uses permitted subject to special approval.

The following use (uses) may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Uses.*

(a) Housing for the elderly upon review and report from the Southfield Housing Commission concerning the suitability and appropriateness so as to not isolate the development either socially or physically from the balance of the community; in relation to accessibility to convenience services such as shopping, banking, health care, community facilities, and transportation. In addition, the housing commission shall review and report on the design of the project and the amenities of the project (such as, but not limited to, recreational, social and other support facilities) and further that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen, and private bath and toilet and each unit shall contain not less than five hundred and twenty-five (525) square feet for a one (1) bedroom unit and seven hundred (700) square feet for a two (2) bedroom unit except that not more than twenty-five (25) percent of the units may be of an efficiency type of not less than four hundred and twenty-five (425) square feet. The floor area shall be measured from the interior faces of all walls. This requirement of unit sizes for housing for the elderly has been established to reflect economy as well as efficiency recognizing the absence of children, the lack of need for large entertaining areas within units, and the provision of common areas located within the project.
2. Parking shall be established parking shall be established per section 5.30, off-street parking requirements assisted living/elderly.
3. The site shall be so developed as to create a land-to-building ratio on the lot or parcel in accordance with the following schedule:

Stories	Required Land Area Per Unit (Square Feet)	Density DU/Acre
6 or more	800	54.5
5	900	48.4
4	1,000	43.6
3	1,100	39.6

4. The owner shall file with the Oakland County Register of Deeds a covenant, approved as to form by the city attorney, in which said owner shall covenant on behalf of himself, his heirs, executors and assigns not to use the property for any other use than housing for the elderly unless the use complies with all requirements of the zoning ordinance. Required compliance includes, but is not limited to, density, unit sizes, parking and setbacks.

(b) Theaters.

(c) Restaurants, excluding drive-in and fast-food restaurants, when not located within a building which contains a primary use.

(d) Motels.

(e) Smoking lounges, subject to the following conditions .

1. Must be approved by the State of Michigan Department of Community Health as a tobacco specialty retail store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.
2. Hours of operation are limited to 10:00 a.m. to 12:00 a.m.
3. Cannot be located any nearer than 2,640 feet (½ mile) to any other smoking lounges.
4. Cannot be located any nearer than 500 feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
5. Outdoor patios used for smoking cannot be any closer than twenty (20) feet from any other business entrance or outside dining area.
6. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation

system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.

7. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.

8. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.

9. The maximum occupancy level for a smoking lounge shall be established by the fire department.

(f) Small box retail subject to the following conditions:

1. Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.

2. Hours of operation are limited to 8:00 a.m. to 10:00 p.m.

3. Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(Ord. No. 1284, 5-22-89; Ord. No. 1322, 7-25-91; Ord. No. 1435, 9-24-98; Ord. No. 1619 , § 4, 3-9-14; Ord. No. 1641 , § 5, 5-31-15; Ord. No. 1734 , § 5, 4-22-21)

Sec. 5.141. Required conditions.

(1) An RC, regional center, project shall be developed with two (2) or more land uses with a minimum mixture per project as follows:

(a) Minimum percentage of usable area in a second primary use shall be not less than ten (10) percent of the total usable area, or

(b) Minimum percentage of usable area in a secondary use shall be not less than two and one-half (2-1/2) percent of the total usable area.

(c) A primary-primary mixture shall consist of primary uses of section 5.139, uses permitted, ((1)(a)—(1)(c)) and a second primary use of section 5.139, uses permitted, ((1)(a)—(1)(c)).

(d) A primary-secondary mixture shall consist of at least one (1) primary use of section 5.139, uses permitted, ((1)(a)—(1)(c)) and secondary uses of section 5.139, uses permitted, paragraph (2).

(e) This land use mixture requirement shall not be compulsory to parcels of land less than ten (10) acres (4.05 hectares) in size and zoned regional center prior to the enactment of this chapter. This exception recognizes the limited capabilities of small sites as they relate to the intent of the regional center districts.

(f) The city council may, after receipt of a report and recommendation from the planning commission, permit variations from, or deletions of, any of the requirements of this paragraph upon a finding by the city council that:

1. The property immediately surrounding the development contains a mixture of uses which satisfy the intent of the district as set forth in section 5.137; or

2. The master plan of the development, as a whole, satisfies the intent of the district as set forth in section 5.137.

(2) Secondary retail business or service establishments as permitted in subsection (2), section 5.139, shall not exceed twenty (20) percent of the total floor area of any building or structure and must be attached or connected to the principal building it is intended to serve, except when physically designed and oriented to serve more than one (1) building in a complex of buildings, the secondary uses may be permitted in a separate building.

(3) Not more than fifty (50) percent of the area of any required yard abutting a street shall be used for vehicular parking and driveways. Adjacent to any lot line abutting a street there shall be a continuous landscaped area not less than twenty-five (25) feet (7.625 meters) wide except at points of approved vehicular access to the street. This parking and landscaping restriction is necessary to assure pedestrian and vehicular safety by separating the off-street parking area from the vehicular and pedestrian traffic in the public right-of-way.

(4) In addition to the landscaping required above, not less than ten (10) percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five (5) feet (1.525 meters) shall be considered in the ten (10) percent minimum landscaping requirement. This requirement is necessary to provide for the safety and welfare of pedestrians in large areas and to provide for effective traffic control regulations by the development of curbed and landscaped islands at the end of parking bays and divider islands between parking bays. Landscape plans and green infrastructure/low impact development methods required per article 4 subsection 5.31(21)(b).

(5) Parking requirements:

(a) The off-street parking requirements for a building where the greatest percentage of gross floor area is devoted to an office use shall be determined by applying a parking requirement found in section 5.30 for the total gross floor area of the office use in the building and by adding to this figure the parking requirements of section 5.30 for the remaining primary uses in the building.

(b) The off-street parking requirements for buildings where the greatest percentage of gross floor area is devoted to multiple family use or hotels/motels shall be determined by applying a parking requirement of four (4) parking spaces per dwelling unit or hotel/motel unit for ten (10) percent of said units in the building and by adding this figure to the parking requirements of section 5.30 for the remaining primary uses in the building.

(c) In addition to required landscaping, landscaping may be provided in lieu of ten (10) percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises, and further provided, that the owner agrees to provide such parking at the city's request.

(6) Parking structures shall be designed so all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety. Parking structure locations shall be governed by:

(a) The setbacks established in article 22, "schedule of regulations;" and

(b) Proper traffic engineering as reviewed and approved by the city traffic engineer.

(7) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(8) Warehousing or indoor storage of goods or material in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(Ord. No. 1678 , § 10, 7-6-17; Ord. No. 1699 , § 11, 12-27-18)

Sec. 5.142. Area and bulk regulations.

See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the minimum development area and provides minimum yard setback requirements.

Secs. 5.143—5.146. Reserved.

ARTICLE 16. NEIGHBORHOOD BUSINESS DISTRICT (B-1)

Sec. 5.147. Intent.

The Neighborhood Business District (B-1) is designed to provide for the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The district will generally be used as a transitional district between more intensive uses of land such as major thoroughfares and other business districts and less intensive uses of land such as office and residential. It will normally be located only on property which fronts on a major or secondary thoroughfare.

Sec. 5.148. Site plan review.

No building, structure, or land shall be erected or used in a B-1, Neighborhood Business District unless a site plan therefore has been approved by the city council. The city council shall not approve the site plan until it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple-family district or any nonresidential district, or is developed with permanent uses which are other than single-family residences. This exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

(Ord. No. 1047, 1-5-81)

Sec. 5.149. Uses permitted.

In a neighborhood business district (B-1) no building, structure, or land shall be erected or used except for the following uses unless otherwise provided in this chapter:

(1) Medical offices and clinics.

(2) Banks and similar financial institutions.

(3) Libraries and government office buildings and public utility offices, but not including storage yards.

(4) Private clubs or lodges.

(5) Photographic studios and interior decorating studios.

(6) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

(7) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radio, television, shoe, and etc., but prohibiting major repair shops such as automotive, heavy equipment, large appliances, furniture and etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(8) Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.

(9) Free-standing restaurants and carry-out restaurants, and restaurants and carry out restaurants when attached to, and located within, a shopping center building complex. Excluding drive-in, fast food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge, and any restaurant open twenty-four (24) hours.

(10) Accessory uses customarily incidental to any of the above permitted uses.

(Ord. No. 1280, 5-22-89; Ord. No. 1425, 9-24-98; Ord. No. 1699 , § 12, 12-27-18)

Sec. 5.150. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the neighborhood business district.

(b) The location, size, intensity, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(2) *Uses.*

(a) Any restaurant with a drive-thru, any restaurant with a bar/lounge, and any restaurant open twenty-four (24) hours.

(b) Small box retail subject to the following conditions:

1. Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.

2. Hours of operation are limited to 8:00 a.m. to 10:00 p.m.

3. Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(Ord. No. 1058, 6-8-81; Ord. No. 1280, 5-22-89; Ord. No. 1425, 9-24-98; Ord. No. 1699 , § 12, 12-27-18; Ord. No. 1734 , § 6, 4-22-21)

Sec. 5.151. Required conditions.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) The outdoor storage, display, or servicing of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(3) Warehousing or indoor storage of goods or material in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(4) At least fifty (50) percent of any required front yard shall be landscaped. Along any side or rear lot line abutting a street, there shall be a continuous landscaped area with a minimum width equal to one-half (½) the width of the required yard. The landscaped strip need not be provided at points of approved vehicular access and may incorporate vegetated stormwater management measures. This landscaping requirement is necessary to maintain the transitional character of the area that this district is intended to preserve.

(5) Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1678 , § 11, 7-6-17)

Sec. 5.152. Signs and lighting.

(1) Necessary directional or regulatory traffic signs which conform to the Michigan Manual of Uniform Traffic Control Devices shall be permitted.

(2) No moving or flashing parts or lights or devices shall be permitted. All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

(Ord. No. 1343, 6-8-92)

Sec. 5.153. Area and bulk regulations.

See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the permitted development area and provides minimum yard setback requirements.

Sec. 5.154. Provision for a one-year grace period for approved site plans.

This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the city or approved by the city, in accordance with the provisions of the former article 16, of chapter 45, as amended, on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment.

(Ord. No. 1047, 1-5-81)

Sec. 5.155. Reserved.

ARTICLE 17. PLANNED BUSINESS DISTRICT (B-2)

Sec. 5.156. Intent.

The Planned Business District (B-2) is designed to service the needs of the convenience or comparison shopper. The district is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. For this reason, this district will generally be located at the intersection of two (2) major thoroughfares.

Sec. 5.157. Site plan review.

No building, structure, or land shall be erected or used in a B-2, Planned Business District unless a site plan therefore has been approved by the city council. The city council shall not approve the site plan until it receives a recommendation in connection with the site plan from the planning commission but the council may act on the site plan if a recommendation is not received from the planning commission within ninety (90) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are so located as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple-family district or any nonresidential district, or is developed with permanent uses which are other than single-family residences. This exception shall apply only to property having frontage on a major or

secondary thoroughfare or freeway service drive and shall apply only upon a finding that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

Sec. 5.158. Uses permitted.

In a B-2 district, no building, land or premises shall be used and no building or structure erected except for one (1) or more of the following uses unless otherwise provided in this chapter:

(1) Medical offices and clinics.

(2) Banks and similar financial institutions.

(3) Libraries and government office buildings and public utility offices, but not including storage yards.

(4) Post offices.

(5) Private clubs or lodges.

(6) Nursery schools and day care centers.

(7) Photographic studios and interior decorating studios.

(8) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radios, television, shoe, and etc., but prohibiting major repair shops such as: automotive, heavy equipment, large appliances, furniture, and etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(9) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, and hardware.

(10) Free-standing restaurants and carry-out restaurants, and restaurants and carry out restaurants when attached to, and located within a shopping center building complex. Excluding drive-in, fast food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge, and any restaurant open twenty-four (24) hours.

(11) Accessory structures and uses customarily incidental to the above permitted uses.

(Ord. No. 1281, 5-22-89; Ord. No. 1426, 9-24-98; Ord. No. 1699 , § 13, 12-27-18)

Sec. 5.159. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the planned business district.

(b) The location, size, intensity, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(2) *Uses.*

(a) Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.

(b) Open-air retail sales of plant material and sales of lawn furniture, playground equipment, and garden supplies provided that:

1. The open-air sales area is enclosed with a fence.

2. That such sales area is in conjunction with indoor sales of the same general type.

3. That the square footage of the open sales area is no greater than the indoor sales area.

(c) Arcades with a minimum of one hundred (100) gross square feet of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences, or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, bowling alley, billiard halls, indoor archery ranges, indoor skating rink, and similar forms of indoor commercial recreation when the building or portion of building used for said purposes is located at least two hundred (200) feet from any residentially zoned property.

(d) Hotels and motels.

(e) Any restaurant with a drive-thru, any restaurant with a bar/lounge, and any restaurant open 24 hours.

(f) Small box retail subject to the following conditions:

1. Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.

2. Hours of operation are limited to 8:00 a.m. to 10:00 p.m.

3. Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(Ord. No. 1059, 8-8-81; Ord. No. 1103, 10-11-82; Ord. No. 1281, 5-22-89; Ord. No. 1426, 9-24-98; Ord. No. 1699 , § 13, 12-27-18; Ord. No. 1734 , § 7, 4-22-21)

Sec. 5.160. Other uses.

The city council may permit additional uses after a recommendation from the planning commission when they are found to be:

(1) Related to, and reasonably necessary or convenient for, the satisfactory and efficient operation of a complete and integrated planned shopping center.

(2) Similar in character to one (1) or more of the above uses.

Sec. 5.161. Required conditions.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) The outdoor storage, display, or servicing of goods or materials shall be prohibited irrespective of whether or not they are for sale, except as specifically provided above.

(3) Not less than five (5) percent of this site, exclusive of buildings, shall be landscaped. This requirement is necessary to provide for the safety and welfare of pedestrians in large parking areas and to provide for effective traffic control regulations.

(4) Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1678 , § 12, 7-6-17)

Sec. 5.162. Signs and lighting.

(1) Necessary directional or regulatory traffic signs which conform to the Michigan Manual of Uniform Traffic Control Devices shall be permitted.

(2) No moving or flashing parts or lights or devices shall be permitted. All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

(Ord. No. 1344, 6-8-92)

Sec. 5.163. Area and bulk regulations.

See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the permitted development area, and provides minimum setback requirements.

Sec. 5.164. Provision for a one-year grace period for approved site plans.

This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the city or approved by the city, in accordance with the provisions of the former article 17 of chapter 45, as amended, on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment.

(Ord. No. 999, 7-16-79)

Sec. 5.165. Reserved.

ARTICLE 18. GENERAL BUSINESS DISTRICT (B-3)

Sec. 5.166. Intent.

The General Business District (B-3) is designed to provide sites for diversified business types and is often located so as to serve passerby traffic. These uses are generally characterized by generating large volumes of vehicular traffic. This district is intended to prohibit establishments which require outdoor storage of goods and materials. The district will generally be used adjacent to high volume major thoroughfares.

Sec. 5.167. Site plan review.

No building, structure or land shall be erected or used in a B-3, General Business District unless a site plan therefore has been approved by the city council. The city council shall not approve the site plan until it receives a recommendation in connection with the site plan from the planning commission, but the council may act on the site plan if a recommendation is not received from the planning commission within thirty (30) days after it has been requested by the council. The city council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exits between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple-family district or any nonresidential district, or is developed with permanent uses which are other than single-family residences. This exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

(Ord. No. 1048, 1-5-81)

Sec. 5.168. Uses permitted.

In a general business district (B-3), no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this chapter:

(1) Medical offices, including clinics, and medical laboratories, and medical marihuana safety compliance centers (see article 4section 5.22-7 for requirements).

(2) Banks and similar financial institutions.

(3) Post offices.

(4) Private clubs or lodges.

(5) Nursery schools.

(6) Photographic studios and interior decorating studios.

(7) Photographic reproduction, blueprinting and print shop.

(8) Funeral homes.

(9) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radios, television, shoe, etc., but prohibiting major repair shops such as automotive, heavy equipment, etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(10) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.

(11) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

(12) Publicly owned buildings, public utility buildings, including electric transformer stations, and substations and gas regulator stations excluding storage yards, water and sewer pumping stations.

(13) Establishments of electricians, plumbers, heating contractors, bakers, painters, or similar trades in conjunction with a retail sales operation.

(14) Assembly halls, concert halls or similar places of assembly, but excluding theaters and when conducted within enclosed buildings.

(15) Open-air retail sales of plant materials and sales of lawn furniture, playground equipment and garden supplies provided that:

(a) The open-air sales area is enclosed with a fence.

(b) That such sales area is in conjunction with indoor sales of the same general type.

(c) That the square footage of the open sales area is no greater than the indoor sales area.

(16) Hotels.

(17) Free-standing restaurants and carry-out restaurants, and restaurants and carry out restaurants when attached to, and located within a shopping center building complex. Excluding drive-in, fast food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge, and any restaurant open twenty-four (24) hours.

(18) Accessory buildings or uses customarily incidental to any of the above permitted uses which are of the character of a personal or administrative service or a retail facility for a product on a "cash and carry" basis.

(Ord. No. 1224, 2-16-87; Ord. No. 1279, 5-22-89; Ord. No. 1282, 5-22-89; Ord. No. 1426, 9-24-98; Ord. No. 1699 , § 14, 12-27-18; Ord. No. 1709 , § 8, 10-3-19)

Sec. 5.169. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the City council after a recommendation from the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the general business district.

(b) The location, size, intensity and periods of operation of any such proposed use may be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

(g) The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public.

(2) *Uses.*

(a) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building.

(b) Motor vehicle washing, conveyor or non-conveyor type, when completely enclosed in a building excepting points of ingress and egress and subject to the following conditions:

(1) All cleaning operations shall be completely enclosed within a building.

(2) A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.

(3) The driveway as provided shall be not less than ten (10) feet wide for a single lane and not less than ten (10) additional feet in width for each additional lane.

(4) Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitable protected from interference by other traffic.

(5) The total length of the required lane or lanes so provided for a conveyor type wash rack shall be determined by the overall length of the building, including areas having side walls but not roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:

Where the building is eighty (80) feet or less in overall length, the total required lanes shall be not less than four hundred (400) feet in length. Where the building exceeds eighty (80) feet in length, the length of the required lane or lanes shall be increased fifty (50) feet for each ten (10) feet or fraction thereof by which the building exceeds eighty (80) feet in overall length.

(6) For a non-conveyor type auto wash, five (5) waiting spaces for each twenty (20) feet in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.

(7) The site shall be designed in such a manner that no operations are conducted off the parcel.

(8) A building setback of at least sixty (60) feet must be maintained from the proposed or existing street right-of-way, whichever is greater.

(9) Ingress and egress points shall be located at least sixty (60) feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.

(10) The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.

(11) Gasoline sales shall be permitted on the property provided there is compliance with section 5.169, paragraph 2 (b-4) and 2 (c) of this chapter.

(c) *Gasoline stations.* Prohibited activities include, but are not limited to, the following: the sale of medical marihuana or medical marihuana-infused products, trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

City council review and approval shall be for the purpose of maintaining the health, safety and welfare of the community. The city council shall approve the use only after finding that the use is so arranged that the gasoline station will not adversely affect the normal development or use of adjacent property and further, that the gasoline station will be constructed in accordance with the following development standards.

(1) One hundred and twenty (120) feet of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.

(2) The lot shall contain not less than twelve thousand (12,000) square feet in area.

(3) All buildings shall be set back not less than forty (40) feet from all existing or proposed street right-of-way lines, whichever is greater.

(4) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all street right-of-way lines.

(5) Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35) feet. Curb openings for such driveways shall be in accordance with the City of Southfield Standard Deceleration Lane.

(6) Any driveway approach shall enter the property not less than twenty (20) feet from the intersection formed by the existing or proposed right-of-way lines as set forth in the official thoroughfare plan, and not less than fifteen (15) feet from any adjoining property line.

(7) Curbs in accordance with standard city specifications shall be constructed on all streets adjacent to the gasoline station site.

(8) Lighting shall be shielded from residential property.

(9) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles.

(10) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station (i.e. automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the planning director) which may only remain outside for display and retail sales during the hours of operation of the gasoline station. Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar, as determined by the planning director) are strictly prohibited. Any exterior convenience items which were unlawfully installed and maintained prior to the effective date of this section must be removed as of the effective date of this section.

(11) There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.

(12) Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the city council and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.

(13) The landscape requirement for a gasoline station shall be not less than twelve and one-half (12.5) feet along a street frontage. The landscape strip need not be provided at points of approved vehicular access and may incorporate vegetated stormwater control measures.

(14) Parking shall be determined by applying the appropriate parking standards based on the category of gasoline station (either gasoline filling station or gasoline service station) according to section 5.30, off-street parking requirements, except for in the case of gasoline filling/service station with ancillary retail sales area, in which case, in addition to said requirement, additional parking shall be provided per section 5.30, off-street parking requirements.

(15) Ancillary retail sales of automotive and nonautomotive products related to the primary use of a gas station shall be acceptable under the following guidelines: automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar, as determined by the planning director; non-automotive related products of single containers of various beverages excluding alcoholic liquor, beer and wine and individual packages of sundries such as gum, candy, cigarettes, newspapers, excluding medical marihuana and medical marihuana-infused products, etc. Along with milk, eggs, bread and/or other general grocery items, pre-prepared food items that are not subject to licensing by the Michigan

Department of Agriculture or the Oakland County Health Department. Non-perishable items such as clothing, footwear, hats, music and other general retail items not associated with the dispensing of motor fuel are prohibited.

(16) Separate special approval for restaurants (or the sale of food items subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department) in conjunction with the primary use of a gasoline station is required.

(d) Automobile repair and service facilities subject to the following provisions:

(1) Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

(2) All activities shall be conducted in an enclosed building.

(3) All buildings shall be set back not less than forty (40) feet from all existing or proposed street right-of-way lines, whichever is greater.

(4) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles.

(5) There shall be no outside storage or display of any kind except for the display of new merchandise to the primary use of the facility and for retail sale during the hours of operation of the facility.

(6) There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.

(7) Parking shall be provided on the site at a ratio of one (1) parking space for each three thousand (3,000) square feet of site area.

(8) Automobile leasing may be permitted subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.

(9) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(e) Automobile and truck agency sales and showrooms subject to the following provisions:

(1) The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred and fifty (150) feet and an area of not less than two (2).

(2) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.

(3) Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200) feet from residentially zoned property and conducted entirely within an enclosed building.

(4) No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.

(5) The outside display of new and used automobiles and trucks shall be permitted but the outside storage of vehicles shall be limited to new vehicles and such storage area shall occupy no more than thirty-five (35) percent of a lot which is used for new vehicle sales.

(6) A fifteen (15) foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.

(7) All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.

(8) No outside loud speaker or outside public address system shall be used.

(f) Drive-in and fast-food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge and any restaurant open 24 hours subject to the following conditions:

(1) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.

(2) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets and shall be directly from a major thoroughfare.

(3) There shall be provided an unpierced face brick wall six (6) feet in height on all sides of the premises so used except as provided below; provided said wall or fence, if required, shall be protected by means of precast concrete wheel stops or their equivalent, not less than three (3) feet from said wall.

a. On the side of the property adjacent to the major thoroughfare, the above-described wall shall be reduced to a height of three (3) feet six (6) inches

b. A cyclone fence may be used in lieu of a brick wall on those lot lines not adjacent to a street or alley but contiguous to property zoned in an I-L or I-1, industrial classification

c. No wall shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall. Any such building or structure located on adjacent property shall be protected from damage by means of precast concrete wheel stops as specified in (3) above.

(4) *Parking requirements.* Parking shall be provided per section 5.30, off-street parking requirements.

(5) When a building or portion of building is used for said purposes, it must be located not less than five hundred (500) feet from residentially zoned property.

(g) Open-air display and sale of motor homes, camping trailers, vehicles other than trucks and automobiles, home owners gardening equipment and etc., provided there is no outside storage and further provided, that there shall be no display in areas that are required for parking, aisle ways, loading or sidewalks.

(h) Retail sales operations specializing in primarily handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or stall-like enclosures using an arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to, so-called farmers' markets, flea markets, trading posts and the like.

(i) Executive, administrative and professional offices.

(j) Motels.

(k) Theaters.

(l) Alternative financial services (AFS), subject to the following conditions pawn shops, subject to the following conditions:

(1) Cannot be located any nearer than one thousand five hundred (1,500) feet to any other alternative financial services establishment or pawn shops.

(2) Cannot be located any nearer than five hundred (500) feet to any residential zoning district, schools, religious institutions, parks, or childcare facilities.

(3) Hours of operation are limited to 8:00 a.m. to 8:00 p.m.

(4) Drive-thru transaction stations are prohibited.

(5) The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.

(6) Note: Other retail establishments where less than ten (10) percent of usable floor space is dedicated for AFS services are not subject to items 1—5 above.

(m) Pawn shops, subject to the following:

(1) Cannot be located any nearer than one thousand five hundred (1,500) feet to any other pawn shops or alternative financial services establishment.

(2) Cannot be located any nearer than five hundred (500) feet to any residential zoning district, schools, religious institutions, parks, childcare facilities, firearm dealers or businesses selling alcohol.

(3) Hours of operation are limited to 8:00 a.m. to 8:00 p.m.

(4) Requires unobstructed view of the business from a public street, a security plan (window bars, chains, etc. are prohibited), and other approved operating and development standards.

(5) At least thirty (30) percent of a first-floor façade that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs. Neon signs are prohibited. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.

(6) All receipt, sorting or processing of goods shall occur within a completely enclosed building.

(7) The building shall have lighting to provide illumination for security and safety of parking and access areas.

(n) Smoking lounges, subject to the following conditions:

(1) Must be approved by the State of Michigan Department of Community Health as a tobacco specialty retail store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.

(2) Hours of operation are limited to 10:00 a.m. to 12:00 a.m.

(3) Cannot be located any nearer than two thousand six hundred and forty (2,640) feet (½ mile) to any other smoking lounges.

(4) Cannot be located any nearer than five hundred (500) feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.

(5) Outdoor patios used for smoking cannot be any closer than twenty (20) feet from any other business entrance or outside dining area.

(6) Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.

(7) The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.

(8) No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.

(9) The maximum occupancy level for a smoking lounge shall be established by the fire department.

(o) Shelters for the homeless, subject to the following conditions:

(1) The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

(2) Resident manager and support services shall be provided.

(3) Cannot be located any nearer than two thousand (2,000) feet to any other emergency shelter for the homeless or soup kitchen.

(4) Cannot be located any nearer than five hundred (500) feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

(5) Must be located on a major thoroughfare.

(6) Maximum occupancy is limited to thirty (30) persons.

(7) Facilities jointly operated as an emergency shelter for the homeless and soup kitchen must also meet the requirements for soup kitchens.

(p) Soup kitchens, subject to the following conditions:

(1) The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

(2) Must provide proof of license or approval by the Oakland County Health Department.

(3) Seating shall be provided at one hundred (100) percent of meal service capacity.

(4) Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, rights-of-way and private property, and that emergency access points are clearly identified and maintained. Adequate space must be available to accommodate the expected number of persons who will be served meals.

(5) All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:00 a.m. and 7:00 p.m. The hours should be posted and clearly visible to the public. This limitation does not apply to meals served to the residents and staff of a facility that is jointly operated as an emergency shelter for the homeless and a soup kitchen.

(6) Cannot be located any nearer than two thousand (2,000) feet to any other soup kitchen or emergency shelter for the homeless.

(7) Cannot be located any nearer than five hundred (500) feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

(8) Must be located on a major thoroughfare.

(9) Maximum occupancy is limited to fifty (50) persons.

(q) Sexually oriented business.

(1) See article 4section 5.50 sexually oriented business for requirements and conditions.

(2) The city council may waive the location provision if the following findings are made:

a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.

b. That the character of the area shall be maintained.

c. That all applicable regulations of this chapter will be observed.

d. That no sexually oriented business is located within two thousand (2,000) feet of the proposed location.

(r) Cabaret.

(1) An establishment which wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator holds a yearly license to sell such beverages by the glass and which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.

(2) Purpose. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations, and uses subject to these regulations, are as follows:

a. It shall be unlawful to establish any cabarets except in the B-3 (general business) and I-1 (industrial) districts.

b. No such uses may be permitted in the B-3 (general business) district within one thousand (1,000) feet of any residential district measured from the lot line of the location of the proposed use.

c. The city council may waive this location provision if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.

2. That the character of the area shall be maintained.

3. That all applicable regulations of this chapter will be observed.

4. That no cabaret is located within two thousand (2,000) feet of the proposed location.

d. Anything herein to the contrary notwithstanding, the city council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the city clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51) percent or more of the persons owning property within a radius of one thousand (1,000) feet of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.

1. The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000) feet of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the city council.

(s) Medical marihuana provisioning centers (see article 4section 5.22-7 for requirements). Subject to review for upgrades to the site and building(s) for architectural materials, style, compatibility, building elevations, modernization and compliance.

(t) Small box retail subject to the following conditions:

(1) Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.

(2) Hours of operation are limited to 8:00 a.m. to 10:00 p.m.

(3) Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(Ord. No. 1060, 6-8-81; Ord. No. 1104, 10-11-82; Ord. No. 1224, 2-16-87; Ord. No. 1279, 5-22-89; Ord. No. 1282, 5-22-89; Ord. No. 1345, 6-8-92; Ord. No. 1427, 9-24-98; Ord. No. 1501, 5-30-04; Ord. No. 1597 , § 1, 11-11-12; Ord. No. 1619 , § 5, 3-9-14; Ord. No. 1641 , § 6, 5-31-15; Ord. No. 1654 , § 7, 3-20-16; Ord. No. 1678 , § 13, 7-6-17; Ord. No. 1699 , § 14, 12-27-18; Ord. No. 1707 , § 1, 9-26-19; Ord. No. 1709 , § 9, 10-3-19; Ord. No. 1734 , § 8, 4-22-21)

Editor's note(s)—Former subsection (f), which pertained to drive ins and fast food restaurants, was removed by Ord. No. 1707 at the direction of the city.

Sec. 5.170. Required conditions.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing, or processing, except for off-street parking or loading shall be conducted within a completely enclosed building.

(3) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale, except as specifically permitted by other provisions of this district.

(4) Parking of passenger vehicles not exceeding a net weight of three (3) tons (2.721 metric tons) and all parking shall be for periods of less than forty-eight (48) hours and in accordance with the provisions of article 4. This restriction shall not prohibit the display and storage of vehicles where permitted by other provisions of this district.

(5) At least fifty (50) percent of any required front yard shall be landscaped. The landscape strip need not be provided at points of approved vehicular access and may incorporate vegetated stormwater control measures. This landscaping requirement is necessary to maintain the transitional character of the area that this district is intended to preserve.

(6) Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1275, 5-22-89; Ord. No. 1678 , § 13, 7-6-17)

Sec. 5.171. Signs and lighting.

(1) Necessary directional or regulatory traffic signs which conform to the Michigan Manual of Uniform Traffic Control Devices shall be permitted.

(2) All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

(Ord. No. 1345, 6-8-92)

Sec. 5.172. Area and bulk regulations.

See article 22, schedule of regulations, which limits the height and bulk of buildings, determines the permitted development area, and provides minimum yard setback requirements.

Sec. 5.173. Provision for a one-year grace period for approved site plans.

This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the city or approved by the city, in accordance with the provisions of the former article 18 of chapter 45, as amended, on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment.

(Ord. No. 1048, 1-5-81)

Sec. 5.174. Reserved.

ARTICLE 19. LIGHT INDUSTRIAL DISTRICTS (I-L)

Sec. 5.175. Intent.

The I-L, Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect, in a detrimental way, any of the surrounding districts. It is also the intent of this article to encourage the development of planned industrial parks characterized by structural uses located on landscaped sites, served by adequate off-street parking and loading areas, without unsightly outdoor storage.

Sec. 5.176. Uses permitted.

In all I-L, Light Industrial Districts no building or land, except as otherwise provided in this chapter, shall be erected or used except for one (1) or more of the following specified uses:

(1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

(2) Research and office uses related to permitted industrial operations.

(3) Any of the following uses when conducted wholly within a completely enclosed building:

  (a) Warehousing and wholesale establishments, tool, die, gauge and machine shops.

  (b) The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceuticals, toiletries, food products, hardware and household supplies.

  (c) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and nonferrous metals (excluding large castings and fabrications), shell, textiles, tobacco, wax, wire, wood, (excluding saw and planing mills) and yarns.

  (d) The manufacture of pottery and figures or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

  (e) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products (not including pneumatic tires).

  (f) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

  (g) Laboratories - experimental, film or testing.

(4) Warehouse, storage and transfer uses and electric and gas service buildings, public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations, provided that outside storage is not permitted for any of these uses.

(5) The parking of trucks and truck trailers incidental to any of the above permitted uses, not to exceed seven (7) continuous days.

(6) Accessory buildings and uses customarily incidental to any of the above permitted uses, not including outdoor storage.

(7) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, inflatable play places, gymnasiums, court sports facilities and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building.

(Ord. No. 1549, § 1, 6-25-07; Ord. No. 1587 , § 2, 11-6-11)

Sec. 5.176-A. Reserved.

Editor's note(s)—Ord. No. 1549, adopted June 25, 2007, deleted § 5.176-A, which pertained to uses permitted subject to special approval and derived from Ord. No. 1524, adopted November 13, 2005.

Sec. 5.177. Uses prohibited.

Manufacturing development which creates unusual danger from fire, explosions, toxic and noxious matter, radiation and other hazards and which cause noxious, offensive, unhealthful and harmful odors, fumes, dust, smoke, light, waste, noise or vibration is prohibited. The processing of raw material for shipment in bulk form, to be used in an industrial or commercial operation at another location, is prohibited.

Sec. 5.178. Area and bulk regulations.

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22.

Sec. 5.179. Uses permitted subject to special approval and licensing.

The following uses may be permitted upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in chapter 86 have been met. This section promotes and protects the public health, safety and welfare and mitigates potential deleterious impacts to surrounding properties and persons and conforms with the policies and requirements of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), MCL 333.26421, et seq. (hereinafter "MMMA"), as amended. A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the department, shall be deemed to not be a legally established use, and therefore not entitled to legal non-conforming status under the provisions of city ordinance and/or state law. The fundamental intent of this section is to facilitate a private and confidential qualified patient and primary caregiver relationship whereby the cultivation, distribution and use of marihuana is strictly for medical purposes. Accordingly, this section permits authorization for activity in compliance with the MMMA. Nothing in this section shall be construed as allowing a person or persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the MMMA and this section; and, nothing in this section shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

(1) *Uses.*

(a) A medical marihuana facility shall be subject to the following conditions:

(1) Any parcel within five hundred (500) feet of a residentially zoned district or "drug-free school zone"; any parcel within five hundred (500) feet of a parcel that contains a house, adult regulated use, school, church, child care facility or park; and any parcel within one thousand five hundred (1,500) feet to any pawn shops or alternative financial services establishment, shall not qualify for a medical marihuana facility.

(2) A state registry identification card and a valid license issued pursuant to chapter 86 of the City Code is required for all medical marihuana facilities operated by a primary caregiver. If the primary caregiver is not the owner of the premises, then consent must be obtained in writing from the property owner to ensure the owner's knowledge of the use.

(3) Licenses issued pursuant to chapter 86, in addition to any state issued license, permit or certification shall be conspicuously posted on the premises.

(4) Usable marihuana on site, when not actively distributed, shall be kept or stored within an indoor enclosed locked facility accessible only to caregivers and/or qualifying patients, as permitted under article II, definitions.

(5) Marihuana, if cultivated on site, shall be kept within an indoor enclosed locked facility as defined in article II, definitions, of this chapter.

(6) Consumption of marihuana on the premises is prohibited.

(7) There shall be no outdoor, open use or display of marihuana upon the licensed premises.

(8) A medical marihuana facility shall distribute marihuana for medical use only as authorized and in the manner permitted by the Michigan Medical Marihuana Act P.A. 2008, as amended.

(9) No more than five (5) qualified patients per primary caregiver. The amount of usable marihuana stored at the medical marihuana facility for each patient shall be limited to: two and one-half (2.5) ounces of usable marihuana (excludes seeds, stalks, and roots) and twelve (12) marihuana plants kept in an indoor enclosed locked facility as defined under the Michigan Medical Marihuana Act P.A. 2008, as amended and as noted by the licensing requirements of chapter 86.

(10) The medical marihuana facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to state law and city ordinances.

(11) Hours of operations permitted: Monday—Friday: 9:00 a.m.—9:00 p.m.; Saturday: 9:00 a.m.—6:00 p.m.; Sunday: 10:00 a.m.—6:00 p.m.

(12) Minimum distance from one (1) medical marihuana facility to another shall be two hundred fifty (250) feet.

(13) Drive-through facilities shall be prohibited.

(14) Security and lighting: A security and lighting plan shall be submitted for review and approval by the city planning and building departments.

(15) A conspicuous sign(s) shall be posted stating that "no loitering is permitted" on such property.

(16) Entry into the premises by persons under the age of eighteen (18) is prohibited unless they are a qualifying patient and accompanied by a parent or legal guardian.

(17) The location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.

(18) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Facility.

(19) Caregiver activity shall not be advertised as, or permitted to operate as a "medical marihuana provisioning center", "safety compliance facility", "dispensary," "compassion club", "clinic" or "hospital". A qualified caregiver and any other person authorized under the MMMA to assist patients, if any, shall distribute medical marihuana only on a confidential, one to one basis, with no other caregivers being present at the approved facility, provided, however, that a qualified patient's immediate family members or guardian may be present.

(20) Nothing is this section shall permit or be construed or interpreted to permit a medical marihuana dispensary, provisioning center, safety compliance facility, or compassion club, and those or similar activities or uses are expressly prohibited hereunder.

(21) Medical marihuana grower, processor and secure transporter (see article 4section 5.22-7 for requirements).

(2) Any medical marihuana facility that received previous approval by the city council under the Michigan Medical Marihuana act (MMMA) of 2008, as amended, and this section prior to October 13, 2019 will be able to apply for special use review and site plan review for a grow facility and processing facility under the Medical Marihuana Facilities and Licensing Act (MMFLA), Act 281 of 2016, this section, and article 4section 5.22-7 medical marihuana facilities.

(Ord. No. 1637 , § 2, 4-5-15; Ord. No. 1709 , § 10, 10-3-19; Ord. No. 1722 , § 1, 7-31-2020)

Sec. 5.180. Landscaping.

Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1678 , § 14, 7-6-17)

Secs. 5.181, 5.182. Reserved.

ARTICLE 20. INDUSTRIAL DISTRICTS (I-1)

Sec. 5.183. Uses permitted.

(1) Uses related to manufacturing.

(2) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building, including medical research and alternative energy facilities.

(3) Film industry studios, recreation centers similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, inflatable play places, gymnasiums, court sports facilities and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building

(4) Information technology centers and general office related to an industrial or manufacturing operation.

(5) The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceuticals, toiletries, food products, hardware and household supplies.

(6) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(7) Restaurants without drive-thrus.

(Ord. No. 1075, 12-7-81; Ord. No. 1664 , § 2, 9-8-16)

Sec. 5.184. Uses prohibited.

Any use not expressly permitted or permitted with special use approval is strictly prohibited within the (I-1) district, including medical marihuana facilities.

(Ord. No. 1664 , § 2, 9-8-16)

Sec. 5.185. Uses permitted as a special land use.

The following uses may be permitted in the industrial (I-1) zone as a special land use after recommendation by the planning commission and after a public hearing by the city council which may deny, approve, or approve with conditions, the request for a special land use based upon the standards and requirements following.

(1) *Standards.*

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the industrial districts (I-1).

(b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which must be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(2) *Uses.*

(a) The following special land uses only shall be allowed on properties with frontage on Telegraph Road:

1. Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.
2. Wholesale establishments.
3. Restaurants with drive-thrus.
4. General or professional office not related to an industrial or manufacturing operation.
5. Self-storage or warehousing use not related to an industrial or manufacturing operation.
6. New and used vehicle dealers (class A: new vehicle dealer and class B: used vehicle dealer):
    a. Banners, balloons, balloon structures, portable signs, streamers, flags, other than United States or State of Michigan designations, vehicles or persons displaying advertising signage as a means of advertising vehicles for sale on the property is strictly prohibited.
7. Dry cleaning & laundry establishments including plants.
8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).
9. Medical marihuana secure transporter (see article 4section 5.22-7 for requirements).
10. Small box retail subject to the following conditions:
    a. Cannot be located any nearer that one (1) mile (5,280 linear feet) as measured from property line to property line to any other small box retail location.
    b. Hours of operation are limited to 8:00 a.m. to 10:00 p.m.
    c. Any small box retail location approved prior to the effective date of this section shall be considered a legal nonconforming use.

(b) The following special land uses only shall be allowed on properties with at least one hundred-foot wide frontage on W Eight Mile Road:

1. Contractor offices with or without ancillary showroom and storage use including landscape contractor's offices and yards.
2. Self-storage or warehousing use not related to an industrial or manufacturing operation.
3. Automotive repair, salvage facility, junk yard or junk storage.
4. Any use which requires the following dealer license(s) from the State of Michigan:
    a. Class C: Used vehicle parts dealer
    b. Class F: Vehicle scrap metal processor
    c. Class G: Vehicle salvage pool
    d. Class E: Distressed vehicle transporter
    e. Class W: Wholesaler
5. *Crematorium.*
    a. Crematorium buildings shall not be located closer than three hundred (300) feet to any residential district measured from the closest point of the building to the nearest residential district boundary line.

b. Bodies to be cremated shall not be stored or kept on the premises for a period exceeding fourteen (14) calendar days.

c. Any building used as a crematorium shall provide an auxiliary means of electrical service in the event of a power failure.

d. Any crematorium shall, at all times, be operated in full compliance with any and all applicable laws and regulations.

6. Dry cleaning and laundry establishments including plants.

7. Transportation service providers (emergency vehicle dispatch.

8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).

a. No motor vehicles shall run idle on the property between the hours of 10:30 p.m. and 6:00 a.m. each day.

9. Motor freight depots, trucking terminals, or trucking dispatch centers.

a. Access shall only be via a major thoroughfare as defined in Article 2 Definitions.

b. The applicant shall submit credible evidence of the provisions to be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration and smoke).

c. A minimum lot area of three (3) acres shall be provided.

d. All buildings and parking facilities shall be located a minimum of one hundred (100) feet from all property lines.

e. Outside storage shall be permitted in accordance with ordinance requirements.

f. Any and all service work shall be performed within a completely enclosed building.

g. Parking, screening and landscaping shall be provided in accordance with the requirements of the zoning ordinance.

h. The ground surface of off-street parking and loading spaces shall be paved with asphalt or concrete to protect the surrounding uses from inappropriate dust and other disturbances.

i. No motor vehicles shall run idle on the property between the hours of 10:30 p.m. and 6:00 a.m. each day.

j. No trucks shall operate between the hours of 10:30 p.m. and 6:00 a.m. within one hundred (100) feet of a residential district boundary or residential property line.

10. Recycling centers and refuse haulers.

11. Sexually oriented business.

a. See article 4section 5.50 sexually oriented business for requirements and conditions.

b. The city council may waive the location provision if the following findings are made:

i. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.

ii. That the character of the area shall be maintained.

iii. That all applicable regulations of this chapter will be observed.

iv. That no sexually oriented business is located within two thousand (2,000) feet (610 meters) of the proposed location.

12. Cabaret.

a. An establishment which wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator holds a yearly license to sell such beverages by the glass and which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.

b. Purpose. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations, and uses subject to these regulations, are as follows:

i. It shall be unlawful to establish any cabarets except in the B-3 (general business) and I-1 (industrial) districts.

ii. No such uses may be permitted in the I-1 industrial district within one thousand (1,000) feet (305 meters) of any residential district measured from the lot line of the location of the proposed use.

iii. The city council may waive this location provision if the following findings are made:

a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.

b. That the character of the area shall be maintained.

c. That all applicable regulations of this chapter will be observed.

d. That no cabaret is located within two thousand (2,000) feet (610 meters) of the proposed location.

c. Anything herein to the contrary notwithstanding, the city council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the city clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51) percent or more of the persons owning property within a radius of one thousand (1,000) feet (305 meters) of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.

i. The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000) feet (305 meters) of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the city council.

(c) The following special land uses shall be allowed on properties with frontage on W Eight Mile Road:

1. Medical marihuana grower, processor and secure transporter (see article 4section 5.22-7 for requirements).

(d) The following special land uses shall be allowed on properties with frontage on either Telegraph Road or W Eight Mile Road:

1. Oil and gas wells/oil and gas development.

a. *Findings.*

i. The city council finds that Southfield is a community with significant environmentally sensitive areas that is largely residential, developed and suburban and is home to more than one thousand one hundred (1,100) acres of wetlands, twenty-nine (29) acres of ponds, seven (7) acres of lakes and sixteen thousand eight hundred eighteen (16,818) acres of watershed areas between the Rouge River Watershed and Clinton River Watershed; and contains unique natural features such as over two thousand three hundred eighty-five (2,385) acres of protected woodland, wildlife habitats, walking trails, paths, and other environmentally sensitive areas.

ii. The city has a longstanding tradition of protecting environmentally sensitive areas as exemplified by its Wetland and Watercourse Protective Ordinance enacted on January 31, 1991, and its Woodland and Tree Preservation Ordinance enacted on August 26, 1991, and the establishment and development of the Carpenter Lake Nature Preserve and the Valley Woods Wetland Restoration Project. Additionally, the city employs a well-trained staff charged with protecting and enhancing the natural environment by implementing active programs in woodland and wetland protection, environmental education and planning, soil erosion and sediment control, solid waste management, nuisance and blight abatement and eradication.

iii. Preservation of environmentally sensitive areas shall be and is necessary to maintain hydrologic, economic, recreational and aesthetic assets for existing and future residents of the city.

iv. The development of innovative methods of gas and oil exploration and extraction, has resulted in oil and gas development activities appearing in areas that traditionally have not been areas subject to oil and gas activities, such as densely populated, largely residential suburban cities in Michigan.

v. Residents in cities across the nation and in Michigan have experienced the adverse secondary impacts of oil and gas activities where oil and gas development activities have occurred near or adjacent to residential uses.

vi. The adverse secondary impacts of gas and oil exploration and extraction experienced by residents living nearby or adjacent to oil and gas development activities include obnoxious odors and lights; excessive noise; air, soil and water contamination; contaminated drinking wells; excessive dust, traffic and debris; off pad soil erosion; local road deterioration; and wildlife habitat impacts; all adversely affecting the residential quality of life and natural resources of the city.

vii. Based on recent experiences in Michigan cities, it is recognized that state statutes and regulations do not adequately protect the health, safety and welfare of city residents, local natural resources and the community from the adverse impacts of oil and gas activities, thereby necessitating local regulation under the city's zoning authority and general police powers of oil and gas development activities and all secondary impacts.

viii. The Michigan Zoning Enabling Act authorizes and empowers a local unit of government to provide by zoning ordinance for the regulation of land development and the establishment of one (1) or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residences, recreation, industry, trade, service, and other uses of land, to ensure that the use of land is situated in appropriate locations and relationships, and to promote the public health, safety and welfare.

ix. The state constitution and statutes authorize the city to adopt resolutions and ordinances relating to municipal concerns to protect the public health, safety and welfare of its residents; to regulate activities that cause nuisances; to regulate activities or industries that impede upon others' quality of life, property values, and health, safety and public welfare; and to protect and preserve natural resources of the community.

x. Federal, state, and local laws impose a substantive duty on the city pursuant to its police powers and authority to prevent or minimize likely degradation of the air, water, and local natural resources held in the public trust.

xi. Convincing evidence of the adverse secondary impacts of oil and gas development activities have been presented to the city in public meetings, hearings, in articles, from experiences of neighboring communities, and studies, reports and court cases made available to the city.

xii. It is an established legal principle that a municipality may rely on studies, reports, and experiences and evidence generated by other communities of the adverse secondary impacts of certain establishments, so long as whatever evidence that the municipality relies upon is reasonably believed to be relevant to the problem that the municipality addresses. (Renton v. Playtime Theatres, Inc., 475 U.S. 41).

xiii. The courts have recognized that an ordinance furthers a substantial government interest by regulating adverse secondary impacts of certain establishments. (City of L.A. v. Alameda Books, Inc.), 535 U.S. 425.

xiv. Courts have further recognized that proper exercise of police power is to relegate industrial establishments to locations separated from residential sections. (Village of Euclid, Ohio v. Amber Realty Co.,) 272 U.S. 365 (1926).

xv. The reports, studies and evidence presented to the city support the finding that oil and gas exploration, extraction and development is an industrial activity that is associated with a wide variety of adverse secondary impacts including but not limited to the following: industrial operations that run twenty-four (24) hours a day; obnoxious night-time light emitted off site; obnoxious hydrocarbon odors and/or hydrogen sulfide bearing gases emitted off site; obnoxious industrial noise emitted off site; excessive vibrations emitted off site; dust emitted off site; scattered debris on site that does not meet site maintenance standards of the community; truck traffic impeding flow of traffic and endangering pedestrian and non-motorized travel within the community; excessive truck traffic resulting in accelerated damage to roads within the community; activities that disrupt wildlife and wildlife habitats; activities near public parks that impact the natural ecosystem and quiet enjoyment of nature paths, trails, and wildlife habitats; withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties; withdrawal of groundwater resulting in impacts to the interconnected lakes, streams, ponds and wetlands within the community; contamination of groundwater, surface water and drinking water supplies; contamination of environmentally sensitive areas; off-site soil erosion that causes nutrient degradation, pollution, and wildlife habitat impacts; activities that impact the natural course and flow of storm water runoff; environmental consequences from the storage and disposal of wastewater on site; environmental consequences from the loading, unloading and off-site transport of waste and products; environmental consequences of wells and pipelines within, or in close proximity to protected wetlands, woodlands and environmentally sensitive areas within the city; and violations of provisions of the city's legally required master plan by forcing industrial conditions in residentially zoned areas.

b. *Purposes.* As a result of the findings set forth herein and otherwise considered, the city council has determined that it is necessary to provide for the reasonable establishment of land for oil and gas development while providing adequate and appropriate health, safety, and welfare protection of Southfield residents. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas development and the appropriate zoning district(s) within which oil and gas wells and oil and gas development activities are permitted so that these resources can be obtained in a manner than protects the environment, protects residential properties and residential property values, and mitigates associated negative impacts. The ordinance from which this section is derived is adopted pursuant to the powers granted to municipalities as set forth in article 7, section 7 of the state constitution, and

the powers given to municipalities to protect the public health, safety and welfare through the Home Rule City Act, MCL 117.4; and the Michigan Zoning Enabling Act, 2006 PA 110, effective July 1, 2006, MCL 125.3101 et seq., as amended. The provisions of this section have neither the purpose nor the effect of prohibiting or controlling the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes or to regulate the issuance of permits for the drilling, completion, operation or abandonment of oil or gas wells; and acknowledges the jurisdiction and authority of the supervisor of wells over the administration and enforcement of the Natural Resources Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended, MCL 324.101 et seq, and matters relating to the prevention of waste and the conservation of oil and gas in this state. However, while the supervisor of wells has jurisdiction and control over persons and things necessary to enforce the NREPA and the prevention of waste and conservation of oil and gas, such grant of authority does not abrogate the power and authority of the city under the state constitution, the Michigan Zoning Enabling Act, and statutory authority to protect the public health, safety and welfare and to continue to regulate issues of local concern.

c. *Necessity.* The city council declares that this section is essential to the health, safety, economic and general welfare of the people of the city, and to the furtherance of the policy set forth in article 7, section 7 of the state constitution, and through the powers given to municipalities to protect the public health, safety and welfare of the citizens of Southfield through the Home Rule City Act, MCL 117.4i and Michigan's Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq.

d. *Definitions of terms.* Terms not specifically defined in this section shall have the meaning customarily assigned to them. The following words and phrases used in this section shall have the meaning respectively given as follows:

Applicant: An individual, firm, company, corporation or government authority created by statute that seeks special use approval for oil and gas development activities regulated by this section.

Contaminated liquid: Includes but is not limited to any water, waste water, liquid industrial waste, crude, oil/brine, chemical mixture with water or any other fluid or liquid which is deemed contaminated under applicable federal and/or state law.

Derrick: Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Drilling pad: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Hydraulic fracturing or fracking: A well completion operation that involves injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to create or propagate artificial fractures for the purpose of improving the deliverability and production of hydrocarbons.

Horizontal drilling: The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

Immediately: Within one (1) hour of receipt of knowledge of a release or suspected release.

Oil and gas: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

Oil and gas development or oil and gas development activities: The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil and natural gas processing plant: A facility designed and constructed to process crude oil and/or to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Oil or gas well: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or gas well site or well site: The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well, including required containment area. This definition also includes exploratory wells.

Operator: An individual, firm, company, corporation or government authority created by statute that conducts oil or gas development activities on a well site pursuant to special use approval by the city council.

Natural gas compressor station: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Storage well: A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

e. *Required conditions for special use approval.* In addition to the general standards set forth in subsection 5.185(1)(a) through (1)(f) herein, special use approval for oil and gas wells and oil and gas development shall be subject to the following conditions and requirements:

i. *Spacing and setbacks.* An oil or gas well and/or an oil and gas well site shall not be located closer than six hundred (600) feet of a residential dwelling or place of worship, school, hospital, child care center, or public park. This paragraph shall not be construed to restrict or prohibit underground horizontal drilling directional or horizontal drilling where lawfully permitted by the state department of environmental quality.

ii. *Height.* The completed wellhead structure shall not exceed twenty five (25) feet in height. The temporary drilling derrick/rig shall not exceed one hundred fifty (150) feet in height.

iii. *Minimum lot size.* The minimum lot size shall be based upon meeting required spacing and setbacks.

iv. *Fencing, landscaping, lighting, access roads.*

1. An oil or gas well site shall be completely enclosed within a six-foot high black vinyl-coated chain link fence, equipped with at least two (2) gates with a knox box to allow for entry by city emergency personnel, if needed. All gates are to be kept locked when the operator or its employees are not on the oil or gas well site.

2. Staggered ten-foot tall evergreen trees shall be placed adjacent to any residentially zoned property or public right-of-way to screen the oil or gas well site and drilling wellhead and pad, and the buffer shall be a minimum of twenty five (25) feet in depth. This landscape buffer shall be in place within sixty (60) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.

3. Obnoxious night-time light emitted off the well site interferes with the comfortable, quiet use and enjoyment of surrounding residential properties. Oil or gas well site lighting shall be shielded, directed downward and directed internally on the site so as to avoid glare on public roads, and adjacent property, dwellings, and buildings. The level of light (foot-candles) at common adjacent lot lines shall be zero (0). Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

4. Access roads to an oil or gas well site shall be designed and constructed to minimize nuisances to surrounding properties, obtain and comply with all required state, county, or city standards and permits, and shall be located at least fifty (50) feet from any adjoining property line.

v. *Compliance with City Code.* Oil and gas development activities or other wells drilled for oil or gas exploration purposes shall comply with all applicable provisions of the City Code.

vi. *Dust, noise, vibration, and odors.* All oil and gas development activities shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the state department of environmental quality for the production of oil, gas and other

hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the oil and gas development activities carried on at any well site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the well site or structures thereon shall not be permitted to become dilapidated, unsightly or unsafe. The city may impose additional reasonable restrictions upon oil and gas development activities to reduce adverse impacts upon adjacent properties.

vii. *Hydraulic fracturing or fracking.* Hydraulic fracturing or fracking is expressly prohibited within the city.

viii. *Compliance with laws and permit issuance.* Oil and gas development activities for the purpose of oil or gas extraction shall be undertaken in conformity with all state and federal laws, statutes, rules, and regulations pertaining thereto, and particularly with the state, the state department of environmental quality, and the regulations of its supervisor of wells. This shall include obtaining the required permit(s) from the state department of environmental quality and/or the supervisor of wells, which permit(s) shall be provided to the city before the city will consider an application for a special use approval under this section. This requirement also applies to, but is not limited to, the plugging of wells, the exploration for, the production, marketing, and transportation of petroleum products, and the disposition and removal of any byproducts utilized and associated with such activities.

ix. *Associated permits and approvals.* Special use approval for oil and gas development activities of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and is not in lieu of any permit or plan which may be required by any other provision(s) of the city zoning ordinance, building and fire codes, wetlands and watercourse protective ordinance, woodland and tree preservation ordinance, or other city ordinance or by any other governmental agency unless expressly provided otherwise herein.

x. *Operations.*

1. Well site preparation and construction of well sites are limited to the hours of 7:00 a.m. to :00 p.m. Construction activities associated with establishment of the well site may be eligible for an exception permit issued by the city department of building and safety engineering pursuant to subection 9.11(2) of the City Code.

2. The movement of drilling rigs, tanker trucks, or heavy equipment used in connection with oil and gas development activities over public roads and streets, shall be consistent with the city's traffic engineer's approval, which shall be obtained in advance. The city's traffic engineer shall identify the streets and roadways which may be used, and identify any conditions that may apply.

3. All brine, mud, slush, saltwater, chemicals, wastewater, chemicals, fluids or waste, produced or used in connection with oil and gas

development activities, shall be safely, lawfully, and properly disposed of to prevent infiltration of or damage to any fresh water, well, groundwater, watercourse, pond, lake or wetland.

4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut in accordance with the section 9.41 of the City Code. Machinery and equipment not being currently used in the oil and gas development activities at the well site shall not be stored or kept at the well site.

5. An oil or gas well shall include measures or controls satisfactory to the city engineer to prevent migration, run-off, or discharge of any hazardous materials, including but not limited to, any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the city sanitary sewer system, storm water system, or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the city's engineering requirements and applicable provisions of the City Code.

6. Oil and gas development activities shall not result in impacting residential water supplies by:

    i. The withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties.

    ii. Contamination of soil, groundwater and/or drinking water supplies.

7. Oil and gas development activities shall not cause environmental consequences to protected wetlands, woodlands, and/or environmentally sensitive areas, including, but not limited to:

    i. Unreasonable disruption or harm to wildlife and unreasonable fragmentation or disruption of wildlife habitats;

    ii. Unreasonable disruption to public parks;

    iii. Withdrawal of groundwater resulting in an impact to the interconnected lakes, streams, ponds and wetlands within the city;

    iv. Contamination of soil, groundwater, surface water or environmentally sensitive areas identified by the city;

    v. Impacts to the natural course and flow of storm water runoff.

8. Oil and gas development activities shall comply with all permit(s) issued, all required plans as approved, and any and all conditions attached to the special use approval by the city council.

xi. *Inspection.* The building official, the fire marshal, and any other designee of the city administrator shall have the right and option at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of

making inspections to determine if the requirements of this section are complied, including the requirements of any other law, regulation, code or ordinance.

xii. *Pipelines.* The operator shall not excavate or construct any lines for the conveyance of fuel, water, oil, gas, or petroleum liquids, on, under, or through the streets, alleys, rights-of-way, or other properties owned by the city without an easement from the city.

xiii. *Submittal requirements.* In addition to submittal requirements for a site plan as set forth in section 5.22 of article 4 general requirements of chapter 45, zoning and planning, of the City Code, and special use as set forth herein, the following information and documentation shall be submitted by the applicant as part of the special use application, and shall be subject to the review and approval of the city in connection with the special use application:

1. *Environmental impact statement.* The environmental impact statement filed with the supervisor of wells in connection with a well permit under part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501 et. seq. and the administrative rules promulgated under part 615, as may be amended, and any other federal or state permits required to undertake the intended oil and gas development activities at the well site. Additionally, copies of any studies and/or reports undertaken in conjunction with required federal or state permits shall be submitted.
2. *Permits.* A copy of all of the following city-issued permits:
    i. If required, a copy of wetland permit;
    ii. If required, a copy of woodland permit;
    iii. If required, a copy of soil erosion and sediment control permit;
    iv. If required, a copy of any building permit.
3. *Schedule.* A timeline and activity schedule for the proposed oil or gas activities.
4. *Plans.* A copy of the following plans, if applicable:
    i. Soil erosion and sedimentation control plan.
    ii. Grading plan.
    iii. A hydrogeological study and monitoring plan.
    iv. Water withdrawal plan.
    v. Water management plan.
    vi. Truck route plan.
    vii. Noise management plan.
    viii. On-site chemical storage plan.

ix. Waste management and disposal plan.

x. Pollution prevention plan.

xi. Emergency response plan.

xii. Site identification plan.

xiii. Site restoration plan.

5. Required plans shall comply with the following and shall be subject to the approval of the city:

i. *Soil erosion and sedimentation control plan.* The soil erosion and sedimentation control plan shall comply with all applicable provisions of chapter 49, soil erosion and sedimentation control ordinance.

ii. *Grading plan.* The grading plan shall comply with all applicable provisions of article ii, of chapter 19 of the City Code.

iii. *Hydrogeological study and monitoring plan.* A hydrogeological study and monitoring plan is required for the protection of groundwater. Such study shall consist of a minimum of three (3) on-site groundwater monitoring wells at the perimeter of the drilling pad set at a depth encountering the first water bearing zone. Groundwater depth, gradient, and flow direction shall be determined within these three (3) wells, and a down gradient groundwater monitoring well shall be installed to monitor groundwater conditions. The initial results of the study must be included in the application submittal for the application to be considered administratively complete.

iv. *Water withdrawal plan.* A water withdrawal plan shall be provided, which is designed to protect the level of water in lakes, ponds, wetlands, watersheds, groundwater and residential drinking wells located within the city.

v. *Water management plan.* A water management plan shall be provided, which is designed to determine potential impacts from planned water withdrawals. The results of a valid hydrogeological investigation shall also be submitted, including, results of a valid aquifer pump test, and computer modeling to determine aquifer characteristics and the lateral radius of the cone of depression to be created at the proposed aquifer pump rate at the location of the proposed point of groundwater withdrawal.

vi. *Truck route plan.* Excessive truck traffic impedes the flow of traffic within a community and results in significant damage to the roads within the community. Therefore, a proposed truck route plan shall be provided. The plan shall be developed to minimize the impact on local traffic flow and on the condition of local roads utilizing an engineered pavement

management system (PMS) methodology to determine existing hard surface road conditions. The plan shall include the proposed routes of all trucks to be utilized at the site, the estimated weight of those trucks, the hours trucks will be traveling to and from the well site, and the estimated number of trucks entering and exiting the site on a daily basis. The plan shall also provide for restoration of damaged roads consistent with best engineering practices utilized for bituminous or concrete paving systems. The proposed truck route plan shall be subject to the approval of the city traffic engineer.

vii. *Noise management plan.* Industrial operations in and adjacent to residential districts oftentimes generate noise that is emitted off site. Therefore, a noise management plan shall be provided detailing how the oil and gas development activities complies with section 9.10, excessive noise declared nuisance, and section 9.11, specific offenses, of the City Code. The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generating equipment. The noise management plan shall:

1. Provide documentation establishing the ambient noise level prior to construction;
2. Identify the oil and gas development activities on site that have the potential to cause noise impacts;
3. Specify how the impacts will be mitigated considering the following characteristics:

a. Nature and proximity of adjacent development;

b. Seasonal and prevailing weather patterns, including wind directions;

c. Extent of vegetative screening on or adjacent to the site;

d. Topography.

viii. *On-site chemical storage plan.* A chemical storage plan containing a list and the location of all chemicals on site and the safety data sheets (SDS) shall be provided and subject to the approval of the city fire department.

ix. *Waste disposal plan.* A waste disposal plan shall be provided, detailing a complete description of all projected waste, and shall include a list of all chemical constituents and total volumes intended for disposal and the manner by which waste shall be disposed.

x. *Pollution incident prevention plan (PIPP).* A pollution incident prevention plan which comports with part 31, Water Resources Protection, under NREPA, as amended, and the

administrative rules promulgated thereunder, shall be provided which is designed to protect the lakes, ponds, wetlands, watersheds, soil/groundwater, ambient air, woodlands, wildlife habitats, walking trails, nature paths, and other environmentally sensitive areas of the city from contamination or pollution that may result from the proposed oil and gas development activities.

xi. *Emergency response plan.* An emergency response plan, shall be submitted to the city's police department, fire department, planning, department of homeland security and emergency management, building and engineering departments. Also, the applicant/operator shall, at its sole cost and expense, provide appropriate site orientation and adequate information for on-going training to address any potential dangerous conditions that may result from the oil and gas development activities. Pursuant to state and federal law, the operator shall provide any information necessary to assist the city with establishing written procedures to minimize dangerous conditions that may result from the proposed oil and gas development activities. The emergency response plan shall include the operator's emergency contact information.

xii. *Site identification plan.* A site identification plan shall be submitted delineating the location, wording and size of required site signage.

xiii. *Site restoration plan.* A site restoration plan shall be submitted showing the nature, extent and timelines for site restoration once exploration, extraction and all oil and gas development activities have ceased.

xiv. *Compliance with section 5.55 wetland and watercourse ordinance, and section 5.56 woodland and tree preservation ordinance.* All proposals for oil and gas wells and oil and gas development are subject to review for woodlands and wetlands and any permits that may be required.

6. *Site maintenance agreement.* A copy of the executed standard city site maintenance agreement shall be submitted.

7. *Proof of Insurance.* Proof of insurance in coverages and amounts as established by resolution of the City Council including a required pollution incident liability rider shall be submitted.

8. *Statement.* A statement as to whether the applicant/operator has operated a site where a release occurred, where there was a violation of any provision of the NREPA, or where there was a finding that a nuisance existed; and, if so, the statement shall further describe each release, violation, or nuisance, and specify the date, place, jurisdiction and any emergency and/or remediation action taken.

9. *General operations.* A general operations plan shall be submitted which includes, at a minimum, a description of the nature of the proposed activities, hours of operation, the number of employees, and projected duration of the oil and gas development activities.

10. *Fees, expense reimbursement, performance guarantee.* The applicant/operator shall pay the application fee and shall establish an escrow to reimburse the city for all expenses of inspection, administrative review, technical review, and for professional and consultant fees incurred including, but not limited to: engineering, planning, building, environmental, and legal fees. A performance guarantee is required in the form of cash or an automatically renewable irrevocable letter of credit, the form of which is approved by the city attorney, in an amount sufficient to ensure compliant closure and restoration of the oil and gas well and the well site, and which may also be used by the city to respond to and remedy an emergency or exigent situation posing a threat to the public health, safety, and welfare, involving the well site and/or oil and gas development activities of the operator, or damage to roads or other city property. The application fee, escrow, and performance guarantee shall be established by resolution of the city council. The resolution shall be on file and made available at the office of the city clerk.

11. *Signatures required.* The application shall be signed by both the applicant/operator and property owner, and shall be maintained by the city planning department.

xiv. *Monitoring and reporting.*

1. The operator shall notify the city immediately of a "release" as defined in part 201, of NREPA.

2. In order to conduct the monitoring required by this section the Operator, at its own cost, shall sample on-site groundwater monitoring wells quarterly for purgeable aromatic hydrocarbons (BTEX) and chloride, and shall report the sample results to the city planning department within ten (10) days of receipt of sample laboratory test results. The city reserves the right to expand the list of chemicals of concern that the operator shall be required to monitor upon confirmation of a release.

xv. *Copy of data.*

1. The operator shall copy the city on all data required to be delivered to the Michigan Department of Environmental Quality (MDEQ) and/or the United States Environmental Protection Agency (EPA) for the oil and gas development activities on site;

2. The operator shall provide and test results tot eh city upon request.

xvi. *Waste disposal.* Operator shall inform the city in writing of any modification of the waste stream and/or any new waste not included in the application. Applicant/operator shall provide a semi-annual report to the city which includes an analysis of the waste stream for all chemical

constituents and total volumes. The operator shall also allow the city to conduct random samples of the waste stream upon a forty-eight (48) hour notice to the operator. This sampling and testing shall be at operator's expense. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall, under the supervision of the MDEQ, be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.

xvii. *Well conversion.*

1. *Oil and/or gas wells.* Prior to converting an oil or gas well to a class II brine injection well, an operator shall file the following updated documents and plans with the city planning department, for review and approval:

   i. Hydrogeological study and monitoring plan;

   ii. Truck route plan;

   iii. Noise management plan;

   iv. On-site chemical storage plan;

   v. Waste management and disposal plan;

   vi. Pollution prevention plan;

   vii. Emergency response plan;

   viii. Proof of insurance.

2. *Class II liquid industrial waste well.* Prior to installing a new class II liquid industrial waste well or to converting any existing well to a class II liquid industrial waste well, an operator shall be required to file a separate special land use request permit application that conforms to all application requirements set forth in subsection 5.185(2)(c)(5)(M) hereof.

xviii. *Notices required; application.* Oil and gas development activities have the potential of adverse secondary impacts and very serious consequences. Further, there is oftentimes a lack of information readily available to the city and the public regarding local exploration, extraction and development of oil and gas operations. Therefore, the following notice to the city and surrounding properties is required to enable the city to ensure the protection of the health, safety and welfare of its residents, of environmentally sensitive features, residential water wells and the residential quality of life:

(1) Within five (5) days of filing an application for a permit with the state to conduct any oil or gas development activity within the city, the applicant shall file a copy of the permit application with the city planning department.

(2) Within seven (7) days of filing an application for a permit with the state, the applicant shall, by regular United States mail, notify the owner(s) of record and/or occupant(s) of all properties within seven

hundred (700) feet of the property on which the proposed well is to be located and shall include the following information:

i. The name and address of the applicant.

ii. A statement that the applicant has applied for a permit to drill and operate an oil and gas well.

iii. A statement that a person may submit comments on the application by mail to the state department of environmental quality, and provide the applicable address, telephone number and contact person, if available.

iv. Include a copy of the first page of the permit application.

v. The applicant shall provide proof of mailing of the notices to the city planning department.

xix. *Civil proceedings; injunction.* Any activity conducted in violation of this subsection 5.185(2)(c) is declared to be a nuisance per se, and the city may commence civil proceedings in any court of competent jurisdiction necessary for the enforcement of this section to restrain or correct violations and for the recovery of costs and expenses incurred by the city as authorized by law. Such proceedings, including injunctive relief, shall be brought in the name of the city; however, the institution of civil proceedings shall not preclude enforcement of any other proceeding authorized by ordinance, state or federal law. Further, the city may also issue a stop-work order or withhold issuance of any certificate of occupancy, permits or inspections until the provisions of this section, including any conditions imposed by the city council as part of the special use approval, have been fully met. Failure to obey a stop-work order shall constitute a violation of this section.

xx. The standards and requirements of subsection (1) are consistent with and promote the intent and purposes of chapter 45 of the City Code and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and are consistent with the public health, safety and welfare of the city.

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

xxii. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the city council and the landowner.

xxiii. The decision of the city council on a special land use shall be incorporated in a statement of conclusions relative to the special land use and shall specify the basis for the decision and for any conditions imposed.

xxiv. A request for approval of a special land use or activity made under the provisions of this section which is in compliance with the standards and requirements stated above and with the conditions imposed pursuant to subsection (5) above, other applicable ordinances, and state and federal statutes, shall be approved.

(Ord. No. 1075, 12-7-81; Ord. No. 1106, 10-11-82; Ord. No. 1244, 3-31-88; Ord. No. 1662 , § 1, 5-1-16; Ord. No. 1664 , § 2, 9-8-16; Ord. No. 1709 , § 11, 10-3-19; Ord. No. 1734 , § 9, 4-22-21)

Sec. 5.185-A. Required conditions.

(1) Any gasoline filling station, gasoline service station, or gasoline filling/service station established before September 11, 2016 shall be considered a legal nonconforming use.

(a) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station (i.e., automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the city planner) which may only remain outside for display and retail sales during the hours of operation of the gasoline station. Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar as determined by the city planner) are strictly prohibited. Any exterior convenience items which were unlawfully installed and maintained prior to the effective date of this section must be removed as of the effective date of this section.

(b) The following special land uses shall be allowed on properties with frontage on W Eight Mile Road:

1. Medical marihuana grower, processor and secure transporter (see article 4section 5.22-7 for requirements).

(Ord. No. 1699 , § 15, 12-27-18; Ord. No. 1709 , § 11, 10-3-19)

Sec. 5.186. Area and bulk regulations.

The area and bulk regulations shall be regulated as set forth in the "schedule of regulations" in article 22.

Sec. 5.187. Building line.

In all Industrial (I-1) Districts, no building or structure shall be erected, altered or moved so that any part or portion thereof is nearer than sixty (60) feet (18.3 meters) from the existing right-of-way line. The area between the minimum required building line and the front lot line shall not be used for vehicular parking or open storage.

Sec. 5.188. Landscaping.

Landscape plans and green infrastructure/low impact development methods required per article 4section 5.31(21)(b).

(Ord. No. 1678 , § 15, 7-6-17)

ARTICLE 21. VEHICULAR PARKING DISTRICTS (P)

Sec. 5.189. Uses permitted.

In all Vehicular Parking Districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for the following use:

(1) A parking lot for passenger vehicles not exceeding a net weight of three (3) tons (2.7210 metric tons) and all parking shall be for periods of less than forty-eight (48) hours.

(2) No buildings other than those for shelter of attendants shall be erected upon the premises. One (1) said shelter shall not exceed fifty (50) square feet (4.65 square meters) of shelter building area for the first acre or less plus an additional fifty (50) square feet (4.65 square meters) of shelter building area for each additional acre of land area. The location of such building shall be subject to the review and approval of the city council to ensure that it will not conflict with the movement of vehicular traffic or obstruct the viewing of vehicles and pedestrians, and so to minimize the possibility of any adverse effects upon adjacent properties.

(Ord. No. 1270, 2-27-89; Ord. No. 1346, 6-8-92)

Sec. 5.190. Development regulations.

The development and use of any parking area shall be in accordance with all the applicable requirements of this chapter.

Sec. 5.191. Uses permitted subject to special approval.

The following uses may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use or uses may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) *Standards.*

(a) Reserved.

(b) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the district.

(c) The location, size, and intensity of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(d) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(e) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(f) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(g) The request for a use requiring special approval shall be accompanied by a site plan indicating the treatment of the subject property, the adjacent uses and properties, and the relationship of the site to adjoining thoroughfares.

(2) *Uses.*

(a) The storage of new cars only, and when the storage of these new vehicles are in excess of any permitted land use and parking requirements on the same lot, or side-well parcel. And further, the site provides for site security and soil stabilized or hard surfacing of the storage area.

(Ord. No. 1507, 9-26-04)

Sec. 5.192. Reserved.

ARTICLE 22. SCHEDULE OF REGULATIONS

Sec. 5.193. Residential zoning districts.

ENGLISH SYSTEM

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES Acres	MINIMUM LOT WIDTH Feet	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN FEET				MIN FLOO AREA Sq. F
	Sq. ft./Dwelling Unit	Sq. ft./room of 80 sq. ft. or more			Feet	Stories	Front	Least Side	Total Sides	Rear	
R A	7,500			65	25	2	30	(r) 8	(r) 20	35	1,00
R 1	9,000			70	25	2	40	8	20	35	1,00
R 2	9,000			70	25	2	40	8	20	35	1,00
R 3	9,000			70	25	2	40	8	20	35	1,20
R 4	9,000			70	25	2	40	10	25	35	1,40
R E	20,000			90	25	2	40	10	25	35	1,40
R-T		2,000			25	2	30	(a) 30		30	(t)
RM Multiple		1,500	2 acres		30	2	(a) 50	(a) 50		(a) 50	(t)
RMM		(u)	3 acres		70	6	(v) 75	(v) 50		(v) 50	(t)
RMU		(u)	5 acres		(b)	(b)	(v) 75	(v) 50		(v) 50	(t)

METRIC SYSTEM

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES Hectares	MINIMUM LOT WIDTH Meters	MAXIMUM HEIGHT		MINIMUM YARD SETBACK IN METERS			
	Sq. m./Dwelling Unit	Sq. m./room of 7.44			Meters	Stories	Front	Least Side	Total Sides	Rear

		sq. m. or more								
R A	697.5			19.825	7.625	2	9.15	(r) 2.44	(r) 6.1	10.67
R 1	837			21.35	7.625	2	12.2	2.44	6.1	10.67
R 2	837			21.35	7.625	2	12.2	2.44	6.1	10.67
R 3	837			21.35	7.625	2	12.2	2.44	6.1	10.67
R 4	837			21.35	7.625	2	12.2	3.05	7.625	10.67
R E	1860			27.45	7.625	2	12.2	3.05	7.625	10.67
R-T		186			7.625	2	9.15	(a) 9.15		9.15
RM Multiple		139.5	.81 Hectares		9.15	2	(a) 15.25	(a) 15.25		(a) 15.25
RMM		(u)	1.215 Hectares		21.35	6	(v) 22.875	(v) 15.25		(v) 15.25
RMU		(u)	2.025 Hectares		(b)	(b)	(v) 22.875	(v) 50		(v) 15.25

(Ord. No. 1613 , § 2, 8-18-13)

Sec. 5.194. Nonresidential zoning districts.

ENGLISH SYSTEM

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES Acres	MINIMUM LOT WIDTH Feet	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN FEET				MIN FLOO AREA Sq. F
	Sq. ft./Dwelling Unit	Sq. ft./room of 80 sq. ft. or more			Feet	Stories	Front	Least Side	Total Sides	Rear	
O-S					25		(s) 15	(c) 15		(c) 15	
ERO-M					55	4	(v) 75	(v) 30		(v) 75	
ERO					(b)		(v) 75	(v) 30		(v) 75	
TR			(h)		30		150	(i)	(i)		
NS			*				60	60		60	1,00
RS			25 acres		(g)		75	75		75	750
RC		(u)	10 acres		(b)		(v) 75	(v) 50		(v) 75	(t)

B-1					25		(s) 15	(c) 15		(c) 15	
B-2			*		(b)		(c) 50	(c) 50		(c) 50	
B-3					(b)		(e) 25	(j)		(e) 15	750
I-L					(n) 30		(o) 60	(p)		(q) 50	
I-1					60		60	(l)			750
P							(m)	(m)		(m)	

METRIC SYSTEM

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES Hectares	MINIMUM LOT WIDTH Meters	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN METERS			
	Sq. m./Dwelling Unit	Sq. m./room of 7.44 sq. m. or more			Meters	Stories	Front	Least Side	Total Sides	Rear
O-S					7.625		(s) 4.575	(c) 4.575		(c) 4.575
ERO-M					16.775	4	(v) 22.875	(v) 9.15		(v) 22.87
ERO					(b)		(v) 22.875	(v) 9.15		(v) 22.87
TR			(h)		9.15		45.75	(i)	(i)	
NS							18.3	18.3		18.3
RS			10.125 Hectares		(g)		22.875	22.875		22.87
RC		(u)	4.05 Hectares		(b)		(v) 22.875	(v) 15.25		(v) 22.87
B-1					7.625		(s) 4.575	(c) 4.575		(c) 4.575
B-2					(b)		(c) 15.25	(c) 15.25		(c) 15.25
B-3					(b)		(e) 7.625	(j)		(e) 4.575
I-L					(n) 9.15		(o) 18.3	(p)		(q) 15.25
I-1					18.3		18.3	(l)		
P							(m)	(m)		(m)

(Ord. No. 1044-C, 12-22-80; Ord. No. 1440, 10-26-98; Ord. No. 1613 , § 2, 8-18-13)

Sec. 5.195. Schedule of regulations' notes.

(a) Side yards need not refer to spacing between buildings for a planned development for two (2) or more buildings on the same parcel; in such instance, the distance between buildings is regulated by the building distance formula as found in section 5.96 and where, because of building arrangement, the formula is not applicable, the minimum distance shall be twenty (20) feet (6.1 meters).

(b) Unlimited, provided yard requirements are satisfied.

(c) Yard(s) shall be not less than the height of the building, except that where a lot line abuts a street, one-half (½) the width of the right-of-way of said street may be considered as yard setback; but in no instance, above included, shall any yard setback be less than the figure indicated.

(d) No building shall be closer than seventy-five (75) feet (22.875 meters) to a major thoroughfare and not closer than forty (40) feet (12.2 meters) from any other street right-of-way.

(e) For buildings over twenty-five (25) feet (7.625 meters) in height, footnote (v) shall apply; however, in no instance shall the yard be less than the figure indicated.

(f) See article 9, section 5.102, site plan review, but in no instance shall any front or side yard be less than fifteen (15) feet (4.575 meters) nor any rear yard be less than ten (10) feet (3.05 meters).

(g) Buildings shall not exceed a height of sixty (60) feet (18.3 meters) except when not nearer than two hundred (200) feet (61 meters) from any adjoining residential district.

(h) The site plan shall be subject to the review and approval of the city council.

Said finding shall determine that:

(1) The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.

(2) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent properties.

(i) There shall be a minimum side yard and rear yard of one hundred fifty (150) feet (45.75 meters) where such use abuts upon the side yard or rear yard of a residential district. In all other instances, there shall be a minimum side yard and rear yard equal to five (5) times the height of the tallest point of the building and not less than eighty (80) feet (24.4 meters).

(j) Side yards are not required along the interior side lot lines when the building does not exceed twenty-five (25) feet (7.625 meters) in height. When the height exceeds twenty-five (25) feet (7.625 meters), the minimum yard shall be determined by footnote (v). Where a side lot line abuts a street, a landscaped side yard of not less than fifteen (15) feet (4.575 meters) shall be provided.

(k) There shall be on each lot a rear yard of not less than ten (10) square feet (0.93 square meters) for each front foot to provide space for loading and unloading and shall be computed separately from the off-street parking requirements.

(l) Side yards are not required along the interior side lot lines; where a side lot line abuts a street, a landscaped side yard of not less than twenty (20) feet (6.1 meters) shall be provided.

(m) Where the parking lot lies across the street and opposite a residentially zoned district wherein the lots front or side on such street, the required setback in feet shall be twenty (20) feet (6.1 meters).

Where the parking lot lies across the street and opposite or contiguous to and in the same block with residentially zoned property which has only side lot lines on the street, there shall be established a setback line ten (10) feet (3.05 meters) from the front lot line.

Wherever a screen planting is not practical or reasonable, a continuous unpierced masonry wall of specified height and materials may be substituted for buffer strip, if approved by the board of appeals.

(n) Except that any structure not less than two hundred (200) feet (61 meters) from a residential zoning district may be increased in height by one (1) foot (0.305 meters) for each two (2) feet (0.61 meters) of additional front, side and rear yard provided in addition to the minimum yard requirements.

(o) Which shall not be used for parking.

(p) Not less than the height of the building which may be used for parking and where a side yard abuts a street, a landscaped side yard of not less than ten (10) feet (3.05 meters) shall be provided.

(q) Which may be used for parking.

(r) A minimum side yard on the garage side shall be five (5) feet (1.525 meters) and minimum total sides fifteen (15) feet (4.575 meters) where an attached garage having no habitable living area above the garage is located at the side of a dwelling unit and any portion of the house behind the garage is only one (1) story in height.

(s) Sixty (60) feet (18.3 meters); except where the lot is less than four hundred (400) feet (122 meters) deep, the setback may be reduced to equal fifteen (15 percent) percent of the depth of the lot; but in no case shall the setback be less than fifteen (15) feet (4.575 meters).

(t) Minimum floor area shall be determined by the following schedule:

1 bedroom: Eight hundred (800) square feet (74.4 square meters)

2 bedroom: One thousand (1,000) square feet (93.0 square meters)

3 bedroom: One thousand one hundred (1,100) square feet (102.3 square meters)

4 bedroom: One thousand three hundred (1,300) square feet (120.9 square meters)

Minimum floor area is the area of the unit measured from the outside faces of exterior walls to the center of interior walls of the unit. Included within the minimum floor area computation may be private balconies or private patios having a minimum dimension of five (5) feet (1.525 meters) and a minimum area of forty (40) square feet (3.72 square meters) with a maximum allowable area for computing minimum floor area not to exceed ten (10) percent of the unit size.

(u) Required land area per unit for multiple family developments shall be determined in accordance with the following schedule:

Height of building in stories	Required land area in square feet per number of bedrooms			
	1	2	3	4
10+	871 (50du/a)	1,090 (40du/a)	1,245 (35du/a)	1,452 (30du/a)
7—9	968 (45du/a)	1,210 (36du/a)	1,452 (30du/a)	1,742 (25du/a)

3—6	1,090 (40du/a)	1,360 (32du/a)	1,742 (25du/a)	2,180 (20du/a)
1—2	1,210 (36du/a)	1,555 (28du/a)	2,178 (20du/a)	2,900 (15du/a)

(v) Along those property lines which abut a single-family residential district or which are seventy-five (75) feet (22.875 meters) or less from property zoned in a single-family residential district classification, as measured along a line which is drawn at right angles to any point along the property line, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{3}$$

Along those property lines which do not have the above described relationship to property zoned in a single-family residential district classification, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{6}$$

The symbols used above shall be defined as follows:

Y = required yard.

L = the total length of that portion of a lot line from which, when viewed directly from above, lines drawn perpendicular from the lot line will intersect any part of the building other than permitted yard encroachments.

H = height of building as defined in article 2, section 5.3(11).

In all zoning districts which are regulated by this footnote, not more than fifty (50) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15) feet (4.575 meters) wide except at points of approved vehicular access to the street.

(w) *Exceptions to height standards.*

Exceptions. The height limitation of this section shall not apply to chimneys, cooling towers, elevators, bulkheads, fire towers, penthouses, stacks, stage towers, scenery lofts, tanks, water towers, pumping towers, monuments, steeples, cupolas, clock and bell towers, and mechanical appurtenance accessory to and necessary for the permitted use in the district in which they are located.

Height of public and semipublic buildings. The height of public and semipublic buildings such as churches, cathedrals, temples, hospitals, sanitariums, or schools shall not exceed fifty-five (55) feet, provided that if any such building exceeds the height limitation for the district in which is located, then, in addition to the required setback, the building shall be set back an additional one (1) foot for each foot by which the building exceeds the height standard.

Height of parapet walls. Parapet walls may extend up to five (5) feet above the permitted height in the district in which the building is located.

(Ord. No. 1271, 2-27-89; Ord. No. 1276, 5-22-89; Ord. No. 1613 , § 2, 8-18-13; Ord. No. 1642 , § 4, 7-19-15; Ord. No. 1699 , § 16, 12-27-18)

Secs. 5.196, 5.197. Reserved.

ARTICLE 23. BOARD OF APPEALS

Sec. 5.198. Powers.

(1) The zoning board of appeals shall not have the power to alter or change the zone district classification of any property; allow a use of property not otherwise permitted in a zone district except as provided in subparagraph (2); nor make any change in the terms of this chapter, but does have the power to act on those matters where this chapter provides for administrative review or interpretation, and to authorize a variance as defined in this section. Said powers include:

(a) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the director of the department of building and safety engineering with the exception of a decision made pursuant to section 5.57 of this chapter or any other administrative official in carrying out or enforcing any provision of this chapter.

(b) *Zoning map.* To hear and decide in accordance with the provisions of this chapter requests for interpretation of the zoning map.

(c) *Variances.* To authorize, upon appeal, a variance from the strict applications of the provisions of this chapter where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of the original enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties to, or undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the board of appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in the furtherance of the purpose of this chapter. In granting a variance, the board of appeals shall state the grounds upon which it justifies the granting of a variance.

(2) The zoning board of appeals, in addition to the general duties and powers conferred upon it by law, may, in specific cases and subject to appropriate conditions and safeguards, interpret and determine the application of the regulations herein established in harmony with their general purpose and intent as follows:

(a) Permit the erection of additional buildings or the enlargement of existing buildings or uses on the same parcel of land, or one contiguous thereto, or directly across an alley therefrom, each in the same single ownership of record at the time of passage of this chapter, for a legal nonconforming business or activity located in a district restricted against such use, where the enlargement or expansion of such business or activity will not be detrimental to or tend to alter the character of the neighborhood or district.

(b) Where the boundary line of a district divides a lot in a single ownership at the time of passage of this chapter, permit the extension of a use permitted on the less restricted portion of such lot to the entire lot but not for a distance of more than fifty (50) feet (15.25 meters) beyond the district boundary line.

(c) Permit variations in the requirements for outer courts in dwellings.

(d) Permit variations in the provisions in the chapter for the erection and use of buildings on farms for normal farm purposes, requiring however, that such buildings shall conform to all the provisions of this chapter insofar as is practicable.

(e) Temporary use permit: Permit conditional and temporary buildings and uses subject to appropriate conditions and restrictions for an initial period of not more than one (1) year which may be extended by the board for additional periods not to exceed one (1) year each provided:

1. In granting this temporary use, the board of appeals shall determine that the following conditions will be met:

   a. Such temporary use shall not adversely affect the character of the area and shall not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this chapter.

   b. Such use shall not be dependent upon major building improvements.

   c. Site improvements shall be of such character that adequate protection shall be provided to abutting uses.

2. Any action by which a temporary use permit is granted shall be taken by the affirmative vote of two-thirds (⅔) of the membership of the board after a public hearing. The reasons for granting such temporary use permit and the restrictions and limitations thereon and the nature of development permitted and arrangements for removing the use at the termination of said temporary permit shall be stated in the resolution.

3. Such permit may be revoked by the board at any time upon a proper showing that the operation of such conditional and temporary building or use has become detrimental to the health, safety, and general welfare of the city.

4. The board may refer the application for such temporary use permit to any office, department, or commission of the city for study, recommendation, and report to the board.

(Ord. No. 1409, 7-21-97; Ord. No. 1529, 1-30-06)

Sec. 5.199. Fees.

The city council may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals.

Secs. 5.200, 5.201. Reserved.

ARTICLE 24. BUILDING PERMITS AND CERTIFICATIONS OF OCCUPANCY

Sec. 5.202. Permit and certificate required.

(1) It shall be unlawful to build or use or permit the building or use of any structure or land or part thereof hereafter created, erected, altered or moved or to change or enlarge the use of any building or land or part thereof until a building permit in accordance with the provisions of this chapter and all other applicable codes and ordinances of the city properly endorsed as to occupancy in a manner herein provided shall have been issued by the director of the department of building and safety engineering hereinafter authorized.

(2) A charge to be set by the city council shall be made for the issuance of such permits. An application for a building permit shall be made to the director of the department of building and safety engineering prior to the time when a new or enlarged use of a structure or land or part thereof is intended to begin. No structure shall be started and no building or structure shall be moved onto any parcel of land in this city prior to the issuance of a permit. Such application shall be accompanied by a plot plan in duplicate, drawn to scale of not

less than one (1) inch (2.54 centimeters) = one hundred (100) feet (30.5 meters), showing the exact dimensions of the land and structure to which the permit is to apply, existing and proposed grades indicating proper drainage, the lines of all the lots or parcels under separate ownership contained therein, the width of and alignment of all abutting streets, alleys, easements of access and public open spaces, the area, size, position and height of all buildings or structures erected or to be erected or altered thereon, plans in duplicate drawn to scale of the proposed structure or alteration and such other information as may be deemed necessary for the proper enforcement. In the case of an application for other than a residence, the applicant shall also furnish a sworn statement stating all uses to which he proposes to put property or proposed buildings on the property. Accessory buildings, when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit. A record of all such applications shall be kept on file by the director of the department of building and safety engineering. Whenever the buildings, land and uses thereof as set forth on the application are in conformity with the provisions of this chapter and all other applicable provisions of the City Code, it shall be the duty of the director of the department of building and safety engineering to issue a building permit within ten (10) days after the receipt of such application. All building permits shall be conspicuously posted upon the premises. In all cases when the director of the department of building and safety engineering shall refuse to issue a building permit, he shall state such refusal in writing with the cause and reasons for said refusal.

(3) Within ten (10) days after notification that the building or premises or part thereof is ready for occupancy, the director of the department of building and safety engineering shall cause a final inspection to be made thereof and, if it is found to be in conformity with the provisions of this chapter and all other provisions of the City Code of the city, shall endorse such fact by the issuance of a certificate of occupancy.

(4) The director of the department of building and safety engineering may, upon the request of a holder of a permit, issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare. The director shall specify the period of time during which the remaining work shall be completed and failure on the part of the permit holder to complete the work within the specified period of time shall be a violation of the building code and this chapter and shall be punishable in accordance with the provisions hereof.

(5) It shall be the duty of all architects, engineers, contractors, subcontractors, builders or other persons having charge of the establishment of any use of land or the erecting, changing or remodeling of any building, land or structure within the city to insure that all proper and necessary permits have been obtained, including, but not limited to, building permits, certificate of occupancy and all other permits required by either this chapter, the building code, or any other provisions of this Code. It shall also be the duty of such party or parties to see that such work or use does not conflict with and is not in violation of the terms of this chapter. Any such person changing, altering, erecting or remodeling a building or land without such a permit or permits having been issued, or in violation of or in conflict with the terms hereof, or allowing any building, land or structure to be occupied without a certificate of occupancy having first been issued, shall be guilty of a violation of this chapter in the same manner and to the same extent as the owner of the premises or the person or persons for whom such building or land was used, altered, erected, changed or remodeled, or the use of land established or a building occupied in violation hereof and shall be subject to the penalties herein prescribed for such violation.

Secs. 5.203, 5.204. Reserved.

ARTICLE 25. ENFORCEMENT OF THE ZONING CHAPTER

Sec. 5.205. Enforcing officer.

The provisions of this chapter shall be administered and enforced by the director of the department of building and safety engineering, who shall be appointed in accordance with the provisions of the Charter of the city.

ARTICLE 26. PENALTIES

Sec. 5.206. Penalty, violation or nuisance.

Any firm, corporation or person who violates any of the provisions of this chapter shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense and shall be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Any building which is erected, altered, converted or moved or any use of land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof is hereby declared a nuisance per se, and the city through its qualified officers, as provided for by statute for maintaining suits, may institute proceedings in the circuit court for the purpose of enforcing this chapter. The director of the department of building and safety engineering, the legislative body of the city, the board of appeals or any court having jurisdiction, shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. Each day that a violation is permitted to exist shall constitute a separate offense. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE 27. AMENDMENTS TO THIS CHAPTER

Sec. 5.207. Procedure.

Amendments or supplements to this zoning chapter may be made from time to time in the same manner provided in Act No. 207 of the Public Acts of Michigan for 1921; provided, however, every petition for a zoning amendment shall be accompanied with a fee, the amount of which shall be established by council resolution and may be changed from time to time, always to hold a reasonable relationship with the necessary costs and expenses, direct or indirect, which may be incurred by reason of publication and the holding of hearings incident to such petitions for zoning amendment.

The fee accompanying the petition, regardless of the ultimate decision, is not refundable.

ARTICLE 28. INTERPRETATION AND PURPOSES OF THIS CHAPTER

Sec. 5.208. Applicability.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or structures or land or upon the height, area or size of buildings or requires larger yards, courts or other open spaces than are imposed or required by such

existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this chapter shall control.

Sec. 5.209. Validity.

Should any article, section, clause or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or part thereof other than the part so declared to be invalid.