

Chapter 102 ZONING¹

ARTICLE I. TITLE, PURPOSE, AND AUTHORITY

Sec. 102-1. Title.

This chapter shall be known and may be cited as the "City of South Lyon Zoning Ordinance."

Sec. 102-2. Purpose.

- (a) The purpose of this chapter is to promote the public health, safety, and general welfare of the community as a wholesome, serviceable, and attractive municipality, by having regulations and restrictions that:
- (1) Promote compatibility of existing and future land uses.
 - (2) Increase the safety and security of home life.
 - (3) Preserve and create a favorable quality of life for residents.
 - (4) Develop good citizenship.
 - (5) Protect and enhance property and civic values.
 - (6) Facilitate efficient traffic operations, minimize congestion, and accident potential.
 - (7) Enhance the environment for pedestrians and other non-motorized types of transportation.
 - (8) Restrict building in floodplain areas as a means of protecting property owners.
 - (9) Protect wetlands in recognition of their irreplaceable environmental value.

¹Editor's note(s)—Printed herein is the City of South Lyon Zoning Ordinance, Res. No. 01-21, Exh. A, adopted May 24, 2021, effective June 14, 2021. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used.

This newly adopted zoning ordinance superseded former chapter 102, §§ 102-1—102-11, 102-31—102-39, 102-61—102-68, 102-81—102-88, 102-101—102-112, 102-131, 102-132, 102-151—102-162, 102-181—102-87, 102-201—102-204, 102-216—102-218, 102-231—102-234, 102-246—102-249, 102-261—102-264, 102-276—102-279, 102-291—102-294, 102-306—102-309, 102-321—102-324, 102-336—102-339, 102-351—102-354, 102-366—102-369, 102-381—102-102-392, 102-406—102-410, 102-431—102-454, 102-456—102-460, 102-476—102-478, 102-491—102-493, 102-511—102-519, also pertained to zoning, and derived from ordinances of February 13, 1995; September 11, 1995; August 11, 1997; December 8, 1997; June 22, 1998; October 11, 1999; January 22, 2001; March 25, 2002; February 24, 2003; July 28, 2003; October 11, 2004; March 6, 2006; May 8, 2006; May 8, 2006; May 22, 2006; June 11, 2007; December 10, 2007; February 11, 2008; April 14, 2008; August 25, 2008; January 26, 2009; November 9, 2009; January 25, 2010; May 24, 2010; and March 12, 2012; Ord. No. 04-15, adopted May 11, 2015; and Ord. No. 01-18, adopted March 12, 2018.

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

Sec. 102-3. Conflicting regulations.

- (a) Where any condition imposed by any provision of this chapter, upon the use of any lot, building, or structure, is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this chapter or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- (b) This chapter is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this chapter shall govern.
- (c) Except as may otherwise be provided in this chapter, every building and structure erected; every use of any lot, building, or structure; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure shall be subject to all regulations of this chapter which are applicable in the zoning district in which such use, building, or structure is located.
- (d) No setback area or lot existing at the time of adoption of this chapter shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established herein.
- (e) The regulations herein established shall be considered the minimum regulations for promoting and protecting the public health, safety, and welfare.

Sec. 102-4. Vested rights.

- (a) *Site plans submitted prior to effective date.*
- (1) *Construction begun.* Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this chapter, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one year of the effective date of this chapter. The ZBA (ZBA) may permit an extension of up to one year for completion.
 - (2) *Application submitted.* An application shall meet the requirements of the ordinance effective on the date of submission. An application submitted before the effective date of this chapter must be approved by the planning commission by the date that the ordinance takes effect, or the requirements of this chapter shall be followed.
 - (3) *Application approved.* If an application has been approved within 12)months of the effective date of this chapter, it shall remain valid if construction is begun within one year and completed within two years of the effective date of this chapter.
- (b) For projects not subject to site plan approval, a building permit must be issued prior to the effective date of the ordinance and substantial construction must have begun; otherwise the requirements of this chapter take effect.
- (c) If the conditions of this section are not met, the standards and provisions of this zoning ordinance shall govern.
- (d) Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 102-5. Authority.

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

Sec. 102-6. Validity and severability.

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

Sec. 102-7. Effective date.

This chapter shall become effective seven days from the date of publication of notice of adoption.

Sec. 102-8. Repeal of prior ordinance.

The zoning ordinance previously adopted by the city prior to the adoption of the ordinance from which this article is derived and all amendments thereto are hereby repealed. The repeal of such ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such ordinance, or any

part thereof, and such ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

Adopted: May 24, 2021

Published: June 7, 2021

Effective: June 14, 2021

ARTICLE II. GENERAL PROVISIONS

Sec. 102-9. Accessory buildings, structures, and uses.

See figure 2.1 accessory buildings and structures location standards.

Accessory buildings and structures are limited to two per residential property. Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations.

(1) *Relation to principal building.*

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

(2) *Locations for detached accessory buildings.*

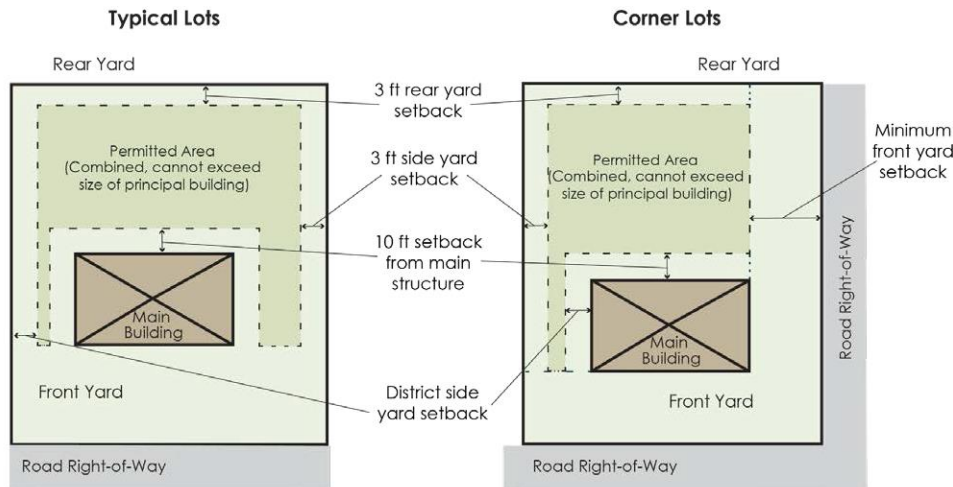
- a. Detached, accessory buildings and structures shall only be located in the yards as shown in table 2.1 and shown in figure 2.1.
- b. Accessory buildings shall not be located within a dedicated easement or right-of-way.

Table 2.1 Accessory Building Locations and Setbacks

Locations Permitted	Minimum Setback from Lot Line
Front yard	Not permitted
Side yard	District setback
Rear yard ¹	Three feet from rear lot line Three feet from side lot line One foot from alley
Corner lot-side-street yard	Front yard setback of zoning district

¹Exception for inground swimming pool, section 102-47.

Figure 2.1



- (3) *Rear yard lot coverage limit.* A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district.
- (4) *Height limitations.* The maximum height of detached accessory buildings shall be one story but not to exceed 14 feet.
- (5) *Use.* Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this chapter. Accessory buildings shall not be used for a home occupation.
- (6) *Appearance.* The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the planning commission or building official.
- (7) *Attached garages.* Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this chapter applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling.
- (8) *Car canopy and car port.* One car canopy, car port, or structure intended to protect a car from the elements, per lot is permitted shall be erected in the side or rear yard only and may not be forward of the front wall/plane of the principal building. A building permit is required to erect a car port, car canopy or similar structure. The car canopy, car port, or structure must be properly secured to the ground. Canopy may not be forward of the front wall/plane of the principal building. Maintenance of the car canopy, car port, or structure is required.

Sec. 102-10. Adult and childcare facilities.

- (a) Adult and childcare facilities, as defined in article XXV, definitions, are allowed only as provided and in compliance with Michigan Zoning Enabling Act (Excerpt) Act 110 of 2006 125.3206 Residential use of property; adult foster care facilities; family or group childcare homes in the following table. Applicable conditions are listed as footnotes to the table:

Adult and Childcare Facilities Regulations	
Type of Facility	Zoning District

	R-1A, R-1, R-2, R-3	R-T, RM-1, RM-2, RM-3	CBD, GBD, O	I-1, I-2
Adult daycare facilities	SLU as accessory	SLU	SLU	SLU
Adult foster care family home (six or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Adult foster care small group home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	SLU	SLU	NA	NA
Adult foster care large group home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Congregate facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Foster family home (four or fewer children 24 hours per day)	P	P	NA	NA
Foster family group home (five to six children 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Family daycare home (six or fewer children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	P	P	NA	NA
Group daycare home (seven to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	SLU	SLU	NA	NA
Childcare center or daycare center (more than six children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU as accessory	SLU	SLU	SLU
Child caring institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	NA	SLU	SLU	SLU
<p>P: Permitted use</p> <p>SLU: May be allowed upon review and approval of a special land use, in accordance with the general standards in article XIII special land uses.</p> <p>SLU as accessory: May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.</p> <p>NA: Not allowed in zoning district.</p>				

Footnotes:

- (1) The use shall be registered with the city clerk's office and shall continually have on file with the city documentation of a valid license as required by the state.
- (2) Since the state law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with state requirements shall be provided.
- (3) The site shall comply with the sign provisions of chapter 70 signs.
- (4) Off-street parking shall be provided for the maximum number of employees on-site at any one time.
- (5) The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the planning commission.
- (6) Documentation of sufficient indoor classroom, crib, or play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.

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- (7) There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four-foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
 - (8) There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
 - (9) The facility shall operate not more than 16 hours per day.
 - (b) A state-licensed residential adult or childcare facility existing prior to the effective date of this chapter (June 17, 2021), that has been operating under a valid state license and is registered with the city no later than 60 days following the effective date of this chapter (June 17, 2021), shall be considered an approved special land use, provided such use conforms with the conditions of this section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this chapter. Any modification to the use shall require approval following the standards of article XV site plan review as applicable.

Sec. 102-11. Antennas and towers.

Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as "regulated reception antenna"), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of article XIII, special land uses.

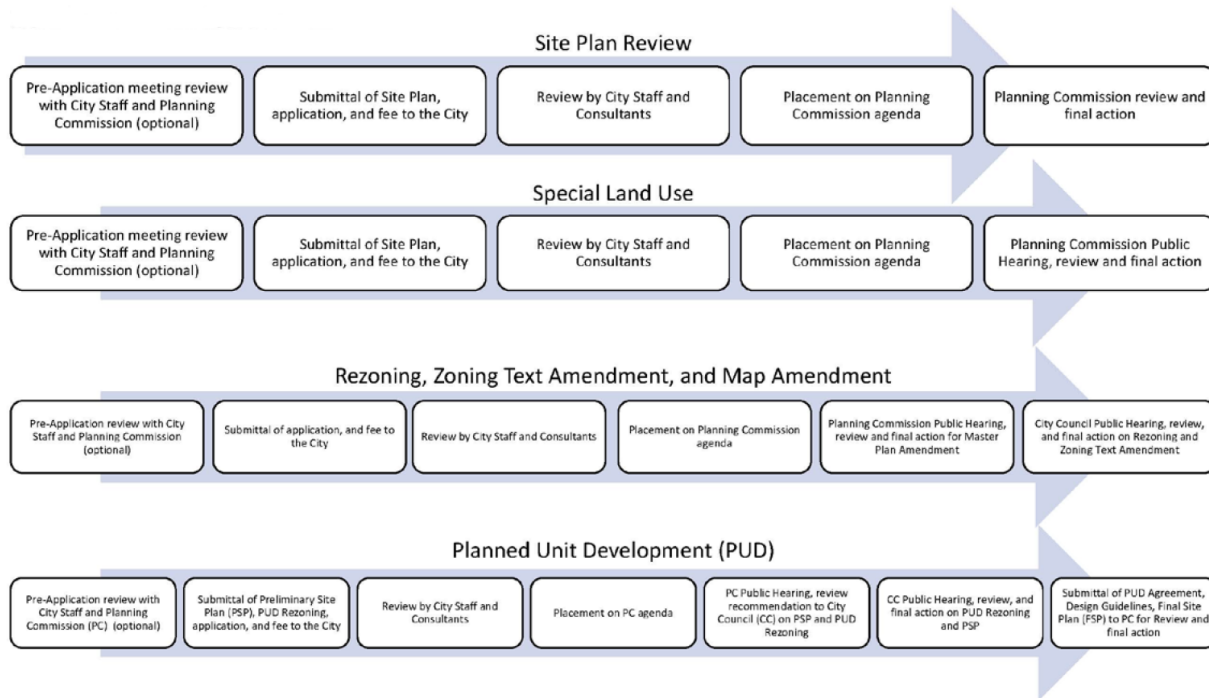
- (1) *Ground-mounted antennas.* Regulated reception antenna exceeding one meter (3.28 feet) in diameter in residential districts and three meters (9.84 feet) in non-residential districts, are permitted in all zoning districts subject to the following conditions:
 - a. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
 - b. No portion of an antenna, including a satellite dish antenna, shall be located closer than six feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 - c. The site must be approved by the planning commission, which shall require a sketch plan in accordance with article XV site plan review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within 100 feet of the proposed location.
 - d. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed 50 feet above mean grade or ten feet above the peak of the roofline, in any Residential District, and shall not exceed 100 feet above mean grade in any other zoning district.
 - e. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed 15 feet in height at its maximum point above mean grade.
 - f. The diameter of a regulated reception antenna shall not exceed 12 feet.
- (2) *Building-mounted antennas, poles, or towers.* Regulated reception antenna having a diameter of one meter (3.28 feet) or less in residential districts and two meters (6.56 feet) in non-residential districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than 36 inches above the highest point of the roof.

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- a. Roof-mounted regulated reception antenna over two meters (6.56 feet) in diameter are permitted in non-residential districts only, provided that the antenna complies with the height requirements of the district in which they are located.
 - b. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.
- (3) *General.*
- a. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
 - b. No more than two antennas, including a maximum of one satellite dish antenna, shall be located on the same lot as a principal building. Antennas are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
 - c. The color of the antennas shall be of tones similar to the surroundings.
 - d. All electrical and antenna wiring shall be placed underground where applicable.
 - e. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.
 - f. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of 100 miles per hour.
 - g. The installation of an antenna, including a satellite dish antenna, or pole shall require issuance of a building permit by the building official prior to erection.
 - h. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the zoning board of appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

Sec. 102-12. Application procedures in general.

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

Figure 2.2 Development Review Process



Sec. 102-13. Building grades.

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

Sec. 102-14. Determination of similar use.

- (a) Since every type of potential use cannot be addressed in this chapter, each district provides for similar uses, referencing this section. All applications for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review and decision, based on the following standards:
 - (1) A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
 - (2) If the use is not addressed in this chapter, the zoning administrator may attempt to select a named use listed in this chapter which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the city.
 - (3) If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other ordinance requirements that apply to the named use.
- (b) Where the zoning administrator determines a proposed use is not similar to any named use addressed in this chapter, the applicant may apply for interpretation by the ZBA.

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- (c) Where the zoning administrator determines a proposed use is not similar to any named use addressed in this chapter, the applicant may petition for an amendment to this chapter.
 - (d) The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the zoning administrator to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Sec. 102-15. Donation boxes.

- (a) *Intent.* It is the intent of this chapter to support, in a responsible manner, the placement and use of attended and unattended collection bins. These containers are most commonly used to collect for recycling, re-sale or re-use of general household goods such as clothing, shoes, books and similar items. The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended collection bins. This includes establishing criteria to ensure that material is not allowed to accumulate outside of such bins, that the bins remain free of graffiti and blight, they are maintained in sanitary conditions, and that the public is fully informed of those who operate the bins so that they may obtain additional information and/or so that such operators can be contacted if there are any blight-related questions or concerns. This chapter is also intended to ensure that collection bins are not placed on property without the express permission of the property owner. Further, it is the intent of this chapter to ensure the safety of pedestrians and motorists through appropriate placement of such containers as well as to ensure the site standards for other on-site uses are met.
- (b) *Meaning of terms.* The term "collection bin" as used in this section shall have the meaning assigned to it in article XXV, definitions, of this chapter.
- (c) *Permitted locations.* Collection bins may be placed as an accessory use on properties that are used for non-residential purposes in the following zoning districts: general business district, office district, and industrial district. Collection bins shall not be located within 1,000 feet from another collection bin as measured along a straight line from one box to the other. Collection bins shall not be located on any unimproved parcel or on property on which the principal use has not been operated for more than 30 days.
- (d) *Permit required; validity; renewal.* No person or entity shall cause or permit the installation or placement of a collection bin upon any real property located within the city, whether public or private, without first obtaining a collection bin permit. A collection bin permit is valid for a one-year period from the date of issuance. Renewal of a collection bin permit may be requested no less than 30 days before the current permit expires.
- (e) *Permit application.* A collection bin permit application shall be accompanied by the following information for review:
 - (1) An affidavit and acknowledgment from the property owner, giving written permission to place a collection bin on the subject property, as well as an acknowledgment of receipt of a copy of this article, and a signed statement agreeing to obey all of its requirements.
 - (2) A site plan indicating the placement of the collection bin.
 - (3) The name, address, telephone number and e-mail address of the applicant, property owner and collection bin operator who will be responsible for compliance.
 - (4) A photograph, rendering, or example image of the collection bin to be installed.
 - (5) A nonrefundable fee determined by resolution as set by city council.
 - (6) A copy of the license and registration from the State of Michigan under the Michigan Consumer Protection Act and the Charitable Organizations Solicitations Act if statutorily required.

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- (f) *Standards for collection bins and surrounding areas.* Collection bins shall be established in a manner that preserves public safety and welfare by ensuring proper maintenance and placement. The following standards apply:
- (1) Collection bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
 - (2) Collection bins are required to be placed on a paved or concrete surface. Collection bins must be level and stable.
 - (3) Collection bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
 - (4) The collection bins shall be emptied with such frequency and regularity as to ensure that it does not overflow, and materials do not accumulate outside the collection bin.
 - (5) The collection bin operator and property owner shall maintain, or cause to be maintained, the area surrounding the bins free from any overflow collection items, furniture, rubbish, debris, hazardous materials, and noxious odors. To extent provided by law, the collection bin operator and/or property owner shall be jointly and severally responsible for the city's cost to abate any nuisance.
 - (6) One collection bin on a single lot of record is allowed.
 - (7) The maximum size of a collection bin is limited to five feet by five feet by seven feet.
 - (8) Collection bins must be placed:
 - a. At least ten feet from a public sidewalk
 - b. At least five feet from a private sidewalk;
 - c. At least ten feet from a public right-of-way;
 - d. At least ten feet from a driveway;
 - e. At least ten feet from a side or rear property line that is adjacent to residentially zoned or used property.
 - (9) Collection bins shall not be placed in a designated fire lane, in or adjacent to a handicap parking space, or block a building entrance or exit.
 - (10) Collection bins shall not be located in any required or preexisting landscaping area.
- (g) *Identification of collection bins.* Collection bins shall have signage on each bin that identifies the name, mailing address, email address, website and phone number of the collection bin operator. Total sign area on a collection bin shall not exceed four square on no more than two sides of the bin.

Sec. 102-16. Electric distribution and service lines.

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

Sec. 102-17. Essential public services.

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in article XXV definitions, authorized under any franchise in effect within the city shall be permitted subject to regulation as provided in any law in the State of Michigan or in this chapter or any city ordinance. It is the intention of this chapter to ensure conformity of all structures and uses to the requirements of this chapter wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, state legislation, or city ordinance. In absence of such conflict, the standards of this chapter shall prevail.

Sec. 102-18. Fences and walls.

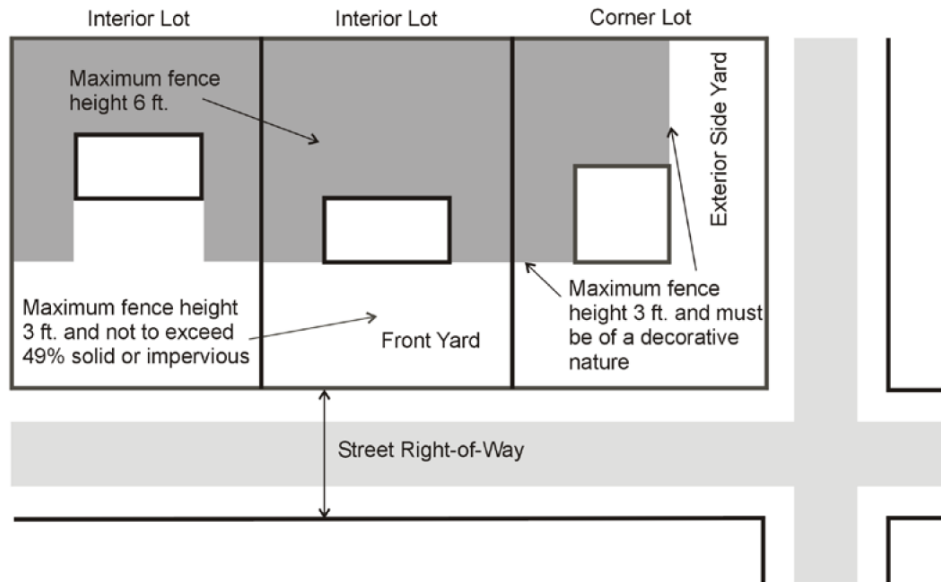
(a) *All districts.*

- (1) Unless specifically authorized elsewhere in this chapter, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six feet.
- (2) Fences and walls shall not be erected within any public right-of-way or easement.
- (3) Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- (4) Chain link fences shall not be erected in any non-residential front or exterior side yard, except industrial districts, unless enclosing a retention pond approved by the planning commission. The chain link fence must be black vinyl coated.
- (5) Electronic fences buried beneath the ground are permitted in all districts.
- (6) All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

(b) *Residential districts.*

- (1) Unless specifically authorized elsewhere in this chapter, fences may be located within the required exterior side yard for corner lots but shall not exceed four feet in height. It must also be determined that the fence will not be detrimental to the property or its surroundings including neighboring properties, streetscape, or intersection visibility.

Fences in Residential Districts



- (2) Any fence in the required front yard shall be:
- No more than three feet in height or be in excess of 49 percent solid or impervious;
 - Constructed of wrought iron (tubular aluminum), wood or vinyl "picket," or similar as determined by the zoning administrator, per the adopted planning commission guidelines.

(c) *Non-residential districts.*

- Any fence in a front yard in a non-residential district shall be of a decorative nature as determined by the zoning administrator. The zoning administrator may require landscaping to obscure the visual impact of the fencing in such situations as noted above.
- A security fence for a permitted non-residential use in an industrial district may include a maximum of one additional foot of height to accommodate additional materials.

Editor's note(s)—Landscape standards and tree replacement, § 102-270 et seq.

Sec. 102-19. Flagpoles.

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

Sec. 102-20. Front yard requirements.

- (a) Front yard requirements along rights-of-way shall be measured from the property line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- (b) Front yard setback reductions are permitted as regulated in the district.
- (c) Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
- (d) All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted. Exterior side yards may also be known as the "second" front yard.
- (e) On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.
- (f) Corner lots on cul-de-sacs must meet the front yard setbacks for both the street and cul-de-sac.

Sec. 102-21. Grading, excavation, filling, soil removal, creation of ponds, and clearing of trees.

- (a) The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than 100 square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable county and state regulations.
- (b) Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over 100 square feet, on a one-time basis, may be permitted after review and approval of a sketch plan by the planning commission in accordance with article XV site plan review and with applicable county and state regulations.
- (c) Excavation and site preparation for building foundations is excepted from the excavating provisions of this chapter provided that such work is considered incidental to building construction and all necessary permits have been obtained.
- (d) Excavation required for swimming pools is excepted from excavating provisions of this chapter provided that all necessary permits are obtained and the pool is completely constructed within six months of the excavation.
- (e) Any clearing of trees on lots of over 100 square feet prior to site plan approval in accordance with article XV site plan review shall be prohibited.

Sec. 102-22. Height exceptions and limitations.

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four feet in height, chimneys on a residential dwelling, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, historic plaques, church spires, belfries, cupolas, domes, ornamental, non-functioning towers, and penthouses or roof structures housing necessary mechanical appurtenances.

Sec. 102-23. Home occupations.

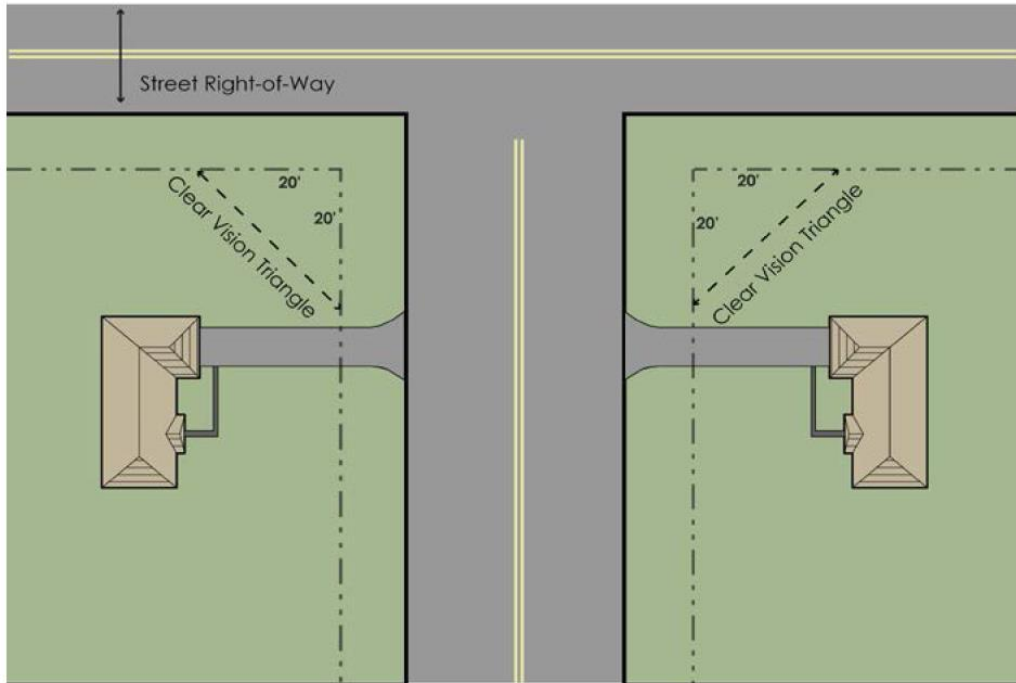
All home occupations must comply, and remain in continuous compliance with, the following standards:

- (1) A home occupation permit must be obtained from the city and include a floor plan indicating the area(s) within the house where the home occupation will be conducted.

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- (2) No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
 - (3) The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than 25 percent of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
 - (4) There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation.
 - (5) There shall be no signs on any structure, in the windows or anywhere on the property.
 - (6) Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten vehicular trips per day.
 - (7) The home occupation shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or accessory structure.
 - (8) There shall be no retail, sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.
 - (9) A home occupation shall not include such occupations as adult uses, motor vehicle repairs, motor vehicle rental, motor vehicle sales, tattooing, tea rooms, tourist homes, bed and breakfasts, rooming or boarding houses, animal kennels or hospitals, physicians, dentists or other offices for diagnosis, prevention, alleviation, or cure of disease or disability, retail businesses, firearms dealer, or occupations which have vehicles, other than vehicles as described below, parked or stored at the dwelling.
 - (10) Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.
 - (11) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

Sec. 102-24. Intersection visibility.

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



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

Sec. 102-25. Keeping of animals.

- (a) The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, small reptiles, and other animals generally regarded as household pets is permitted as an accessory use in any residential district. However, no more than three dogs or three cats, four months of age or older, in any combination, nor more than a total of five animals, shall be kept or housed in or at one dwelling unit.
- (b) The keeping of more than three dogs, over the age of four months, on one premises shall be deemed to be a kennel and must follow the regulations set forth in article XI, site development standards for specific uses, section 102-144(e) kennels.
- (c) The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle, poultry, reptiles, and wild, vicious, and exotic animals, is prohibited in all zoning districts.

Sec. 102-26. Lots.

- (a) *Area allocation.*
- (1) No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions.
 - (2) No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this chapter. If already less than the minimum requirements of this chapter, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this

chapter. Lots or yards created after the effective date of this chapter shall comply with the requirements of this chapter.

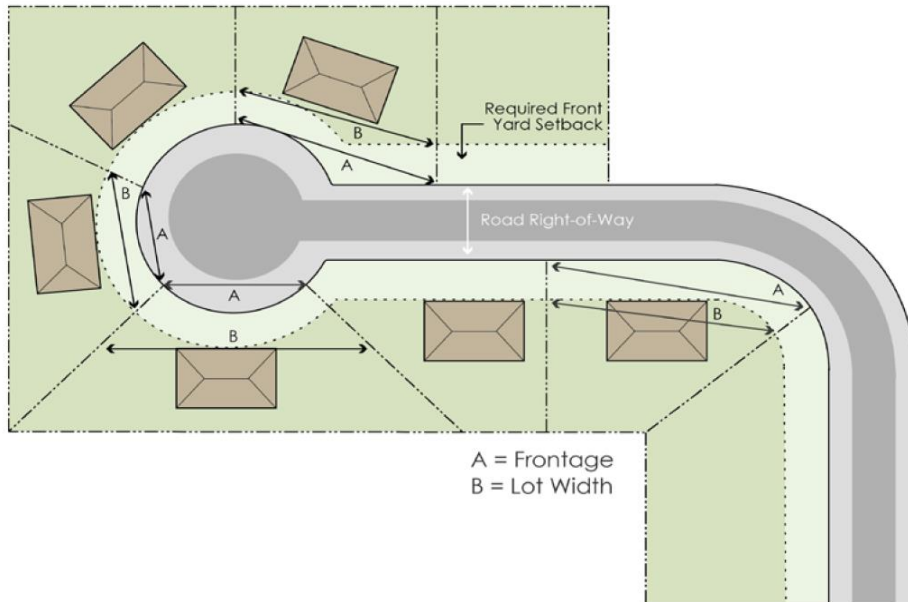
- (3) In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of the lot.

(b) *Lot splits.*

- (1) Lot splits in the city are regulated by the Michigan Land Division Act 288 of 1967 with the additional provisions:
- a. Lot splits shall not be granted if the resulting lot does not meet the minimum district lot area requirement and the minimum lot width.
 - b. Any new lot created through a lot split must have frontage on a public, improved road or right-of-way.
 - c. An access easement does not satisfy the public road frontage requirement.
 - d. A lot split that creates a nonconforming lot or renders an existing structure nonconforming (doesn't meet the required district setbacks on the proposed lot) is prohibited.
- (2) *Application.* The applicant/property owner must provide the following information:
- a. A detailed statement of the reasons for the requested partition or division.
 - b. A survey or plot plan showing the proposed land split. This item should include the proposed dimensions of the parcels before and after the proposed split and all adjoining lots, streets and parcels of land.
 - c. A driveway permit from the road commission of Oakland County if the lot abuts a county road.
 - d. All easements for private streets must be a minimum width of 66 feet if they serve two or more parcels.
 - e. Any other information required by the Zoning Administrator to assist in reviewing the proposed partition or division.
- (3) *Appeal.*
- a. The city council may, upon appeal, authorize a variance from the strict application of the provisions of this chapter where such strict application would result in practical difficulties or undue hardship to the applicant. Relief from the strict application of this chapter may be granted in cases where the result is not a substantial detriment to the public good and does not impair the intent and purpose of the chapter. In granting a variance, the city council may attach conditions deemed reasonable to the purpose of this chapter. The relief granted shall, in no instance, be greater than necessary to relieve the practical difficulty or undue hardship to the applicant.
 - b. The city council shall grant or deny an appeal within 30 days of the appearance before the city council. City council approval of the variance shall be indicated on the application, which the city clerk shall promptly file with the Oakland County Register of Deeds.

Sec. 102-27. Lot width/depth ratio.

Lots created after the effective date of this chapter shall have a lot width which is equal to, or greater than, one-fourth the depth of the lot, per the Michigan Land Division Act 288 of 1967. Flag lots or flagpole lots are not permitted in the city.



Sec. 102-28. Mechanical equipment and utilities.

- (a) Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the building official.
- (b) Mechanical equipment shall be placed no closer than three feet to any lot line in the central business district (CBD).
- (c) Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 - (1) All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 - (2) For all commercial and industrial buildings, roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface and shall occupy no more than 15 percent of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Sec. 102-29. Medical marihuana.

- (a) Uses of land or buildings or structures for commercial uses or purposes that are prohibited by or contrary to federal, state or local regulations and ordinances are expressly prohibited in any zoning district within the city. However, the following are exempt from this prohibition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, MCL 333.26423(d), et seq, as may be amended:
 - (1) The use, possession, cultivation, or growth of marihuana by a registered qualifying patient as defined in the Michigan Medical Marihuana Act; or
 - (2) The possession, cultivation, growth, or transfer of marihuana or provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act.

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- (b) Marihuana establishments, authorized pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended, are prohibited within the boundaries of the city.

Sec. 102-30. Non-residential design requirements/building facade design.

The following design requirements for non-residential buildings shall be applied during site plan review as outlined in article XV site plan review.

(1) *Exterior building design.*

- a. Buildings shall possess architectural variety and yet enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
- b. Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
- c. An original, one of a kind image, design or representation that does not contain a promotional or commercial advertising message, that is painted or applied to the exterior wall of a building or structure, and that does not contain changeable or moveable elements or changeable illumination, including flashing or sequential lighting, or any other elements, may be permitted by the planning commission if the commission finds the design to be consistent or complement the building's architecture, façade materials.
- d. Window area shall make up at least 20 percent or more of the exterior wall area facing the principal street(s) from which access is gained.

In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this chapter must also be satisfied.
- e. Overhead doors shall not face a public street or residential district. The planning commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in article XX landscape standards and tree replacement.
- f. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.

(2) *Building materials.*

- a. Durable building materials which provide an attractive, quality appearance must be utilized.
- b. For existing buildings, material replacement should closely match the character of the existing or original materials used on the structure.
- c. The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, architectural panels, wood, native stone, and glass products, as determined by the planning commission.
- d. Other materials such as textured, color-integrated concrete masonry units, EFIS should only be used as accents and not dominate the building exterior of the structure and surrounding buildings.

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- e. Prefabricated steel panels and metal roofs may be allowed if deemed by the planning commission to be compatible with the overall architectural design of the building.
- (3) *Building colors.*
- a. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building or building trim are prohibited except as approved by the planning commission.
 - b. The use of trademark colors not meeting this requirement shall be approved by the planning commission.
 - c. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.
- (4) *Roof design.*
- a. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
 - b. Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of 12 inches.
 - c. Architectural methods shall be used to conceal flat roof tops and mechanical equipment.
 - d. Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.
- (5) *Customer entrances.* Clearly defined, highly visible customer entrances shall be included in the design. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances. In the CBD, entrances facing the street must be functional.
- (6) *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- (7) *Signs.* Signs shall be in accordance with chapter 70 signs. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- (8) *Natural features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.
- (9) *Building location and orientation.* New buildings shall have at least one principal building entrance oriented parallel toward the front lot line.

Sec. 102-31. One-family cluster housing option.

The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will introduce development flexibility so as to provide for the sound physical development of sites in those instances where the normal subdivision platting process, or single family site condominium procedure, or development under the open space preservation option, as set forth and regulated in this chapter, would otherwise be unreasonably restrictive. This may be accomplished by using the planned unit development (PUD) overlay, article XII.

Sec. 102-32. Outdoor seating for restaurants and cafes.

Outdoor restaurants and cafes in the central business district or general business district, using the public right-of-way for café or restaurant service, shall be reviewed and approved administratively by the zoning administrator, subject to the following requirements:

- (1) An application, application fee, and site plan drawing detailing the proposed plan of the outdoor restaurant or café shall be administratively approved by the city. The city will review the site plan in order to ensure the following traffic and pedestrian safety measures:
 - a. Any sidewalk or open space used for the outdoor restaurant or café is immediately adjacent to the applicant restaurant, provided that the café may be separated from the restaurant by the main pedestrian walkway along the public sidewalk.
 - b. The use of a sidewalk or open space for the outdoor restaurant or café allows a minimum pedestrian walkway of four feet.
 - c. Any tables, chairs, umbrellas or other equipment shall not extend into or over the four-foot wide pedestrian walkway, and there shall be no barriers to pedestrian visibility. The number, size and location of tables, chairs, and equipment shall be administratively approved by the city.
 - d. If alcohol is to be served in conjunction with the proposed outdoor restaurant or café, barriers designating the service area, as required by the Michigan Liquor Control Commission, will be utilized. If no alcohol is to be served, a barrier approved by the city will be utilized between the service area and the pedestrian right-of-way. In either instance, the design of the barrier must be in keeping with the zoning ordinance and any applicable design guidelines.
- (2) The outdoor restaurant or café must be part of a licensed full-service restaurant and it must meet all of the requirements of, and secure all of the necessary permits from, the Oakland County Health Department and the Michigan Liquor Control Commission.
- (3) Liability insurance and property damage coverage, naming the city as an insured party, in an amount approved by the city, must be provided before an outdoor restaurant or café extending into the right-of-way may be set up.
- (4) Final approval by the appropriate city department(s) is required for any seating placed within the public right-of-way.
- (5) The zoning administrator may submit the request to the planning commission for review and action, if deemed necessary.

Sec. 102-33. Performance standards.

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

- (1) *Smoke.*
 - a. *Generally.* It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four minutes in any 30 minute period.

- b. *Method of measurement.* For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with the Ringelmann's Chart.
- (2) *Radioactive, toxic and hazardous materials.* Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the federal government.
- (3) *Noise.* Operations or activities which exceed the maximum sound intensity levels defined below shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; and the maximum levels indicated in the following table may be exceeded by no more than five decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

Maximum Permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm ²)	
	Residential Districts	Non-Residential Districts
31.5	72	77
63	71	76
125	65	70
250	57	62
500	51	56
2,000	45	50
2,000	39	44
4,000	34	39
8,000	32	37

Source: American National Standards Institute

- a. The following sources of noise are exempt:
1. Transportation vehicles not under the control of an on-site use.
 2. Occasionally used safety signals, warning devices and emergency pressure- relief valves.
 3. Temporary construction activity between 7:00 a.m. and 7:00 p.m.
 4. Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
 5. Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the city council or its designee.
- (4) *Dust, dirt, and fly ash.*
- a. *Generally.* No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively

reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of 500 degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.

- b. *Method of measurement.* For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The zoning administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
- (5) *Fire and explosive hazards.* The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire chief, is permitted subject to compliance with these performance standards and all other standards of this chapter, and providing that the following conditions are met:
- a. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
 - b. All such buildings or structures shall be set back at least 40 feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes.
 - c. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFPA.

Sec. 102-34. Personal ice rinks.

- (a) Personal ice rinks (not commercial) are permitted as an accessory use in any single-family residential zoning district.
- (b) Personal ice rinks are permitted in the rear yard.
- (c) A four-foot setback is required from adjacent residential property lines.
- (d) The ice rink boards shall be no taller than 24 inches in height and must be properly maintained and free from deteriorating conditions such as peeling paint and cracking wood.
- (e) Any lighting must be directed away from adjacent properties and the road right-of-way. In addition, lights may not be used from 10:00 p.m. to 7:00 a.m.
- (f) No ice rinks shall be erected prior to November 15 and shall be removed no later than March 15, or as weather permits.

Sec. 102-35. Playscapes, playground equipment, and tree houses.

- (a) Playscapes, playground equipment, and tree houses are permitted in any single-family residential zoning district but shall not be considered an accessory use or structure for the purpose of limiting the number of accessory uses and lot coverage.
- (b) Playscapes and playground equipment are permitted in the rear yard and shall not exceed 14 feet in height.

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- (c) A four-foot setback is required from adjacent residential property lines.
 - (d) Tree houses are permitted as an accessory use in any single-family residential district, with a maximum height of 14 feet at the peak, a four-foot setback from property lines, and are not permitted in any front yard.

Sec. 102-36. Principal buildings, structures, and uses.

- (a) No lot may contain more than one principal building, structure, or use.
- (b) No lot may contain an accessory building, structure, or use without an occupied principal building, structure or use.
- (c) Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated, planned complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance, may be deemed a principal use collectively by the zoning administrator.
- (d) In cases where at the time of the adoption of this chapter, more than one use exists on the lot, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the zoning administrator.

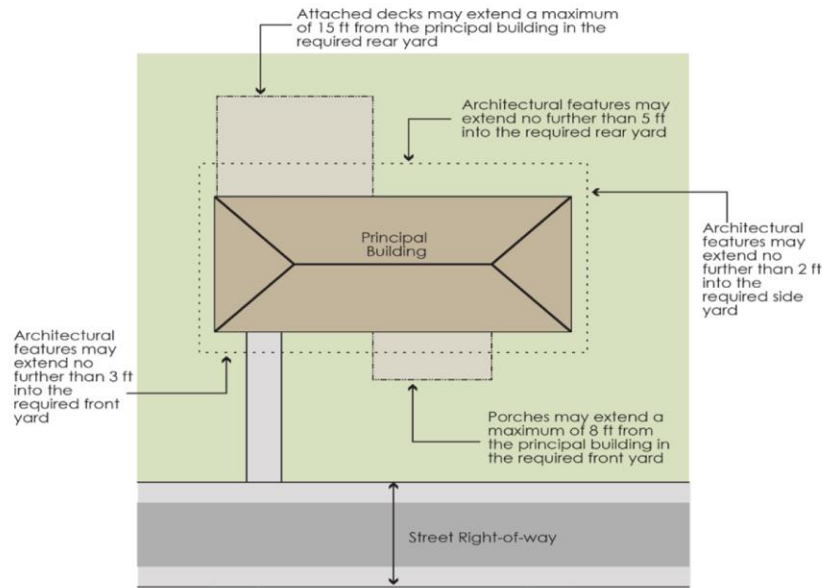
Sec. 102-37. Private road standards.

- (a) The city may allow private roads only when meeting the standards of this section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the chapter 86 subdivisions of the South Lyon City Code, as amended, or internal access drives to parking within approved site plans for multiple-family developments or commercial access drives.
- (b) Private roads may be approved by the city council after a recommendation from the planning commission. Documentation accepted by the city council, must support that the property possesses unusual configuration and/or topography which would render construction of public streets under city standards for grades, radii, width, and/or materials impractical.
- (c) An easement for private road access shall be provided of not less than 24 feet in width for roads and utilities serving two or fewer lots or single-family residential units and not less than 60 feet in width for roads serving more than two homes. This easement shall be recorded with the Oakland County Register of Deeds office and a copy of the recorded easement provided to the zoning administrator.
- (d) Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the zoning administrator as the side lot lines.
- (e) Any lot, created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
- (f) The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads.
- (g) The minimum roadway width of any private road shall be at least 18 feet, however if such roadway is within 300 feet of a fire hydrant, such width may be reduced to 16 feet upon approval of the city fire department.
- (h) The surface and base material and construction of any private road shall be approved by the city engineer and city fire department as being sufficient to accommodate emergency vehicles.

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- (i) Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The city assumes no responsibility for the maintenance of or improvements to private roads.
 - (j) The applicant shall submit a joint maintenance agreement or master deed, reviewed and approved by the city attorney, in recordable form that runs with the land, binds benefiting parcels, and allows the city to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
 - (k) The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

Sec. 102-38. Projections into yards.

- (a) Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 - (1) Three feet into a required front yard.
 - (2) Five feet into a required rear yard.
 - (3) Two feet into a required side yard.
- (b) Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 - (1) Eight feet into a required front yard.
 - (2) Maximum of 33 percent into required rear yard setback.
 - (3) Five feet into the right-of-way in the CBD if such feature is located at least eight feet above ground level.
 - (4) At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.



Sec. 102-39. Residential development regulations for infill housing for existing neighborhoods.

- (a) *Intent.* The development regulations contained herein are intended to regulate the character of new infill housing development within a 300-foot defined area of the city which contain traditional and historic exterior design elements. The purpose of these regulations is to promote harmony in neighborhoods between new housing units and the existing buildings by assuring that new construction is of suitable character in terms of site layout, building dimensions, architectural design, and building materials.
- (b) *Procedure.*
 - (1) All building permit applications for new single-family and two-family housing development located in platted subdivisions approved prior to 1967 must be submitted to the zoning administrator.
 - (2) The zoning administrator shall have final approval on any applicable infill housing development in accordance with paragraph (c), below. However, the zoning administrator may refer applications to the planning commission for final approval.
- (c) *Site design and architectural standards for single and two-family dwellings.*
 - (1) *Lot coverage.* The lot coverage of any proposed dwelling unit shall be no less than 90 percent and no more than 135 percent of the lot coverage of other single-family or two-family dwelling units within 300 feet of the subject lot, including dwelling units on both sides of the street of the same block.
 - (2) *Front yard setbacks.* The front and exterior side yard setbacks of any proposed single-family or two-family dwelling unit shall be in accordance with district regulations.
 - (3) *Building appearance.* Building appearance for new single-family and two-family dwelling units shall reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials, and design themes of dwelling units on both sides of the street within 300 feet of the subject lot. Similarity and compatibility with surrounding dwelling units in terms of the following features may be necessary in order to meet this requirement:

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- a. Roof and overhang style (e.g., gable, mansard, hip, A-frame, flat).
 - b. Facade appearance (door and window openings).
 - c. Building massing and height, one-story vs. two stories.
 - d. Exterior building materials.
 - e. Porches.
 - f. Detached garage style and design.
- (4) *Orientation.* Proposed infill residential units shall be oriented toward, and be parallel with, the right of way or private road.

Sec. 102-40. Residential recreational area.

- (a) Any residential subdivision, condominium, or multiple-family development comprising 20 or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area, such as play structures or picnic tables and benches, which shall contain an area equal in size to 1,500 square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development. The planning commission may modify this requirement when it is determined that alternate recreation facilities are provided in close proximity, however, a contribution to the maintenance fund for those recreational facilities shall be made.
- (b) The recreational area shall be well-drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the planning commission as part of the site plan review.
- (c) Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Sec. 102-41. Sidewalks, bikepaths, and walkways.

Any development shall provide pedestrian pathways meeting the following requirements:

- (1) *Sidewalks.*
 - a. Sidewalks shall be required on both sides of the street or road in accordance with chapter 82, streets, sidewalks, and other public places, of the South Lyon City Code.
 - b. All sidewalks shall be a minimum five feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 - c. Sidewalks abutting parking areas shall be a minimum of seven feet wide to accommodate vehicle overhang.
 - d. In lieu of concrete sidewalks, the planning commission may permit asphalt, stone, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the planning commission waives the requirement for concrete sidewalks.
- (2) *Bikepaths.* Bikepaths shall be at least eight feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.
- (3) *Walkways from the sidewalk to building entrances.*
 - a. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.

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- b. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least 50 percent of the length of the walkways.
 - c. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.
- (4) *Walkways from parking areas to building entrances.*
- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
 - b. The walkways shall be designed to separate people from moving vehicles as much as possible.
 - c. The walkways must be designed for disabled access according to the adopted building code for the city and other applicable laws.
 - d. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. Other materials may be approved by the planning commission if appropriate to the overall design of the site and building.
- (5) *General.*
- a. Unless otherwise permitted by this chapter, sidewalks, bike paths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.
 - b. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Sec. 102-42. Solar panel energy systems.

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

- (1) Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principal use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
- (2) Solar energy systems are subject to the following:
 - a. Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
 - b. Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
 - c. Solar energy systems are prohibited in front yards and shall not be located past the front wall of the principal building.
 - d. The number of solar panels and supporting equipment shall be considered as one system.
 - e. Ground mounted solar energy systems shall not be categorized as accessory buildings.

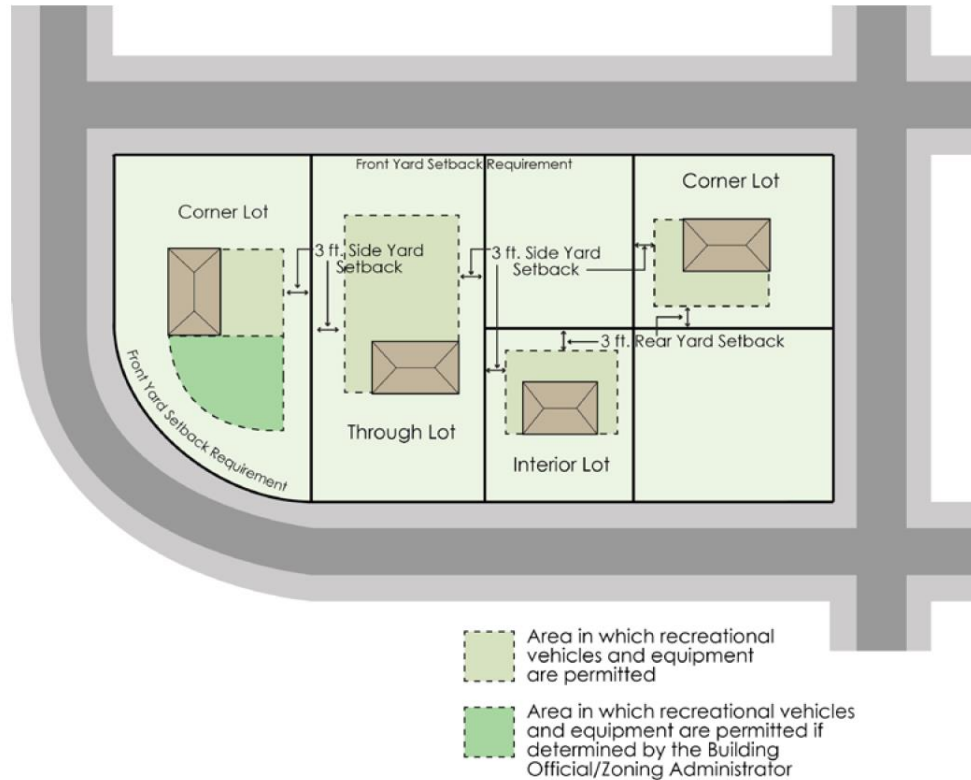
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- f. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in section 102-9, accessory buildings, structures, and uses.
 - g. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed ten feet in height.
 - h. No more than 20 percent of a lot may be covered with a solar energy system.
 - i. Ground mounted systems shall be located on lots of one-half acre or more.
 - j. Zoning and construction permits are required.

Sec. 102-43. Storage of vehicles/recreational vehicles (for repair or parking).

- (a) The parking of commercial vehicles, as defined in article XXV definitions, shall be prohibited in all zoning districts except commercial and industrial districts, unless otherwise permitted.
- (b) All vehicles must be parked on an asphalt or concrete surface. Vehicles may not be parked on grassy areas or crushed gravel or landscape blocks.
- (c) Construction equipment and vehicles are not permitted to be parked in any residential district.
- (d) Commercial vehicles shall not be permitted in a residential district except as permitted below:
 - (1) The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 - (2) The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
 - (3) No part of the vehicle may exceed ten feet in overall height, measured from grade.
 - (4) The vehicle shall not have more than four rear wheels.
 - (5) The vehicle shall not exceed 11,000 pounds gross weight.
 - (6) In any multiple-family residential district, the property owner or the controlling association shall provide a designated area, approved by the planning commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this chapter shall not be used for the parking or storage of commercial vehicles.
 - (7) The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- (e) Commercial vehicles which are employed in conjunction within a non-residential district shall be parked or stored in compliance with the following provisions:
 - (1) For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
 - (2) For situations not covered under (1), above, commercial vehicles shall not be parked or stored in the front yard.
- (f) The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
- (g) The repair, restoration, and maintenance of vehicles in any residential district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

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- (1) Procedures exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within an enclosed building.
 - (2) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- (f) The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in chapter 42 environment, junk vehicles, of the South Lyon City Code.
- (g) *Recreational equipment and vehicle parking and storing.* The purpose of these standards is to regulate and control the parking and storage of recreational vehicles, car haulers, snow mobile trailers, boats and boat trailers, and equipment on private property to promote the public health, safety, and welfare and to preserve property values.
- (1) *Location standards.* (See also accessory buildings and structures location standards, section 102-9.)
 - a. *Generally.* Registered and operable recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard paved surface not closer than ten feet from any structure and set back a minimum of three feet from any lot line, except as provided in paragraphs b. through f. below.
 - b. *Placement on lot.* Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.
 - c. *Time limits.* Recreational vehicles or recreational equipment may be stored, parked, or placed within any front yard or within a public right-of-way where on-site parking is permitted for a period not exceeding 72 hours for loading and unloading or for normal maintenance and cleaning.
 - d. *Corner lots.* In the case of corner lots, as defined in this chapter, the regulations of this section shall apply to both the front yard and the exterior side yard.
 - e. *Through lots.* In the case of through lots, as defined in this chapter, parking and storage shall be permitted in the rear yard, as determined by the zoning administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
 - f. *Through corner lots.* In the case of through lots on a corner (i.e., lots with frontage along three streets), parking shall be allowed only in the side yard. The zoning administrator may permit parking in the rear yard, as noted in paragraph e. above, upon determination that such parking is allowed on the adjacent lot.
 - (2) *Owner or legal tenant.* The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.
 - (3) *Condition and licensing requirements.* All recreational vehicles and/or recreational equipment stored or parked in any residential district shall be in an operable condition, as determined by the zoning administrator.
 - (4) *Detachable camper tops.* Detachable camper tops shall not be stored in any residential district except in accordance with above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.
 - (5) *Occupation of stored recreational vehicles.* At no time, shall any stored, parked, or placed recreational vehicles and/or recreational equipment be occupied or used for living purposes. At no time shall any such recreational vehicles and/or equipment, other than those granted a temporary use permit in conformance with section 102-46 below, have fixed connections to water, gas, or a sanitary sewer.

- (6) *Permanent special exceptions.* A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with state law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

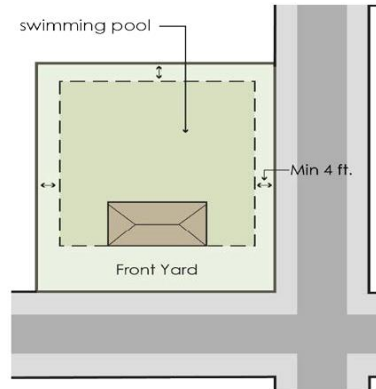


Sec. 102-44. Street access and design.

- (a) Any lot created after June 14, 2021 shall have frontage upon an improved public street right-of-way, at least 60 feet in width, unless a private road of lesser width, built to public standards, has been approved by the city council.
- (b) A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least 60 feet in width, unless a private road of lesser width has been approved by the city council. An existing lot of record that does not meet frontage requirements may apply for a building permit if the deficit width for the minimum frontage is no more than six feet.
- (c) All public and private roads and access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the city standards.
- (d) All street access shall meet the standards of article XX access management and driveway standards.
- (e) All streets shall be constructed in accordance with chapter 86 subdivisions of the South Lyon City Code.
- (f) All streets shall be constructed with curb and gutter unless waived by the city council.

Sec. 102-45. Swimming pools.

- (a) Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with the Michigan Building Code.



- (b) Swimming pools, spas, hot tubs, and similar devices are only permitted in the rear yard and may not be placed in a side or front yard.
- (c) Swimming pools, pool decks, spas, hot tubs, and similar devices shall not be located less than four feet from any lot line.
- (d) Swimming pools and surrounding pool deck (concrete) shall be included in computing impervious surface calculations.
- (e) All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e., fence or other enclosure) where required by state law and as approved by the building official.

Sec. 102-46. Temporary buildings, structures, seasonal/special events, and uses.

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

- (1) *Temporary construction, buildings, and structures/offices.*
- With the exception of moving/storage pods, temporary buildings and construction structures, commonly used on construction sites, may only be used for the storage of construction materials, tools, supplies and equipment for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
 - Moving/storage pods are allowed with an active building permit and ongoing construction activity, as determined by the building official, and must be placed upon a hard surface such as a driveway.
 - No temporary building or structure shall be used for dwelling purposes.
 - The placement of temporary buildings and structures shall be in conformance with the requirements of article XV site plan review. A building permit for such building or structure shall be issued by the building official prior to installation.

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- e. Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building official for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.
- (2) *Seasonal, and special events.* Seasonal or special events may be allowed in any district upon issuance of a permit by the zoning administrator, when meeting the standards listed below:
- a. Seasonal, and special events may be allowed on any lot with a permitted principal building.
 - b. Seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 - c. The seasonal or special event must not prevent the continued use of sidewalks, rights-of- way, fire lanes, etc.
 - d. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such seasonal or special event.
 - e. A minimum of one parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores. If parking on site is not provided, public parking must be within 500 feet of the event.
 - f. A sketch plan (to scale) shall be provided illustrating:
 - 1. Property lines.
 - 2. Adjacent uses and zoning districts.
 - 3. Existing and proposed buildings and structures.
 - 4. Location of any areas for storage such as inventory not being displayed.
 - 5. Fire hydrants.
 - 6. Layout of parking.
 - 7. Boundaries of proposed sales areas.
 - 8. Location and size of any proposed sign (off-premise signs shall also be mapped).
 - g. All equipment, materials, goods, poles, wires, signs, and other items associated with the seasonal or special event shall be removed from the premises within five days of the end of the event. Following the five day period, the city shall use the escrow fee to clear such items from the property.
 - h. The length of a seasonal or special event shall not exceed four days, except seasonal sales of items such as Christmas trees, pumpkins, and seasonal roadside stands which are permitted for up to 60 days.
 - i. Two permits for a seasonal or special event by a single business or property are permitted each calendar year. More than two seasonal or special events per calendar year will be considered a permanent event and must be reviewed by the planning commission and city council.
- (3) *Temporary uses.* Temporary uses may be allowed in any commercial, office, or industrial district upon approval by the planning commission, when meeting the standards listed below:
- a. Temporary uses may be allowed on any lot with a permitted principal building.

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- b. Temporary uses may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 - c. In no case shall the setbacks for any buildings, structures or parking be less than ten feet except in the CBD.
 - d. The temporary use must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 - e. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an activity prior to beginning such a temporary use.
 - f. A minimum of one parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 - g. A sketch plan (to scale) shall be provided illustrating:
 - 1. Property lines.
 - 2. Adjacent uses and zoning districts.
 - 3. Existing and proposed buildings and structures.
 - 4. Location of any areas for storage such as inventory not being displayed.
 - 5. Fire hydrants.
 - 6. Layout of parking.
 - 7. Boundaries of proposed sales areas.
 - 8. Location and size of any proposed sign (off-premise signs shall also be mapped).
 - h. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five days of the end of the activity. Following the five day period, the city shall use the escrow fee to clear such items from the property.
 - i. The length of a temporary use shall not exceed three months.
 - j. One temporary use permit by a single business or property is permitted each year and there must be a minimum three month gap between temporary uses on a property.
 - k. Special standards for carnivals, circuses, farmer's markets, flea markets, and similar events shall be as follows:
 - 1. Such uses shall be approved by the city council. The city council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The city council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
 - 2. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the City's insurance carrier.
 - 3. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on city streets.
 - 4. Farmer's markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. The city council may extend the time period for the

temporary use permit so that a separate permit is not required for each event within any one calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of are maintained.

- (4) *Review and approval procedures, permit fees, and required escrow for temporary uses and sales events.*
- a. *Review.* Except as otherwise noted above for carnivals, circuses, farmer's markets, and similar events as defined by the zoning administrator, the zoning administrator shall review and approve requests for a temporary use or seasonal event. Where appropriate, the administrator shall consult with the police chief and fire department official. If the request is denied, the zoning administrator shall state the reasons for denial in writing and provide a copy to the applicant.
 - b. *Use fee.* The applicant shall pay a nonrefundable permit fee to the city clerk. The fee shall be established and modified, from time to time, by the city council. The amount of the permit fee may vary depending upon the type of event.
 - c. *Use escrow.* The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by the zoning administrator, prior to the issuance of a permit. The escrow shall be used by the city to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this chapter and any other applicable ordinances.
 - d. *Sign fee and escrow.* The sign standards provided in chapter 70, signs of the South Lyon City Code permit the use of temporary signs, to be reviewed concurrent with use permit.

Sec. 102-47. Voting place.

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

Sec. 102-48. Waste receptacles and enclosures.

- (a) Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. Waste receptacles shall not be permitted as accessory to any single-family residential use.
- (b) All outdoor waste receptacles shall be enclosed on three sides and screened. The enclosure shall be constructed of brick or decorative concrete block material, consistent with the building materials of the principal building.
- (c) The enclosure shall also include a gate, made of vinyl or other high-quality material, as determined by the planning commission, on the fourth side. Wooden gates are not permitted. The gates shall remain closed when not being emptied and must always be maintained as approved. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
- (d) The enclosure shall have a minimum height of six feet or one foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three feet from the waste receptacle.
- (e) Waste receptacles and enclosures shall be located in the rear yard, not closer than three feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than 20 feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.

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- (f) Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
 - (g) The waste receptacle base shall be at least nine feet by six feet in area, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
 - (h) The unloading of waste receptacles shall only occur between the hours of 7:00 a.m. and 11:00 p.m.
 - (i) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required with this standard.

Secs. 102-49—102-59. Reserved.

ARTICLE III. ZONING DISTRICTS IN GENERAL

Sec. 102-60. Districts established.

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

Residential:

- R-1A one-family residential district
- R-1 one-family residential district
- R-2 one-family residential district
- R-3 one-family residential district
- R-T two-family residential district
- RM-1 multiple-family residential district
- RM-2 multiple-family residential district
- RM-3 multiple-family residential district
- MH manufactured housing district

Office:

- O office district

Commercial:

- CBD central business district
- GBD general business district

Industrial:

- I industrial district

Miscellaneous:

PUD planned unit development overlay district

Sec. 102-61. Zoning map.

A map showing the various districts into which the city is divided shall be entitled "City of South Lyon Zoning Map" and shall bear the date adopted or amended, and it shall be the duty of the city council to adopt said map by reference. The map is hereby made a part of this chapter.

Sec. 102-62. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts established in this chapter as shown on the zoning map, the following rules shall be applied:

- (1) Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way or street lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they are approximately parallel to the center lines of street or highway rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the scale shown on the zoning map.
- (3) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (4) Where the boundary of a district follows or terminates at a railroad line, such boundaries shall be deemed to be located or terminated at the rail right-of-way center line.
- (5) Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at, or terminated at, the limit of the jurisdiction of the city unless otherwise indicated.
- (6) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
- (7) The ZBA shall make a determination, upon written application, or upon its own motion, in those situations where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

Sec. 102-63. Zoning of vacated public rights-of-way.

Whenever any street, alley, or other public way within the city shall be vacated, such street, alley, or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the center line.

Sec. 102-64. Zoning of annexed areas.

Any unzoned area annexed to the city shall, immediately upon such annexation, be automatically classified as R-1A one-family residential district until a zoning map for the area has been adopted by the city council. The

planning commission shall recommend a zoning district for such area within three months after the matter is referred to it by the city council.

Secs. 102-65—102-69. Reserved.

ARTICLE IV. ONE-FAMILY RESIDENTIAL DISTRICTS
R-1A ONE-FAMILY THROUGH R-3 ONE-FAMILY RESIDENTIAL

Sec. 102-70. Intent.

The R-1A through R-3 one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the district.

Sec. 102-71. Permitted uses.

In the R-1A through R-3 one-family residential districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "C" have site development standards for specific uses and uses denoted by a "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article XI, site development standards for specific uses and article XIII, special land uses.

Permitted Uses in the One-Family Residential Districts					
	R-1A	R-1	R-2	R-3	Section Reference
Residential					
Home occupations	P	P	P	P	Sec. 102-23
In-home office	P	P	P	P	
Independent living (single-family detached)	P	P	P	P	
Congregate care/assisted living	S	S	S	S	Sec. 102-171 and footnote 102-72(6)
Skilled nursing residential living	S	S	S	S	Sec. 102-171 and footnote 102-72(6)
Single-family detached dwellings (single-family subdivisions shall meet the standards of the city subdivision control ordinance; condominiums and condominium subdivisions shall meet the standards of article XVIII condominium development standards)	P	P	P	P	
Care Facilities					
Adult and child residential care facilities in accordance with section 102-10 adult and childcare facilities.	P and S	P and S	P and S	P and S	Sec. 102-171
Entertainment and Recreational					
Golf courses	S	S	S	S	Sec. 102-177(11)

Private parks and recreation facilities, owned and operated by homeowner or condo associations	S	S	S	S	Sec. 102-171
Public recreation facilities	S	S	S	S	Sec. 102-171
Service and Retail Trade					
Bed and breakfast inns	S	S	S	S	Sec. 102-177(5)
Public, Institutional, and Utilities					
Cemeteries, lawfully occupied at the adoption of ordinance	P	P	P	P	
Places of worship or public assembly with maximum seating of 500 persons	S	S	S	S	Sec. 102-177(6)
Essential public services	P	P	P	P	
Public and quasi-public institutional buildings, structures and uses	S	S	S	S	Sec. 102-171
Schools, including public, private and parochial elementary, middle and high	S	S	S	S	Sec. 102-171
Accessory					
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	P	P	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	S	S	S	Sec. 102-171

Sec. 102-72. Area, height, bulk, and placement regulations.

All uses within the single-family residential district shall adhere to the following area, height, bulk, and placement regulations:

	R-1A ¹	R-1 ¹	R-2 ¹	R-3 ¹
Lot Size				
Minimum area (square feet)	15,000 ²	10,800 ²	9,000 ²	7,200 ²
Minimum width (lot frontage in feet)	120 ²	80 ²	70 ²	60 ²
Setbacks (in feet) ^{2,3}				
Front yard (min.) ⁴	35	35	30	25
Side yard (min.)				
Least one	10	10	8	6
Total two	20	20	16	16
Rear yard (min.)	50	40	35	30
Building height ⁵				
Stories (max.)	2	2	2	2
Feet (max.)	25	25	25	25
Building area (square feet)				
Floor area per unit (min.)	1,300	1,200	1,000	1,000
Lot coverage				
Area of all buildings (max.) ⁷	25%	25%	25%	35%

Area of all buildings and impervious surfaces (max.) ⁸	35%	35%	35%	40%
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Footnotes to section 102-72 schedule limiting height, bulk, density and area:

¹ Single-family detached condominiums in condominium subdivisions shall meet all requirements and standards of the district in which such dwellings are to be constructed, including minimum floor area requirements, and excepting minimum lot size, which shall be so developed that the number of dwelling units per gross acre shall not exceed the following:

- a. R-1A, 2.2 dwelling units per gross acre.
- b. R-1, 2.7 dwelling units per gross acre.
- c. R-2, 3.3 dwelling units per gross acre.
- d. R-3, 3.7 dwelling units per gross acre.

² Flexible alternatives to the standards are provided for properties and development projects meeting the criteria of article XII, planned unit development overlay standards.

³ Setbacks for institutional uses (such as a religious organization, church, nonprofit organization, academic institution, library or hospital) in residential districts shall be as follows:

Front	35 feet
Sides	30 feet
Rear	30 feet
Parking	20 feet

- a. A 35-foot wide greenbelt shall be provided along major thoroughfares or arterial roadways in all residential districts for residential developments. Building setbacks are measured from the interior line of the greenbelt. See article XXI, landscape standards and tree replacement.
- b. Refer to article XXI, landscape standards and tree replacement for required setback and buffering based on adjacent zoning districts.
- c. All yard areas shall be lawn, ground cover or living landscape plant materials, except for access drives, sidewalks, bike paths, architectural features, permitted accessory buildings and essential service facilities.
- d. Refer to section 102-40, projections into yards.
- e. Refer to subsection 102-255(d), off-street parking space design and setback requirements, of article XIX, off-street parking and loading-unloading standards, for parking setbacks.

⁴ Front yard requirements in accordance with section 102-21, front yard requirements. Front yard setback reductions are permitted as follows:

- a. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be no less than 90 percent and no more than 135 percent of the average established front setback of existing main buildings on the same side of the street and entirely or partially within 300 feet of the side lot lines of the subject lot, subject to subsections b. and c., below. The zoning administrator may exclude dwelling units used in determining the average front yard that deviate from the average by more than 25 feet.

b. The front yard setback reduction shall only be permitted if there are two or more lots occupied by main buildings within the area described in subsection a, above, for computing the average front yard.

c. In no case shall the required front yard resulting from the application of subsection a and b, above, be less than 15 feet, or 20 feet for front entry garages.

⁵ Height exceptions in accordance with section 102-23, height exceptions and limitations.

⁶ Senior housing and care facilities tend to generate much lower traffic volumes and have less overall impact than commonly associated with traditional multiple-family developments. Thus, allowable density for senior housing shall be determined by the maximum units per acre permitted within the particular district, calculated using the following:

Senior Apartments: 1 unit = 1 unit of multiple-family

Congregate Care or Assisted Living Facilities: 2.5 units = 1 unit of multiple-family

Dependent Housing Facilities: 4.0 units = 1 unit of multiple-family

⁷ Impervious surfaces are man-made and other hard surfaces made of material(s) that impede or prevent the natural infiltration of water into the soil and may include, but not be limited to: pools, unenclosed decks, enclosed decks, sheds, at-grade patios, raised patios, pergolas, and any other structure covered by impenetrable materials such as asphalt, pavers, concrete, bricks, and stone that limits infiltration and natural groundwater recharge. The maximum percent of lot area which may be covered by impervious surfaces is ten percent regardless if the lot area covered by all buildings and accessory buildings.

⁸ In no instance shall lot area covered by all buildings, accessory buildings, and impervious surfaces, exceed 35 percent. For the purposes of calculating lot area covered by impervious surfaces a residential driveway and/or walkway to the entrance to the dwelling unit (as shown on an approved plot plan) are not included in the calculations.

Sec. 102-73. Site development requirements.

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

- (1) Article II: General provisions.
- (2) Article XV: Site plan review.
- (3) Article XIX: Off-street parking and loading standards.
- (4) Article XX: Access management and driveway standards.
- (5) Article XXI: Landscape standards and tree replacement.
- (6) Article XXII: Lighting standards.
- (7) Chapter 70: Signs.

Secs. 102-74—102-79. Reserved.

ARTICLE V. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS RT TWO-FAMILY RESIDENTIAL RM-1 THROUGH RM-3, MULTIPLE-FAMILY RESIDENTIAL

Sec. 102-80. Intent.

- (a) The RT two-family residential districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district also recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.
- (b) The RM-1 and RM-2, multiple-family residential districts are designed to provide sites for multiple-family dwelling structures and related uses, with height restrictions compatible with single-family residential districts, to serve the needs for the apartment type of unit in an otherwise low-to-medium density residential community.
- (c) The RM-1 district is generally intended for the development of a planned complex of low-rise, low-density buildings on acreage parcels.
- (d) The RM-2 district is intended for limited usage in areas where a land use transition is desired, but where the existing pattern of platting is on small lots or parcels.
- (e) The RM-3 multiple-family residential district is designed to provide for planned multiple-family development in limited locations where such land use is not incompatible with single-family residential uses. This district is further provided to accommodate independent and dependent housing facilities as defined in this article.

Sec. 102-81. Permitted uses.

In the RT and RM-1 through RM-3 districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "C" have site development standards for specific uses and uses denoted by a "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article XI, site development standards for specific uses and article XIII, special land uses.

Permitted Uses in the Multiple Family Residential Districts				
	RT	RM-1, RM-2	RM-3	Section Reference
Residential				
Home occupations	P	—	—	Sec. 102-23
In-home office	P	P	P	
Two-family dwellings	P	P	P	
Multiple-family dwellings	—	P	P	
Independent living/senior housing	P	P	P	
Congregate care/assisted living facility	S	S	S	Sec. 102-171 Footnote 102-72(6)
Skilled nursing residential living	S	S	S	Sec. 102-171 Footnote 102-72(6)
Single-family attached dwellings (single-family subdivisions shall meet the standards of the city subdivision control ordinance; condominiums and condominium subdivisions shall meet the	P	P	P	

standards of article XVIII condominium development standards)				
Single-family detached dwellings (single-family subdivisions shall meet the standards of the city subdivision control ordinance; condominiums and condominium subdivisions shall meet the standards of article XVIII condominium development standards)	P	—	—	
Two-family dwellings (duplexes)	P	P	P	
Care Facilities				
Adult and child residential care facilities in accordance with section 102-10, adult and childcare facilities	P and S	P and S	P and S	Sec. 102-171
Entertainment and Recreational				
Private parks and recreation facilities, owned and operated by homeowner or condo associations	S	S	S	Sec. 102-171
Recreation facilities, private	S	S	S	Sec. 102-171
Recreation facilities public	S	S	S	Sec. 102-171
Public, Institutional, and Utilities				
Cemeteries, lawfully occupied at the adoption of ordinance	P	P	P	
Places of worship or public assembly with maximum seating of 750 persons	S	S	S	Sec. 102-177(16)
Colleges and universities	S	S	S	Sec. 102-171
Essential public services	P	P	P	
Public and quasi-public institutional buildings, structures and uses	S	S	S	Sec. 102-171
Schools, including public, private and parochial elementary, middle and high	S	S	S	Sec. 102-177(15)
Accessory				
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	P	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	S	S	Sec. 102-171

Sec. 102-82. Area, height, bulk, and placement regulations.

All uses within the multiple-family residential district shall adhere to the following area, height, bulk, and placement regulations:

	RT	RM-1	RM-2	RM-3
Lot Size				
Minimum area (square feet)	4,000	1	1	1
Minimum width (lot frontage in feet)	40	2	2	2

Setbacks (in feet)^{3,4}				
Front yard (minimum) ⁵	25	35 ²	25 ²	25
Side yard (minimum)				
Least one	7	30 ²	25 ²	25 ²
Total two	17	60 ²	50 ²	50 ²
Rear yard (minimum)	35	30	25	25
Building height⁴				
Stories (maximum)	2	2	2 1/2	3
	RT	RM-1	RM-2	RM-3
Feet (maximum)	25	25	35	45
Building area (square feet)				
Floor area per unit (minimum)	780	2 BR-850	3BR-900	4BR-1000
Lot coverage				
Area of all buildings (maximum) ⁷	25%	35%	35%	35%
Area of all buildings and impervious surfaces (max.) ⁸	35%			

Footnotes to section 102-82 schedule limiting height, bulk, density, and placement regulations:

¹ Height exceptions in accordance with section 102-23, height exceptions and limitations.

² For all multiple-family developments the following standards shall apply:

- a. Building and parking lot setbacks along exterior property lines shall be a minimum of 30 feet; 50 feet where the development abuts a single-family residential district.
- b. The minimum distance between any two buildings shall be equal to the height of the taller building or be at least 30 feet.
- c. Buildings shall be setback at least 20 feet from the nearest edge of any internal drive or roadway, parking lot or aisle, not including the sidewalk.
- d. No building shall exceed 180 feet in length.
- e. Parking shall not cover more than 30 percent of the area of any required yard.
- f. Duplexes are subject to single-family detached dwelling standards.

³ Regulations for accessory buildings are described in article II general provisions.

⁴ Setbacks for institutional uses (such as a place of worship, nonprofit organization, academic institution, library or hospital) in residential districts shall be as follows:

Front	35 feet
Sides	30 feet
Rear	30 feet
Parking	20 feet

- a. A 35-foot wide greenbelt shall be provided along major thoroughfares or arterial roadways in all residential districts for residential developments. Building setbacks are measured from the interior line of the greenbelt. See article XXI, landscape standards and tree replacement.
- b. Refer to article XXI, landscape standards and tree replacement for required setback and buffering based on adjacent zoning districts.

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- c. All yard areas shall be lawn, ground cover or living landscape plant materials, except for access drives, sidewalks, bike paths, architectural features, permitted accessory buildings and essential service facilities.
 - d. Refer to section 102-40, projections into yards.
 - e. Refer to subsection 102-255(d), off-street parking space design and setback requirements, of article XIX, off-street parking and loading-unloading standards, for parking setbacks.

⁵ Front yard requirements in accordance with section 102-21, front yard requirements. Front yard setback reductions are permitted as follows:

- a. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be no less than 90 percent and no more than 135 percent of the average established front setback of existing main buildings on the same side of the street and entirely or partially within 300 feet of the side lot lines of the subject lot, subject to subsections b. and c. below. The zoning administrator may exclude dwelling units used in determining the average front yard that deviate from the average by more than 25 feet.
- b. The front yard setback reduction shall only be permitted if there are two or more lots occupied by main buildings within the area described in subsection a, above, for computing the average front yard.
- c. In no case shall the required front yard resulting from the application of subsection a and b, above, be less than 15 feet, or 20 feet for front entry garages.

⁶ Senior housing and care facilities tend to generate much lower traffic volumes and have less overall impact than commonly associated with traditional multiple-family developments. Thus, allowable density for senior housing shall be determined by the maximum units per acre permitted within the particular district, calculated using the following:

Senior Apartments: 1 unit = 1 unit of multiple-family
Congregate Care or Assisted Living Facilities: 2.5 units = 1 unit of multiple-family
Dependent Housing Facilities: 4.0 units = 1 unit of multiple-family

⁷ Impervious surfaces are man-made and other hard surfaces made of material(s) that impede or prevent the natural infiltration of water into the soil and may include, but not limited to: pools, unenclosed decks, enclosed decks, sheds, at-grade patios, raised patios, pergolas, and any other structure covered by impenetrable materials such as asphalt, pavers, concrete, bricks, and stone that limits infiltration and natural groundwater recharge. The maximum percent of lot area which may be covered by impervious surfaces is ten percent regardless if the lot area covered by all buildings and accessory buildings.

⁸ In no instance shall lot area covered by all buildings, accessory buildings, and impervious surfaces, exceed 35 percent. For the purposes of calculating lot area covered by impervious surfaces a residential driveway and/or walkway to the entrance to the dwelling unit (as shown on an approved plot plan) are not included in the calculations.

Sec. 102-83. Site development requirements.

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

- (1) Article II: General provisions.
- (2) Article XV: Site plan review.
- (3) Article XIX: Off-street parking and loading standards.
- (4) Article XX: Access management and driveway standards.

- (5) Article XXI: Landscape standards and tree replacement.
- (6) Article XXII: Lighting standards.
- (7) Chapter 70: Signs.

Secs. 102-84—102-89. Reserved.

ARTICLE VI. MANUFACTURED HOUSING DISTRICT (MH)

Sec. 102-90. Intent.

- (a) The intent of the manufactured housing district (MH) is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the city. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in the city. In addition to the standards of this chapter, all manufactured housing communities shall comply with Act No. 96 of Public Acts of 1987 as amended, being R 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA). However, some standards of this chapter are more stringent than the typical standards promoted by the Michigan Manufactured Housing Commission. These more stringent standards reflect the overall nature of the city, in contrast with some other areas of Michigan where the universal rules of the Michigan Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development which complements and protects the investment on adjacent properties and promotes preservation of important natural features.
- (b) Since the characteristics, densities, and impacts of a manufactured housing community typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which intercept the local street and utility systems, manufactured housing communities are not necessarily considered to be completely compatible with other types of single-family neighborhoods. Therefore, manufactured housing communities may serve as a transitional use between residential and non-residential districts, similar to the manner and fashion in which multiple-family districts are to be utilized.

Sec. 102-91. Permitted uses.

In the MH district, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "C" have site development standards for specific uses and uses denoted by a "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article XI, site development standards for specific uses and article XIII, special land uses.

Permitted Uses in the Manufactured Housing District		
	MH	Section Reference
Residential		
Home occupations	P	Section 102-23
In-home office	P	
Manufactured housing communities (which conform to the requirements of this article and the department of housing and urban development (HUD) standards, or American National Standards Institute (A.N.S.I) standards)	P	
Care Facilities		

Adult and child residential care facilities in accordance with section 102-10, adult and childcare facilities	P and S	Sec. 102-171
Entertainment and Recreational		
Golf courses	S	Section 102-177k
Private parks and recreation facilities, owned and operated by management or homeowner/condo association	S	Sec. 102-171
Recreation facilities public	S	Sec. 102-171
Accessory		
Accessory buildings, structures and uses, including one management office building, utility/laundry buildings, auxiliary storage space for manufactured housing community tenants, community buildings for use by the tenants, recreation areas, playgrounds and recycling stations	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	Sec. 102-171

Sec. 102-92. Preliminary plan development standards.

Manufactured housing communities shall be subject to the review and approval of a preliminary site plan by the planning commission. The site plan shall consist of a manufactured housing community preliminary plan, as described in the section 11 of the Manufactured Home Act, Act No. 96 of Public Acts of 1987, as amended. Such review of the preliminary site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and planned open space.

Sec. 102-93. Design standards for overall development.

- (a) *Minimum development size.* Manufactured housing communities shall be at least 15 acres in area, excluding adjacent parcels which may be proposed for expansion.
- (b) *Access.*
 - (1) The main entrance to the development shall have access to a public thoroughfare or shall be connected to an asphalt or concrete collector or arterial road by a hard-surfaced road in a permanent easement which shall be recorded by the developers. Sole access to the development via an alley is prohibited.
 - (2) Entranceway structures, including but not limited to, walls, columns, and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required yard, except as provided in this article. Such entranceway structures shall be subject to the requirements of section 102-26 intersection visibility, to permit unobstructed access by all emergency equipment, and such allowance for "clear vision" shall otherwise comply with all codes and ordinances of the city and Oakland County. Sight distance from points of ingress and egress shall be approved by the Oakland County Road Commission. The structure location shall also be approved by the city.
- (c) *Perimeter setbacks.* Manufactured homes shall be set back at least 50 feet from any public street right-of-way line and ten feet from any other exterior property line and include a five-foot wide greenbelt, which includes minimum screening, as outlined below.
- (d) *Landscape and screening.* A landscape and screening plan shall be incorporated in the plans submitted for preliminary site plan review to the planning commission. The plan shall indicate the type and size of

landscape planting and screening improvements to be completed in the proposed manufactured housing community. Manufactured housing communities shall be landscaped and screened as follows:

- (1) *Ground surfaces.* Exposed ground surfaces in all parts of the manufactured housing community shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing community shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - (2) *Perimeter screening.* All manufactured housing communities shall be screened from an abutting a public right-of-way and existing adjacent residences. The required screening shall consist of evergreen trees or shrubs at least three feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping described above.
 - (3) *Right-of-way greenbelt.* A landscaped berm measuring two and one-half to three feet in height shall be constructed along the public roads on which the manufactured housing community fronts. The berm shall be constructed with slopes no steeper than one foot vertical rise for each four feet horizontal run. A minimum of one deciduous shade tree, one evergreen tree and four shrubs shall be planted for each 30 lineal feet, or portion thereof, of required greenbelt length. At time of planting, canopy trees shall have a minimum size of three inch caliper and evergreen trees shall have a minimum height of six feet. Trees may be planted at uniform intervals, at random, or in groupings. All existing trees four inches or greater in diameter (DBH) within the greenbelt shall be preserved, except where their removal is necessary to install access points.
 - (4) *Site landscaping.* A minimum of one deciduous or evergreen tree shall be planted per two manufactured home sites.
 - (5) *Parking lot landscaping.* Off-street parking lots containing more than 15 spaces shall be provided with at least ten square feet of interior parking lot landscaping per space. Such areas shall measure at least 150 square feet and shall be covered by grass, ground cover, shrubs, or other live plant material. At least one deciduous tree shall be planted per parking lot landscaped area.
 - (6) *Perpetual maintenance.* Dead, damaged, and/or diseased screening shall be replaced, within a reasonable time frame, so as to maintain the approved and/or allowed screening technique originally put in place.
- (e) *Required open space.* For developments with 50 or more sites minimum of 25,000 square feet of open space shall be provided. Open space shall be maintained by the manufactured housing community management and shall be relatively accessible to all areas of the development.
- (f) *Streets.*
- (1) *Street layout.* Maximum cul-de-sac length shall be 1,000 feet. A dead- end road shall terminate with a 50-foot diameter cul-de-sac; a blunt-end road is prohibited. Adequate sight distance shall be provided at all intersections, in accordance with clear vision standards applicable to all areas of the city, and those set forth in section 102-24, intersection visibility.
 - (2) *Street width.* Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Street Width Requirements	
Parking	Minimum Street Width
No on-street parking	21 feet
Parallel parking one side	31 feet
Parallel parking both sides	41 feet

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- (3) *Street names/signs.* All streets and roads shall be clearly marked with appropriate identification and traffic control signs. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing community owner and a plan of this system shall be verified and approved by the city fire department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured housing community and street names shall be adequately marked.
 - (4) *Street geometry.* The alignment and gradient of a street shall be graded for its full width to drain surface water. Specific standards promulgated by the Michigan Environment Great Lakes and Energy Department (EGLE) for the Manufactured Housing Commission shall be strictly adhered to.
 - (5) *Street materials.* All streets and drives shall be constructed with materials suitable for sub grades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. Curbing may be installed on service drives and must meet the city street and private road design specifications.
- (g) *Sidewalks.* A five-foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing community fronts. Such sidewalk shall be located within the road right-of-way or easement, beginning one foot inside the right-of-way or easement line. Additionally, should the developer choose to employ internal sidewalk systems, such sidewalk systems shall conform to the manufactured housing commission standards, as promulgated.
- (h) *Accessory buildings and facilities.* Any accessory buildings and facilities constructed within the manufactured housing community shall be designated and serviced consistent with the following requirements:
- (1) Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents, guests, and employees of the manufactured housing community.
 - (2) Site-built buildings within a manufactured housing community shall be constructed in compliance with the manufactured home construction and safety standards. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the city prior to construction.
 - (3) Each manufactured home shall be permitted one storage shed and one garage. The installation of any such shed or garage shall comply with codes and ordinances of the city and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage area on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the manufactured housing community. A storage shed shall not exceed a floor area greater than 144 square feet. A carport or garage shall not exceed 576 square feet.
 - (4) Maximum height of any community accessory buildings and structures shall be 35 feet, or two stories, whichever is less. Storage or service buildings shall not exceed 14 feet, or one story in height.
- (i) *Storage.* If the owner of the manufactured housing community shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing community, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents of the manufactured housing community. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing community. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing community, in accordance with the perimeter screening provisions described above. Manufactured housing community

owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles, and similar equipment are not required to construct common areas for storage.

- (j) *Drainage.* The manufactured housing community shall provide sufficient stormwater facilities, independent of sanitary sewers, to prevent flooding of streets, lot, or recreation areas. On-site stormwater detention facilities, if provided, may be required to be fenced for safety reasons. The street drainage system shall be designed in such a way so as to minimize ponding and icing conditions. All stormwater drainage improvements shall be subject to review and approval by the Oakland County Drain Commissioner, and the EGLE, in accordance with EGLE Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.
- (k) *Waste receptacles.* Waste receptacles shall be provided unless curb side pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the planning commission and the EGLE. Adequate screening shall be provided, as required for the placement of outdoor storage areas.
- (l) *Underground Wiring.* All local distribution lines for franchised utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing community area. Mainlines and perimeter feed lines located on a section or quarter section line may be above ground if they are configured or installed within the state electrical code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
- (m) *Mailbox clusters.* If mailbox clusters are required by the U.S. Postal Service, they shall be located at least 200 feet from any intersection of a manufactured housing community road with a public road.

Sec. 102-94. Design standards for individual lots/dwelling units.

No manufactured home shall be permitted to occupy any site or lot in the manufactured housing community if the home is either longer or wider than would permit compliance with the following requirements:

- (1) *Site Size.* The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. These 5,500 square feet for any one site may be reduced by up to 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code and this article.
- (2) *Setbacks and spacing.* Each manufactured home site shall have the following minimum yard requirements:
 - a. *Home not sited parallel to an internal road.* Twenty feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year.
 - b. *Home sited parallel to an internal road.* Fifteen feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year if the adjacent home is sited next to a home on and parallel to the same internal road or an intersecting internal road.

Secs. 102-95—102-99. Reserved.

ARTICLE VII. OFFICE DISTRICT (O)

Sec. 102-100. Intent.

The office district (O) is designed to accommodate uses such as offices, banks, and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

Sec. 102-101. Permitted uses.

In the office district, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "C" have site development standards for specific uses and uses denoted by a "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article XI, site development standards for specific uses and article XIII, special land uses.

Permitted Uses in the Office District		
		Section Reference
Care Facilities		
Adult and child residential care facilities in accordance with section 102-10 adult and childcare facilities.	S	Sec. 102-171
Entertainment and Recreational		
Banquet, conference, dance, lodge and union halls, and private clubs	S	Sec. 102-171
Health clubs and fitness centers	S	Sec. 102-171
Recreation facilities, private	S	Sec. 102-171
Recreation facilities public	P	
Finance, Medical and Professional Office and Research and Development		
Banks, S and L, credit unions and similar with no drive-throughs	P	
Banking centers, including ATMs which are separate from a financial institution	P	
Business services such as mailing, copying, data processing and computer centers	P	
Hospitals	S	Sec. 102-177(12)
Offices for manufacturers representative or corporate branch offices	P	
Offices and medical clinics including chiropractors, osteopaths, optometrists and similar or allied professions	P	
Personal service establishments and restaurants compatible with office uses, as determined by PC, when in office building and no more than 25 percent of GFA	P	
Professional services	P	
Research, development, and design centers	P	
Urgent care centers, emergency medical stations, and similar uses	P	
Veterinary offices, clinics	P	
Veterinary hospitals	S	Sec. 102-143(11)
Animal boarding establishments	C	Sec. 102-143(8)
Service and Retail Trade		
Commercial parking lots and parking garages	S	Sec. 102-177(6)

Drive-through window facilities for banks, restaurants or other permitted uses	S	Sec. 102-177(7)
Dry cleaners, retail outlet	P	
Funeral homes and mortuaries, not including crematoriums	C	Sec. 102-143(4)
Hotels and motels	P	
Hotels and motels including accessory convention/meeting facilities and restaurants	S	Sec. 102-171
Restaurants, including carry-out, delicatessens, fast-food and standard restaurants	P	
Studios of art, photography, music, dance and similar uses	P	
Public, Institutional, and Utilities		
Business, research, vocational and technical training schools	S	Sec. 102-171
Places of worship or public assembly	S	Sec. 102-177(16)
Colleges, universities and other institutions of higher learning	S	Sec. 102-171
Essential public services	P	
Essential public service buildings	S	Sec. 102-171
Public and quasi-public institutional buildings, structures and uses	P	
Schools, including public, private and parochial elementary, middle, and high	S	Sec. 102-177(16)
Accessory		
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	Sec. 102-171

Sec. 102-102. Area, height, bulk, and placement regulations.

All uses within the office district shall adhere to the following area, height, bulk, and placement regulations:

Office District	
Lot Size	
Minimum area (square feet)	—
Minimum width (lot frontage in feet)	—
Building Setbacks (in feet)¹	
Front yard (minimum) ²	20
Building Side yard (minimum)	
Least one	15
Total two	30
Building Rear yard (minimum)	20
Building Height³	
Stories (maximum)	—
Feet (maximum)	25
Parking Setbacks (in feet)	
Front (between parking and front lot line)	20
Side	10
Rear	10 (20 if adjacent to residential)

Footnotes for section 102-102 schedule limiting height, bulk, density and area:

¹Setbacks for institutional uses (such as places of worship, nonprofit organization, academic institution, library or hospital) in residential districts shall be as follows:

Front	35 feet
Sides	30 feet
Rear	30 feet
Parking	20 feet

- a. A 35-foot wide greenbelt shall be provided along major thoroughfares or arterial roadways in all residential districts for residential developments. Building setbacks are measured from the interior line of the greenbelt. See article XXI, landscape standards and tree replacement.
- b. Refer to article XXI, landscape standards and tree replacement for required setback and buffering based on adjacent zoning districts.
- c. All yard areas shall be lawn, ground cover or living landscape plant materials, except for access drives, sidewalks, bike paths, architectural features, permitted accessory buildings and essential service facilities.
- d. Refer to section 102-40, projections into yards.
- e. Refer to subsection 102-255(d), off-street parking space design and setback requirements, of article XIX, off-street parking and loading-unloading standards, for parking setbacks.

²Front yard requirements in accordance with section 102-21, front yard requirements. Front yard setback reductions are permitted as follows:

- a. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be no less than 90 percent and no more than 135 percent of the average established front setback of existing main buildings on the same side of the street and entirely or partially within 300 feet of the side lot lines of the subject lot, subject to subsections b. and c. below.
- b. The front yard setback reduction shall only be permitted if there are two or more lots occupied by main buildings within the area described in subsection a, above, for computing the average front yard.
- c. In no case shall the required front yard resulting from the application of subsection a and b, above, be less than 15 feet.

Sec. 102-103. Site development requirements.

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

- (1) Article II: General provisions.
- (2) Article XV: Site plan review.
- (3) Article XIX: Off-street parking and loading standards.
- (4) Article XX: Access management and driveway standards.
- (5) Article XXI: Landscape standards and tree replacement.
- (6) Article XXII: Lighting standards.

(7) Chapter 70: Signs.

Secs. 102-104—102-109. Reserved.

ARTICLE VIII. BUSINESS DISTRICTS
CENTRAL BUSINESS DISTRICT (CBD) AND GENERAL BUSINESS DISTRICT (GBD)

Sec. 102-110. Intent.

- (a) *Central business district.* The central business district (CBD) is intended to provide for a traditional mixture of small office buildings, specialty retail stores, entertainment, public spaces, and related activities that are mutually supporting and serve the needs of both the city and surrounding communities. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented, unified setting, with shared parking. The district makes special provisions for vertical zoning, allowing the upper floors to be used as residential dwellings. The CBD district is also designated as a planned unit development (PUD) which covers the entire central business district to help ensure that the development/redevelopment of sites matches the preliminary PUD plan for downtown South Lyon, is cohesive with surrounding uses, and meets the architecture and design guidelines for this district.
- (b) *General business district.* The general business district (GBD) is intended to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using Lafayette Street. This district is intended to create cohesive commercial areas that take advantage of access provided by the city's roadway system but also provide convenient vehicular access between businesses in attractive settings, thereby ensuring the safety and discouraging undesirable commercial development.

Sec. 102-111. Permitted uses.

In the CBD and GBD districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "C" have site development standards for specific uses and uses denoted by a "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article XI, site development standards for specific uses and article XIII, special land uses.

Permitted Uses in the Central Business District			
	CBD	GBD	Section Reference
Residential			
Home occupations	P		Section 102-23
In-home office	P		
Upper floor residential	P		
Multiple-family dwellings	P		
Residential dwellings, existing single-family (detached only)	P		
Nursing and convalescent homes	S		Sec. 102-171
Senior housing, not including nursing and convalescent homes	S		Sec. 102-171
Single-family attached dwellings	P		

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Single-family detached dwelling (the building exists at date of ordinance adoption)		P	
Care Facilities			
Adult and child residential care facilities in accordance with section 102-10, adult and childcare facilities.	S	S	Sec. 102-171
Entertainment and Recreational			
Amusement parks, carnivals, fairgrounds, fairs, and other types of outdoor entertainment		S	Sec. 102-171
Banquet, conference, dance, lodge and union halls, and private clubs	S	S	Sec. 102-171
Entertainment establishments such as video arcades, bowling alleys, billiard halls, and similar uses in an enclosed building		S	Sec. 102-171
Golf courses		S	Sec. 102-177(10)
Golf driving ranges and miniature golf		S	Sec. 102-177(11)
Health clubs and fitness centers	P	P	
Recreation facilities, private	S	S	Sec. 102-171
Recreation facilities public	P	P	
Theaters, cinemas and similar assembly buildings	S	S	Section 102-177(16)
Finance, Medical and Professional Office and Research and Development			
Animal grooming		P	
Banks, S and L, credit unions and similar with no drive-throughs	P	P	
Banks, S and L, credit unions and similar with drive-throughs at rear of site	S	S	Sec. 102-171
Banking centers, including walk-up ATMs which are separate from a financial institution	P	P	
Banking centers, including drive-through ATMs which are separate from a financial institution	S	S	Sec. 102-171
Business service establishments	P	P	Sec. 102-171
Hospital		S	Sec. 102-177(12)
Offices and medical clinics including chiropractors, osteopaths, optometrists, and similar or allied professions	P	P	
Professional services	P		
Urgent care centers, emergency medical stations, and similar uses		P	
Veterinary offices and clinics		P	
Veterinary hospitals		C	Sec. 102-143(11)
Service and retail trade			
Automobile gasoline station		S	Sec. 102-177(3)
Automobile service establishments (routine maintenance and minor repair)		S	Sec. 102-177(4)
Automobile washes, automatic or self-service		C	Sec. 102-143(1)
Automobile or vehicle dealerships		C	Sec. 102-143(2)
Bars, taverns, lounges, microbreweries (accessory only) and brewpubs	C	C	Sec. 102-143(3)

Bed and breakfast inns	S	S	Sec. 102-177(5)
Bus and rail passenger stations	S		Sec. 102-171
Commercial parking lots	S	S	Sec. 102-177(6)
Convenience stores without gasoline service	P	P	
Drive through window facilities, restaurants, and other permitted uses		C	Sec. 102-177(7)
Dry cleaners, retail Outlet	P	P	
Funeral homes and mortuaries, not including crematoriums	C	C	Sec. 102-143(4)
Garden centers	S	S	Sec. 102-177(9)
General retail uses	P	P	
Hotels and motels	P	P	
Hotels and motels including accessory convention/meeting facilities and restaurants	S	S	Sec. 102-171
Laundromat		P	Sec. 102-171
Outdoor display, sales and storage	S	S	Sec. 102-143(7)
Personal service establishments	P	P	
Restaurants, including carry-out, delicatessens, fast-food and standard restaurants	P	P	
Restaurants with open front restaurant windows	C	C	Sec. 102-143(9)
Retail businesses and centers up to 18,000 square feet GLA	P	P	
Retail business and centers exceeding 18,000 square feet GLA	S	P	Sec. 102-171
Retail businesses with drop-off areas		S	Sec. 102-171
Small manufacturing establishment	C	C	
Storage on upper levels, provided no storage shall be allowed on a floor having residential dwellings, and all storage shall be related to a principal use within the structure	S	—	Sec. 102-171
Studios of art, photography, music, dance and similar uses	P	P	
Public, Institutional, and Utilities			
Business, research, vocational, and technical training schools		S	Sec. 102-171
Places of worship and similar places of assembly	S	S	Sec. 102-177(16)
Colleges, universities, and other institutions of higher learning		S	Sec. 102-171
Essential public services	S	S	Sec. 102-171
Public and quasi-public institutional buildings, structures and uses	P	P	
Accessory			
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	S	Sec. 102-171

Sec. 102-112. Requirements applicable to all uses.

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

- (1) *Dealing directly with consumers.* All permitted retail or service establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) *Conducted within enclosed buildings.* All business, servicing or processing, except for off-street parking, loading and approved open air uses shall be conducted within completely enclosed buildings.
- (3) *Site and building design.* All sites and buildings shall comply with the building, landscaping, parking, access, circulation, and all other design requirements of the zoning ordinance.

Sec. 102-113. Area, height, bulk, and placement regulations.

All uses within the business districts shall adhere to the following area, height, bulk, and placement regulations:

	CBD	GBD
Lot Size		
Minimum area (square feet)	—	—
Minimum width (lot frontage in feet)	—	—
Setbacks (In Feet)¹		
Front yard (minimum) ²	—	0
Side yard (minimum)		0
Least One	—	0
Total Two	—	0
Rear yard (minimum)	—	25
Building Height³		
Stories (maximum)	4	4
Feet (maximum)	4	45
Maximum Percent of Lot Area Covered by Buildings	5	50 ⁵

Footnotes to section 102-112 schedule limiting height, bulk, and placement regulations:

¹Setbacks for institutional uses (such as a religious organization, church, nonprofit organization, academic institution, library or hospital) in residential districts shall be as follows:

Front	35 feet
Sides	30 feet
Rear	30 feet
Parking	20 feet

- a. A 35-foot wide greenbelt shall be provided along major thoroughfares or arterial roadways in all residential districts for residential developments. Building setbacks are measured from the interior line of the greenbelt. See article XXI, landscape standards and tree replacement.

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- b. Refer to article XXI, landscape standards and tree replacement for required setback and buffering based on adjacent zoning districts.
 - c. All yard areas shall be lawn, ground cover or living landscape plant materials, except for access drives, sidewalks, bike paths, architectural features, permitted accessory buildings and essential service facilities.
 - d. Refer to section 102-40, projections into yards.
 - e. Refer to subsection 102-255(d), off-street parking space design and setback requirements, of article XIX, off-street parking and loading-unloading standards, for parking setbacks.

²Front yard requirements in accordance with section 102-21, front yard requirements. Front yard setback reductions are permitted as follows:

- a. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be no less than 90 percent and no more than 135 percent of the average established front setback of existing main buildings on the same side of the street and entirely or partially within 300 feet of the side lot lines of the subject lot, subject to subsections b and c below.
- b. The front yard setback reduction shall only be permitted if there are two or more lots occupied by main buildings within the area described in subsection a, above, for computing the average front yard.
- c. In no case shall the required front yard resulting from the application of subsection a and b, above, be less than 15 feet.

³Any side or rear yard for a principal use or a use with specific standards permitted in this district other than one-family, two-family and multiple-family dwellings, shall not be less than the height of the structure at the side or rear lot line.

⁴There shall be no height limit on the CBD, provided, however, that prior to the issuance of a building permits for any structure over 35 feet in height, the planning commission shall make a finding that such excessive height will not be detrimental to the light, air, or privacy of any structure or use currently existing or approved for construction. In approving a height in excess of 35 feet, the planning commission shall follow the standards set forth below in floor area ratio:

- a. All enlargements or new construction shall be undertaken with respect to the established building line.
- b. In the CBD, the maximum floor area ratio for a building shall not exceed the lot area by more than four times.
- c. The proposed height of the building meets the intent of the city master plan.

⁵The maximum percentage of lot coverage for buildings, after review and approval by the planning commission and the zoning administrator, may be permitted to increase to a maximum of 70 percent providing that all requires off-street parking areas, service drives, loading and unloading areas, and all outdoor storage shall not infringe upon required minimum yard setbacks, and/or required buffer areas and not adversely affect adjacent properties.

Sec. 102-114. Site development requirements.

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

- (1) Article II: General provisions.
- (2) Article XV: Site plan review.
- (3) Article XIX: Off-street parking and loading standards.

- (4) Article XX: Access management and driveway standards.
- (5) Article XXI: Landscape standards and tree replacement.
- (6) Article XXII: Lighting standards.
- (7) Chapter 70: Signs.

ARTICLE IX. RESERVED

Secs. 102-115—102-129. Reserved.

ARTICLE X. I-1 AND I-2 INDUSTRIAL DISTRICTS

Sec. 102-130. Intent.

- (a) The I-1, industrial district is intended 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. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. Since available industrial land in the city is limited, this district is also intended to accommodate uses that are office- or research-type, along with "business center" buildings that combine office and flexible industrial space. It is further intended that the processing of raw material for shipment of bulk form, to be used in an industrial operation at another location, not be permitted.
- (b) The I-2, general industrial district is designed primarily for manufacturing, assembling, and fabrication activities including large-scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared material

Sec. 102-131. Permitted uses.

In the I-1 and I-2 districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "C" have site development standards for specific uses and uses denoted by a "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in article XI, site development standards for specific uses and article XIII, special land uses.

Permitted Uses in the Industrial District			
	I-1	I-2	Section Reference
Care Facilities			
Adult and child residential care facilities in accordance with section 102-10 adult and childcare facilities.	S	S	Sec. 102-171
Entertainment and Recreational			
Business, research, vocational, and technical training schools		S	Sec. 102-171
Commercial recreation facilities, private	P	P	
Social clubs	P	S	Sec. 102-171

Finance, Medical and Professional Office and Research and Development			
Basic design, research, design and pilot and/or experimental product development service, and retail trade	P	P	
Data processing and computer centers, including service and maintenance of electronic data and processing centers	P	P	
Medical laboratories	P	P	
Professional and corporate offices	P	P	
Veterinary hospital	C	C	Sec. 102-143(11)
Animal grooming establishment	P	P	
Commercial, Retail and Service			
Automobile repair establishment (major repair)	P	P	
Billboards and off-premise signs	S	S	Sec. 102-171
Business centers, combining small-scale office, and industrial space	P	P	
Commercial parking lots	S	S	Sec. 102-177(6)
Central dry-cleaning plants and laundries	P	P	
Health clubs and related uses including martial arts instruction and gyms	P	S	Sec. 102-171
Kennels	C	—	Sec. 102-143(5)
Mini- or self-storage warehouses	C	C	Sec 102-143(6)
Outdoor display	C	C	Sec. 102-143(7)
Outdoor storage	S	S	Sec. 102-171
Pet boarding facilities	C	—	Sec. 102-143(8)
Vehicle rental facilities	S	S	Sec. 102-171
Public, Institutional, and Utilities			
Business, research, vocational, and technical training schools	P	S	Sec. 102-171
Essential public services	P	P	
Essential public service buildings and storage yards	S	S	Sec. 102-171
Governmental offices or other governmental uses, post offices, public utility offices, exchanges, and transformer stations	P	S	Sec. 102-171
Wireless communications facilities	S	S	Sec. 102-171
Industrial			
Assembly, manufacture, compounding, processing, packaging, or treatment from previously prepared materials, or repair, of such products as, but not limited to food products, excluding bakery goods and candy and plastics	P	P	Sec. 102-171
Assembly, manufacture, compounding, processing, packaging, or treatment from previously prepared materials, or repair, of such products as, but not limited to: bakery goods and candy; cosmetics, pharmaceuticals, and toiletries; hardware and cutlery; pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas; musical instruments, toys, sporting goods, and novelties; small molded rubber products; electrical appliances, electronic instruments and devices, electronic consumer products, and photographic equipment; electric or neon signs; light sheet metal products, including heating and ventilating equipment, siding, cornices, eaves, and the like; textile goods; apparel, jewelry, and leather goods; and furniture and fixtures	P	P	

Assembly, manufacture, fabrication, processing, packaging, or treatment of products indoors from previously prepared material including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, rubber, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood (planing mills shall not be permitted), and yarns	P	P	
Breweries, distilleries and wineries	C	C	Sec. 102-143(3)
Concrete and asphalt batch plants	S	S	Sec. 102-171
Crematorium	S	S	Sec. 102-171
Experimental, film, or testing laboratories	P	P	
Extractive uses (commercial mining of sand, gravel, stone, and similar)	S	S	Sec. 102-171
Filling stations (flammable and combustible liquids or gases)	S	S	Sec. 102-171
Heat treatment plants	S	S	Sec. 102-171
Incinerators, cogeneration plants, recycling centers, and composting facilities	S	S	Sec. 102-171
Laboratories—Experimental, film, or testing	P	P	
Lumber and planing mills	S	S	Sec. 102-171
Metal plating, buffing, and polishing	P	P	
Painting and varnishing shops	S	S	Sec. 102-171
Retail sales of goods assembled, manufactured, compounded, processed, packaged, or treated from previously prepared materials, or repaired or stored, on the premises, provided the building floor area devoted to retail sales comprises no more than 25 percent of principal building floor area and the outdoor sales area comprises no more than 25 percent of the minimum required lot area	P	P	
Salvage yards	S	S	Sec. 102-171
Stamping plants	P	P	
Tool, die, gauge and machine shops	P	P	
Truck terminals, truck stops, and truck service facilities	—	—	
Warehousing and wholesale establishments, material distribution facilities	P	P	
Water filtration and wastewater treatment plants, reservoirs, and sewage treatment facilities	S	S	Sec. 102-171
Accessory			
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	S	Sec. 102-171

Sec. 102-132. Area, height, bulk, and placement regulations.

All uses within the industrial districts shall adhere to the following area, height, bulk, and placement regulations:

	I-1	I-2
Lot Size		
Minimum area (square feet)	—	—

Minimum width (lot frontage in feet)	—	—
Setbacks (in feet)¹		
Front yard (minimum) ²	40	60
Side yard (minimum)		
Least one	20	30
Total two	40	60
Rear yard (minimum)	20	0
Building height		
Stories (maximum)	—	—
Feet (maximum)	35	50
Maximum percent of lot area covered by buildings	75	75

Footnotes to section 102-132 schedule limiting height, bulk, and placement regulations:

¹Setbacks for institutional uses (such as a place of worship, nonprofit organization, academic institution, library or hospital) in residential districts shall be as follows:

Front	35 feet
Sides	30 feet
Rear	30 feet
Parking	20 feet

- a. A 35-foot wide greenbelt shall be provided along major thoroughfares or arterial roadways in all residential districts for residential developments. Building setbacks are measured from the interior line of the greenbelt. See article XXI, landscape standards and tree replacement.
- b. Refer to article XXI, landscape standards and tree replacement, for required setback and buffering based on adjacent zoning districts.
- c. All yard areas shall be lawn, ground cover or living landscape plant materials, except for access drives, sidewalks, bike paths, architectural features, permitted accessory buildings and essential service facilities.
- d. Refer to section 102-40, projections into yards.
- e. Refer to subsection 102-255(d), off-street parking space design and setback requirements, of article XIX, off-street parking and loading-unloading standards, for parking setbacks.

²Front yard requirements in accordance with section 102-21, front yard requirements. Front yard setback reductions are permitted as follows:

- a. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be no less than 90 percent and no more than 135 percent of the average established front setback of existing main buildings on the same side of the street and entirely or partially within 300 feet of the side lot lines of the subject lot, subject to subsections b and c, below.
- b. The front yard setback reduction shall only be permitted if there are two or more lots occupied by main buildings within the area described in subsection a, above, for computing the average front yard.
- c. In no case shall the required front yard resulting from the application of subsection a and b, above, be less than 15 feet.

Sec. 102-133. Site development requirements.

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

- (1) Article II: General provisions.
- (2) Article XV: Site plan review.
- (3) Article XIX: Off-street parking and loading standards.
- (4) Article XX: Access management and driveway standards.
- (5) Article XXI: Landscape standards and tree replacement.
- (6) Article XXII: Lighting standards.
- (7) Chapter 70: Signs.

Secs. 102-134—102-139. Reserved.

ARTICLE XI. SITE DEVELOPMENT STANDARDS FOR SPECIFIC USES

Sec. 102-140. Purpose.

The intent of this article is to provide standards for specific land uses that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This article provides standards for the city, depending upon the site plan review requirements, to review and determine if the conditions have been met.

Sec. 102-141. Standards for approval.

- (a) Prior to approving the land use, the city shall require that the proposed use meet all requirements and standards of the zoning ordinance. If all requirements and standards are met, the use is permitted by right.
- (b) Properties for which application for site specific standard approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of article XV, site plan review. Failure to obtain site plan approval will constitute denial of the approved conditional land use.
- (c) The requirements to permit the specific use shall remain unchanged.
- (d) The building official shall make periodic investigations of the land use to ensure continued compliance with all requirements and standards imposed by this article. Noncompliance with the requirements for the land use shall constitute grounds for the zoning administrator to terminate the approval.

Sec. 102-142. Validity of use approval.

- (a) In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not commenced within 18 months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- (b) Upon written application filed prior to the termination of the 18 month period, the city may authorize a single extension of the time limit for a further period of not more than 18 months. Such extension shall only

be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the 18 month extension.

- (c) The granting of a land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this article are maintained.

Sec. 102-143. Site development standards for specific uses requirements.

Specific land uses, because of their unique character and potential impacts on adjacent properties and the city, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

The following are specific land uses that have specific standards which are described on the following pages:

Specific Site Development Requirements

Automobile washes, automatic or self-service (subsection 102-143(1))

Automobile or vehicle dealerships (subsection 102-143(2))

Bars, taverns, lounges, microbreweries (accessory), and brewpubs (subsection 102-143(3))

Funeral homes and mortuary establishments (subsection 102-143(4))

Kennels (subsection 102-143(5))

Mini- or self-storage warehouses (subsection 102-143(6))

Outdoor retail display and sales (subsection 102-143(7))

Pet boarding facilities (subsection 102-143(8))

Restaurants with an open front window (subsection 102-143(9))

Small manufacturing establishment (subsection 102-143(10))

Veterinary hospitals (subsection 102-143(11))

- (1) *Automobile washes, automatic or self-service.*
- a. Only one ingress/egress driveway shall be permitted on any single street.
 - b. Where adjoining residentially zoned or residentially used property a decorative masonry wall six feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The planning commission may approve a fence, landscaped berm, or landscaping as an alternative.
 - c. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
 - d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the planning commission.
 - e. Adequate stacking space shall be provided in accordance with the requirements of article XIX, off-street parking and loading standards. Stacking spaces shall not be permitted in the public right-of-way.
- (2) *Automobile or vehicle dealerships.*
- a. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.

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- b. All parking, display and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
 - c. Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
 - d. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed 20 footcandles within the site for or one footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten and one-half footcandles is permitted for vehicle storage areas.
 - e. Flags, banners, streamers, and inflatables, shall not be permitted unless approved by the planning commission.
- (3) *Bars, taverns, lounges, microbreweries (accessory), and brewpubs.*
- a. The principal building shall be setback at least 100 feet from a residential district (does not apply in the central business district, (CBD)).
 - b. Noise shall not be a nuisance outside of the building, in accordance with section 102-35, performance standards, and other city ordinances.
 - c. Outdoor seating must meet the requirements of section 102-34, outdoor seating for restaurants and cafes.
- (4) *Funeral homes and mortuary establishments.*
- a. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
 - b. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- (5) *Kennels.*
- a. For kennels with outside dog runs, the minimum lot size shall be two acres for the first three dogs and an additional one-third acre for each one additional dog run and enclosure.
 - b. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located closer than 150 feet to any lot line and 200 feet from any road right-of-way.
 - c. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
 - d. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains.
 - e. A kennel may be permitted as an accessory use to a veterinary office, clinic, or hospital. Such accessory use shall be subject only to the special land use standards of the veterinary use.
- (6) *Mini- or self-storage warehouses.*
- a. Minimum lot size shall be three acres.
 - b. Minimum building and parking setbacks shall be 50 feet from any public street right-of-way line, 50 feet from any residential district and 25 feet from any nonresidential zoning district.
 - c. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by the planning commission.

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- d. The storage units shall be screened from all abutting properties through the use of landscaping and/or walls.
 - e. Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the planning commission. All roofs must be pitched.
 - f. No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the planning commission may be utilized to obscure views of doors from the public right-of-way.
 - g. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with subsection 120-143(7), outdoor retail, display, and storage.
 - h. Buildings shall be limited to storage only.
- (7) *Outdoor retail display and sales.*
- a. Unless accessory to an approved retail business, an enclosed building of at least 500 square feet of gross floor area for office and sales use is required.
 - b. Displays shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
 - c. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
 - d. Displays shall not interfere with fire lanes.
 - e. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
 - f. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
 - g. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the city prior to any outdoor display. Any outdoor display shall at all times comply with the sketch plan or site plan approved by the city.
- (8) *Pet boarding facilities.*
- a. Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.
 - b. The lot shall be at least two acres in size.
 - c. Up to five percent of the floor area may be used for accessory retail sales.
 - d. Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
 - e. An outdoor play area is allowed with the following restrictions:
 - 1. Any outdoor play area shall not be any closer than 150 feet from a residential zoning district.
 - 2. Any outdoor play area shall be located in the interior side yard or rear yard.
 - 3. A maximum eight-foot high fence enclosure is required around the play area and surface must be easy to maintain.

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4. All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
 5. Pets shall not be permitted to remain outdoors overnight.

(9) *Restaurants with an open front window.*

- a. Trash receptacles shall be provided and maintained on the property.
- b. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed 25 percent of that area. Temporary signs indicating the whether the establishment is "opened" or "closed for the season" shall be permitted in accordance with chapter 70, signs.
- c. Outdoor seating may be provided when meeting the requirements of section 102-34, outdoor seating for restaurants and cafes.
- d. Months and hours of operation shall be provided as part of the special land use application.

(10) *Small manufacturing establishment.*

- a. In the central business district permitted by right, subject to the following:
 1. Establishment occupies less than 1,500 square feet and has not more than ten employees.
 2. May not include bulk storage of flammable materials.
 3. Storage of materials/production must be completely within a closed building.
 4. The emission of odor or noise must be mitigated.
 5. Must have an accessory retail use or another component that provides direct interaction with the public.
 6. Must have windows along street frontage that allow pedestrians to view manufacturing process.
 7. Must have a public entrance directly from the street.
- b. In the general business district permitted by right, subject to the following:
 1. Establishment occupies less than 3,000 square feet and has not more than 20 employees.
 2. May not include bulk storage of flammable materials.
 3. Storage of materials/production must be completely within a closed building.
 4. The emission of odor or noise must be mitigated.
 5. Must have an accessory retail use or another component that provides direct interaction with the public.

(11) *Veterinary hospitals.*

- a. Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
- b. The principal buildings or structures shall be set back at least 75 feet from the front property line; and at least 200 feet from any property line abutting a residential district or use on the same side of the street, and at least 75 feet from all other property lines.
- c. The planning commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.

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- d. Parking lots shall be set back at least 50 feet from a residential district or use, and shall be screened by a wall at least four feet high with landscaping on the exterior side of the wall. The planning commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
 - e. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted.
 - f. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
 - g. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
 - h. All waste disposal shall meet the requirements of the health department of the State of Michigan.

Secs. 102-144—102-149. Reserved.

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

Sec. 102-150. Purpose.

- (a) The planned unit development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one of the other zoning districts established in this title, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the height and placement requirements listed for the underlying zoning districts in articles IV, V, residential districts, article VI, manufactured home park district, articles VII, VIII, commercial and office districts, and article X, industrial districts.
- (b) The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the city; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
- (c) The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the city master plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
- (d) In order to encourage PUD developments on specific properties, these standards may allow the city to relax or waive one or more of the requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

Sec. 102-151. Permitted uses.

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

- (1) *R-1A, R-1, R-2, and R-3.* All permitted uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single- and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.
- (2) *RT, RM-1, RM-2, and RM-3.* All permitted uses of the underlying district shall be permitted. The list of permitted uses includes multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses. In addition, for sites having a minimum size of 20 acres, up to ten percent of the total site acreage may be developed with uses permitted in the B-1 district. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.
- (3) *CBD, GBD, O.* All business, service, professional offices, and other commercial uses, or any combination of these uses, listed as permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and residential uses may be permitted, if determined by the planning commission to be compatible with other proposed PUD uses and surrounding uses.
- (4) *I-1 and I-2.* All manufacturing, warehousing, research and development, business, service, professional offices, and other industrial uses, or any combination of these uses, listed as permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, and office uses may be permitted, if determined by the planning commission to be compatible with other proposed PUD uses and surrounding uses.

Sec. 102-152. Special land uses.

All uses listed as special land uses in the underlying district are considered as special land uses within the PUD designation.

Sec. 102-153. Qualifying conditions.

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

- (1) *Demonstrated benefit.* The PUD shall provide two or more of the following benefits not possible under the requirements of another zoning district, as determined by the planning commission:
 - a. Preservation of significant natural or historic features;
 - b. A complementary mixture of uses or a variety of housing types that provides a benefit to the city over conventional development;
 - c. Creative design that cannot be achieved by underlying district standards;
 - d. Common open space for passive or active recreational use;
 - e. Mitigation to offset community impacts;

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- f. Redevelopment of a nonconforming site where creative design can address unique site constraints.
 - (2) *Availability and capacity of public services.* The proposed type and density of use(s) shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
 - (3) *Compatibility with the master plan.* The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the city master plan.
 - (4) *Compatibility with the PUD purpose.* The proposed PUD shall be consistent with the intent of this article and spirit of this title.
 - (5) *Development impact.* The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this title.

Sec. 102-154. Dimensional requirements.

- (a) *Base zoning regulations.* Unless modified by the planning commission, according to the PUD standards, all zoning ordinance requirements for the underlying zoning district shall remain in full force, except as modified by this article.
- (b) *Regulatory flexibility.* To encourage flexibility and creativity, the planning commission may grant specific departures from the requirement of the zoning ordinance as a part of the approval process. Yard, lot width, and bulk standards may be modified, provided that such modifications result in preservation of open space, enhanced buffering from adjacent land uses, screening along major roadways, preservation of natural features, a more efficient use of land or improved compatibility with adjacent land uses.
- (c) *Approval of modifications.* Any regulatory modification shall be approved through a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the ZBA. No part of a PUD plan may be appealed to the ZBA. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan or the requirements of the article.
- (d) *Table of modifications.* A table shall be provided on the site plan which specifically details all deviations from the established zoning district's lot area, height and setback regulations, off-street parking regulations, general provisions, subdivision regulations or other zoning ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this PUD chapter. This specification should include ordinance provisions, from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this title and the city master plan shall be considered.

Sec. 102-155. Application and review procedure for preliminary and final PUD site plan.

The application process for a PUD involves a three-step process including review of a preliminary site plan by both the planning commission and city council. Upon approval of the preliminary plan, a final site plan shall be reviewed by the planning commission. The procedures are described below.

- (1) The applicant shall meet with city staff to review the PUD requirements and confirm that application materials are complete. An optional pre-application workshop with the planning commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the planning commission agenda.

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- (2) The applicant shall submit the preliminary PUD site plan, meeting the requirements of section 102-156, at least 30 days prior to the meeting at which the planning commission shall first review the request; 21 days for an applicant who has had a pre-application workshop on the proposal within 60 days of the preliminary PUD site plan submittal.
 - (3) The planning commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with section 102-303. During this review, the planning commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of section 102-156. The planning commission shall then make a recommendation on the preliminary PUD site plan to the city council. The applicant shall incorporate these modifications or conditions recommended by planning commission prior to the review by the city council.
 - (4) Following receipt of the planning commission recommendations, the city council shall conduct a public hearing in accordance with section 102-303 on the preliminary PUD site plan. The city council shall take final action on the preliminary PUD site plan.
 - (5) Any conditions imposed upon the approval of the preliminary PUD site plan by the city council shall be made part of the approval and shall be reflected in the final PUD site plan. The city attorney shall prepare a PUD agreement stating the conditions upon which the PUD is based, which shall be submitted to the city council for approval. The applicant shall reimburse the city for all costs related to the preparation of the PUD agreement. The agreement, after approval by the city council, shall be entered into between the city and the applicant and be recorded in the office of the Oakland County Register of Deeds. The applicant shall pay all costs associated with recording the PUD agreement. The agreement must be recorded prior to submitting an application for final site plan approval.
 - (6) Approval of the preliminary PUD site plan shall be effective for a period of two years. If a final PUD site plan for at least the first phase of the project is not submitted and approved within two years of the preliminary approval, the preliminary PUD site plan shall terminate and a new application must then be filed and processed. The two year period for preliminary PUD approval may be extended for not more than one year, if applied for by the petitioner prior to expiration and granted by the city council, based upon a recommendation by the planning commission.
 - (7) If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final PUD site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Roads, utilities and other infrastructure for each phase shall be designed to fully operate in accordance with city engineering standards and not be dependent upon the completion of subsequent phases. Subsequent phases shall also follow the process for final PUD site plans outlined in this article.
 - (8) The applicant shall submit the final PUD site plan, as described in section 102-158, for all, or any phase of, the approved preliminary PUD site plan at least 30 days prior to the planning commission meeting at which the planning commission shall first review the request.
 - (9) Upon submission of all required materials and fees, the Planning Commission shall review the final PUD site plan and shall take final action on the final PUD site plan, in accordance with the standards and regulations of this title.
 - (10) If the final PUD site plan was approved with conditions, the applicant shall submit a revised final PUD site plan to the building official for approval prior to the issuance of any building permits.

Sec. 102-156. Preliminary PUD site plan submittal requirements.

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided in the preliminary PUD site plan submittal:

- (1) *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement with written authorization from the owner.
- (2) *Written documentation.* Written documentation that the preliminary PUD site plan meets the standards of section 102-157.
- (3) *Application form and fees.* A completed application form, supplied by the building official, and an application/review fee; a separate escrow deposit shall be required for administrative charges to review the PUD submittal.
- (4) *Sheet size.* Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 100 feet or less (i.e., one inch equals 20 to 100 feet) for sites over 20 acres.
- (5) *Cover sheet.* Cover sheet providing:
 - a. Applicant's name;
 - b. Name of the development;
 - c. Preparer's name and professional seal of architect, engineer, surveyor, and landscape architect as applicable indicating license in the state of Michigan;
 - d. Date of preparation and any revisions;
 - e. Complete and current legal description and size of property in acres;
 - f. Small location sketch of the subject site and area within one-half mile, and scale;
 - g. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
- (6) *PUD site plan.* A site plan sheet indicating:
 - a. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, EGLE designated or regulated wetlands with supporting documentation, nonregulated wetland areas two or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four feet above grade) of existing trees;
 - b. Existing and proposed topography at five-foot contour intervals, and a general description of grades within 100 feet of the site;
 - c. An aerial photograph of the entire site and all areas within one mile of the site, taken not more than one year prior to the date of the PUD application;
 - d. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
 - e. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed;

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- f. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units;
 - g. General engineering information for utilities and drainage;
 - h. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
 - i. Size, type, and location of proposed identification signs;
 - j. North arrow;
 - k. Property lines and dimensions;
 - l. Lot lines and all structures on the property and within 100 feet of the PUD property lines;
 - m. Location of any vehicle access points on both sides of the street within 100 feet of the PUD site along streets where vehicle access to the PUD is proposed.
- (7) *PUD development agreement.* A draft written PUD development agreement specifying all the terms and understandings of the PUD development. The content of the agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:
- a. A survey of the acreage comprising the proposed development;
 - b. The manner of ownership of the developed land;
 - c. The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space;
 - d. Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks and other dimensional standards;
 - e. Description of improvements to common areas, recreational facilities and nonmotorized pathways;
 - f. General description of any improvements to roads or utilities. The cost of installing and maintaining all streets and the necessary utilities shall be assured by a means satisfactory to the city;
 - g. Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The city may require conveyances or other documents to be placed in escrow to accomplish this;
 - h. Provisions for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the city;
 - i. Provisions to ensure adequate protection of natural features;
 - j. Financial assurances to guaranty the completion of all improvements;
 - k. An acknowledgement by the applicant that the terms and conditions of any approval are fair, reasonable, and equitable, and that the applicant shall be bound by each and every condition and provision of the development agreement;
 - l. Provisions for continued maintenance and obligations of the association; and
 - m. The preliminary PUD site plan shall be incorporated by reference and attached as an exhibit.

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- (8) *Multi-phased PUD.* If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
 - (9) *Additional information.* Any additional graphics or written materials requested by the planning commission or city council to assist the city in determining the appropriateness of the PUD such as, but not limited to: market studies; impact on public primary and secondary schools and utilities; traffic impact study; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

Sec. 102-157. Preliminary PUD site plan standards for approval.

Based upon the following standards, the planning commission may recommend denial, approval, or approval with conditions, and the city council may deny, approve, or approve with conditions the proposed preliminary PUD site plan.

- (1) The PUD shall meet the qualifying conditions of section 102-153.
- (2) The PUD must be consistent with the city master plan.
- (3) The uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.
- (4) Any modifications to the dimensional standards of this title, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the planning commission.
- (5) Any increase in the density requirements of the underlying zoning district must be approved by the city council upon recommendation of the planning commission and be included under review of the preliminary PUD site plan.
- (6) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by article XIX, off-street parking and loading. However, where warranted by overlapping or shared parking arrangements, the planning commission or city council may reduce the required number of parking spaces in accordance with subsection 102-251(g).
- (7) All streets and parking areas within the PUD shall meet the minimum construction and other requirements of city ordinances, unless modified by city council.
- (8) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- (9) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall be consistent with or exceeding the standards of article XXI.
- (10) Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.

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- (11) Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
 - (12) Building design shall be of a high quality, be consistent with or exceeding the standards of section 102-30.

Sec. 102-158. Final PUD site plan submittal requirements.

The final PUD site plan shall include all the following information:

- (1) All information required for site plan submittal in accordance with section 102-196.
- (2) Any additional graphics or written materials requested by the planning commission to assist in determining the impacts of the proposed PUD site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- (3) A written draft of PUD design guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The design guidelines shall also include any variations to the dimensional standards of this title, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

Sec. 102-159. Final PUD site plan standards for approval.

The planning commission shall use the standards for approval of section 102-197, and any design requirements developed specifically for the PUD by the city council, in reviewing the final PUD site plan.

Sec. 102-160. Deviations from approved final PUD site plan.

- (a) Deviations and amendments from the approved final PUD site plan and associated design guidelines shall be reviewed and approved in accordance with section 102-201.
- (b) Should the planning commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the city council as a new preliminary PUD site plan.
- (c) Any deviation from the approved final PUD site plan, except as authorized in this section, shall be considered a violation of this article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

Sec. 102-161. Appeals and variances.

Appeals and variances related to a PUD cannot be taken to the ZBA. Modifications can only be granted by the planning commission when it is determined that the requested amendments are in keeping with the overall intent of a PUD, as identified in section 102-150.

Secs. 102-162—102-169. Reserved.

ARTICLE XIII. SPECIAL LAND USES

Sec. 102-170. Intent.

The intent of this article is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This article provides standards for the planning commission to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

Sec. 102-171. Standards for approval.

- (a) Prior to approving a special land use application, the planning commission shall require that the following general standards, in addition to the specific standards noted for individual uses in section 102-177, special land use specific requirements, be satisfied. The proposed use or activity shall:
 - (1) Be compatible and in accordance with the goals, objectives, and policies of the city master plan and promote the intent of the zoning district in which the use is proposed.
 - (2) Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
 - (3) Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.
 - (4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.
- (b) Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of article XV, site plan review. Failure to obtain site plan approval will constitute denial of the approved special land use.

Sec. 102-172. Application procedure.

- (a) Any person owning the subject property may file an application for special land use approval as provided for in this article.
- (b) The following materials shall be submitted to the city at least 60 days prior to the meeting at which the planning commission first considers the special land use application:
 - (1) Property owner signature.
 - (2) Payment of escrow fees.
 - (3) Copies of completed application forms.
 - (4) Copies of a site plan meeting the requirements of article XV, site plan review.
 - (5) Impact assessment if required by the planning commission; the analysis shall be carried out by qualified individuals and shall include, but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/ services, public utilities, and traffic.

Sec. 102-173. Designated review authority and approval procedure.

- (a) The planning commission shall have final review authority for all special land uses.
- (b) Following the submission of the required application materials the planning commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with section 102-303, public hearings.
- (c) The planning commission shall review the application in terms of the requirements of section 102-171, standards for approval, and shall approve, approve with conditions, or deny the application.

Sec. 102-174. Conditions of approval.

- (a) As part of any special land use approval, the planning commission can request additional studies may impose any additional conditions or limitations as, in its judgement, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of section 102-171, standards for approval, and the applicable specific regulations of section 102-177, special land use specific requirements, are met.
- (b) The approval of a special land use, including conditions made as part of the approval, runs with the land described as part of the application and not to the owner of such property.
- (c) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.
- (d) A record of the decision of the planning commission, the reasons for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- (e) The building official shall make periodic investigations of developments authorized by special land use approval to ensure continued compliance with all requirements imposed by the planning commission and this article. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the planning commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as described in section 102-303, public hearings, and as required by this article.

Sec. 102-175. Validity of special land use approval.

- (a) In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- (b) Upon written application filed prior to the termination of the one year period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension.
- (c) The granting of a special land use shall allow that particular use on the subject property, as long as the standards of this Article are met and continued in compliance with the approved site plan.
- (d) Any use for which a special land use approval has been granted and which ceases to continuously operate for one year and there is intent to abandon the use (i.e., disconnection of utilities) shall be considered abandoned and the special land use approval shall become null and void.

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- (e) No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

Sec. 102-176. Special land use amendments and expansions.

- (a) *Amendments.* Any person or agency who has been granted a special land use approval shall notify the zoning administrator of any proposed amendment to the approved site plan of the special land use. The zoning administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of section 102-201, deviations from approved site plan. A major amendment to a special land use approval shall comply with the application and review procedures contained in this article.
- (b) *Expansion or change in use.* The expansion change in activity, reuse, or redevelopment of any use requiring a special land use approval, with an increase of ten percent or greater, shall require re-submittal in the manner described in this article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use on property which has not previously received special land use approval.

Sec. 102-177. Special land use specific requirements.

The general standards and requirements of section 102-171, standards for approval, are basic to all uses authorized by a special land use approval. However, certain special land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the city, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met in addition to the general standards of section 102-171, standards for approval, and other sections of this chapter.

The following are special land uses with specific site and/or use standards which are described on the following pages:

Land Uses with Specific Requirements

- Adult entertainment regulated uses (subsection 102-177(1))
- Amusement parks, carnivals, fairgrounds, fairs, and other types of outdoor entertainment facilities (subsection 102-177(2))
- Automobile gasoline stations (subsection 102-177(3))
- Automobile repair establishments (major repair) and automobile service establishments (routine maintenance and minor repair) (subsection 102-177(4))
- Bed and breakfast inns (subsection 102-177(5))
- Commercial parking lots (subsection 102-177(6))
- Drive-through window facilities for banks, restaurants or other permitted uses (subsection 102-177(7))
- Essential public service buildings and structures (subsection 102-177(8))
- Garden centers (subsection 102-177(9))
- Golf courses (subsection 102-177(10))
- Golf driving ranges and miniature golf courses (subsection 102-177(11))
- Hospitals (subsection 102-177(12))

Parking structures (subsection 102-177(13))

Retail businesses with adult novelties (subsection 102-177(14))

Schools, including public, private and parochial elementary, middle, and high (subsection 102-177(15))

Theaters, cinemas, and similar places of assembly (subsection 102-177(16))

(1) *Adult entertainment regulated uses.*

- a. It is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the 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 are itemized in this section.
- b. Prior to adopting these regulations, the city reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law, including the following: *Pap's AM v City of Erie*, 529 US 277 (2000); *Déjà Vu of Nashville v Metropolitan Government of Nashville & Davidson County*, 466 G3d 391 (6th Cir 2006); *Sensations, Inc. v City of Grand Rapids*, 2006 WL 2504388 (WD MI 2006); *Van Buren City v Garter Belt*, 258 Mich App 594; 673 NW2d 111 (2003); *Bronco's Entertainment v Charter City of Van Buren*, 421 F3d 440 (6th Cir 2005), *Thomas v Chicago Park District*, 122 S Ct 775 (2002), *City of Renton v Playtime Theatres Inc*, 475 US 41 (1986), *Young v American Mini Theatres*, 426 US 50 (1976), *Barnes v Glen Theatre Inc*, 501 US 560 (1991); *California v LaRue*, 409 US 109 (1972); *DLS Inc v City of Chattanooga*, 107 F3d 403 (6th Cir 1997); *East Brooks Books Inc v City of Memphis*, 48 F3d 2200 (6th Cir 1995); *Broadway Books v Roberts*, 642 F Supp 4867 (ED Tenn 1986); *Bright Lights Inc v City of Newport*, 830 F Supp 378 (ED Ky 1993); *Richland Bookmart v Nichols*, 137 F3d 435 (6th Cir 1998); *Richland Bookmart v Nichols*, 278 F3d 570 (6th Cir 2002); *Déjà Vu of Cincinnati v Union City Board of Trustees*, 411 F3d 777 (6th Cir 2005); *Déjà Vu of Nashville v Metropolitan Government of Nashville*, 274 F3d 377 (6th Cir 2001); *Bamon Corp v City of Dayton*, 7923 F2d 470 (6th Cir 1991); *Threesome Entertainment v Strittmather*, 4 F Supp 2d 710 (ND Ohio 1998); *JL Spoons Inc v City of Brunswick*, 49 F Supp 2d 1032 (ND Ohio 1999); *Triplett Grille Inc v City of Akron*, 40 F3d 129 (6th Cir 1994); *Nightclubs Inc v City of Paducah*, 202 F3d 884 (6th Cir 2000); *O'Connor v City and County of Denver*, 894 F2d 1210 (10th Cir 1990); *Déjà Vu of Nashville Inc et al v Metropolitan Government of Nashville and Davidson County*, 2001 USA App LEXIS 26007 (6th Cir Dec 6, 2001); *ZJ Gifts D-2 LLC v City of Aurora*, 136 F3d 683 (10th Cir 1998); *Connection Distribution Co v Reno*, 154 F3d 281 (6th Cir 1998); *Sundance Associates v Reno*, 139 F3d 804 (10th Cir 1998); *American Library Association v Reno*, 33 F3d 78 (DC Cir 1994); *American Target Advertising Inc v Giani*, 199 F3d 1241 (10th Cir 2000); *ZJ Gifts D-2LLC v City of Aurora*, 136 F3d 683 (10th Cir 1998); *ILQ Investments Inc v City of Rochester*, 25 F3d 1413 (8th Cir 1994); *Bigg Wolf Discount Video Movie Sales Inc v Montgomery County*, 2002 US Dist LEXIS 1896 (D Md Feb 6 2002); *Currence v Cincinnati*, 2002 US App LEXIS 1258 (3rd Cir Jan 24, 2002); and other cases; and on testimony to Congress in 136 Cong Rec S 8987; 135 Cong Rec S 14519; 135 Cong Rec S 5636; 134 Cong Rec E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program

Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan 12, 2000, and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

- c. Based on the evidence of adult uses presented in hearings and in the aforementioned reports made available to the city council, the city council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports and cases are reasonably believed to be relevant to the problems that the city is seeking to abate and prevent in the future. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area which would create such adverse effect(s). It is further the intent these regulations that these uses only be permitted as special land uses.
- d. Uses (collectively "regulated uses") subject to these controls are as follows:
 - 1. Sexually oriented business as defined in section 38-1, definitions.
 - 2. Body art establishments.
 - 3. Pawnshops or collateral loan or exchange establishments.
- e. *Locational requirements for regulated uses.* Regulated uses shall only be permitted in the light industrial, I-1, zoning district and only after special land use approval is obtained. The planning commission must find that there is not presently more than one such regulated use within 1,000 feet of the boundaries of the site of the proposed regulated uses. The planning commission may not waive this location provision for sexually oriented businesses as defined by this chapter. The planning commission may waive this locational requirement for tattoo establishments and body art establishments 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 the section will be observed.
 - 2. That the proposed use will not enlarge or encourage the development of a "skid-row" area in which the homeless, unemployed, transients or others may loiter or congregate for no gainful purpose.
 - 3. That the establishment of any additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any plans for future development of the area according to the city's master plan.
 - 4. That all applicable regulations of this chapter will be observed.
- f. *Conditions of approval.* The planning commission may recommend that the city council impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated uses, as shall, in its judgment, considering the standards set forth in section 102-171, standards for approval, be necessary for the protection of the public health, safety, welfare and interest, except that any conditions imposed on a sexually oriented business shall be limited to those conditions necessary to assure compliance with the standards and requirements of subsection 102-177(1), requirements for sexually oriented businesses. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a sexually oriented business shall be fulfilled.
- g. *Time limits for review.* An application for special land use approval of a regulated use shall proceed before the planning commission for recommendation, and then the city council for final

decision. Applications for special land use approval of a regulated use, except for a sexually oriented business, shall be processed in the normal course. The following time limits shall apply to the review of an application by the planning commission and city council for special approval of a sexually oriented business:

1. The planning commission will publish notice and hold a public hearing as required for special land use approval review within 60 days of receiving a complete and technically compliant special land use approval and site plan application, as required by article XIII, for a sexually oriented business.
 2. The planning commission will make its recommendation regarding the special approval application for a sexually oriented business at the next regularly scheduled meeting of the planning commission following the public hearing held to review the application, unless additional information is required from the applicant, or to a later date if agreed to by the applicant. If additional information is required, the planning commission will make its recommendation at the next regularly scheduled meeting after receipt of the requested additional information, provided the additional information is received no later than 15 days prior to the meeting, unless a later date is agreed to by the applicant.
 3. The recommendation of the planning commission will be forwarded to the city council within 60 days of the meeting at which planning commission issues its recommendation, unless a later date is agreed to by the applicant. The city council will render its decision to grant or deny special approval of the sexually oriented business or to grant approval with conditions, unless additional information is required from the applicant, or unless a later date is agreed to by the applicant.
 4. Failure of the city to act within the above specified time limits shall not be deemed to constitute the grant of special approval to the sexually oriented business.
- h. *Effect of denial.* No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.
- i. *Revocations.* In any case where a building permit for a regulated use is required and has not been obtained within six months after the granting of the special land use by the city council, the grant of special land use shall become null and void.
- j. *Reconstruction of damaged regulated uses.* Nothing in this section shall prevent the reconstruction, repairing or rebuilding and continued use of any building or structure, the use of which makes it subject to the controls of this section, which is damaged by fire, collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed 50 percent of the reconstruction cost of the building or structure at the time such damage occurred, provided that where the reconstruction repair or rebuilding exceeds the above stated expense, the re-establishment of the use shall be subject to all provisions of this section.
- k. *Requirements for sexually oriented businesses.*
1. *Purpose and intent.* It is the purpose of this section to regulate sexually oriented businesses to promote and protect the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent a concentration of sexually oriented businesses within the city. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the

intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Likewise, it is not the intent of this chapter to legitimize activities which are prohibited by city ordinance or state or federal law.

2. *Definitions.* Sexually oriented businesses are defined in article XXV definitions.
3. *Location of sexually oriented business.* A sexually oriented business shall not be located closer than 1,000 feet to the property line of any of the following:
 - A. A building used primarily for religious worship and related religious activities;
 - B. A public or private elementary or secondary school, vocational school, special education school, junior college or university;
 - C. A residential zoning district;
 - D. A parcel in residential use;
 - E. A public or private park;
 - F. An existing sexually oriented business; and
 - G. A child day care facility, nursery or preschool.
4. A sexually oriented business site shall not be located closer than 300 feet to the right-of-way of a major thoroughfare within the city.
5. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property site boundary of a sexually oriented business to the nearest property line of the premises of any use, district or right-of-way listed in subsection (1)a above or public right-of-way listed in subsection (1)b above. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the site or property boundary in which each business is located. Access easements or portions of the parcel that are exclusively used to provide access to the site of the sexually oriented business shall be excluded from the parcel boundary in determining whether the site complies with the required separation. The intent of this exclusion is to allow sexually oriented businesses to comply with the separation requirement from major thoroughfares by means of an access easement or access strip of land from the site to the thoroughfare.
6. A person is in violation of this section if he/she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.
7. A person is in violation of this section he/she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof or the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
8. All off-street parking areas and entry door areas of a sexually oriented business shall be illuminated from dusk until the closing time. This requirement is to ensure the personal safety of patrons and employees, and to reduce the incidence of vandalism and other criminal conduct.

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9. Any business now classified as a sexually oriented business lawfully operating on the date of adoption of the ordinance that is in violation of this section shall be deemed a nonconforming use.
- l. *Exterior display and signs.* A sexually oriented business is in violation of this section if:
 1. The merchandise or activities of the establishment are visible from any point outside the establishment; or
 2. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawing or pictorial representatives of any specified anatomical area or sexually explicit activity as defined in this chapter.
 - m. *Enforcement.* A violation of the provisions of this section shall result, in addition to the remedies provided herein, possible criminal violations consisting of a fine of \$500.00 or a jail term of 90 days, or both.
- (2) *Amusement parks, carnivals, fairgrounds, fairs, and other types of outdoor entertainment facilities.*
- a. Minimum lot size shall be ten acres.
 - b. Activity areas using fences, buildings, walkways, or other suitable barriers shall be clearly defined on the site plan.
 - c. All buildings, structures, and parking shall be at least 300 feet from any dwelling unit, excluding any dwelling unit on the site.
 - d. Vehicle access shall be provided onto a primary road. Vehicle access shall be controlled, with capability to accommodate at least three lanes of ingress traffic. At least 300 feet of stacking (queuing) area shall be provided on-site for parking fee collection.
 - e. The planning commission shall determine the sufficient amount of on-site parking.
 - f. Maximum lot coverage by buildings and structures shall be 20 percent.
 - g. The planning commission may require posting of a financial performance guarantee, in an amount determined necessary by the city, to cover any potential damage or clean-up on the site or adjacent properties.
 - h. The planning commission may establish limits on hours of operation, time limits on the validity of the special land use approval, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
 - i. Prior to issuance of a special land use approval, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons or damage to property, which may result from the conduct of the activity.
- (3) *Automobile gasoline stations.*
- a. There shall be a minimum lot area of one acre and minimum lot width of 250 feet.
 - b. Pump islands shall be a minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
 - c. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with chapter 70, signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

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- d. Only one driveway shall be permitted from each street unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
 - e. The intensity of lighting within a site shall meet the requirements of article XXII, lighting standards.
 - f. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment except within an area defined on the site plan approved by the planning commission and which extends no more than ten feet beyond the building.
 - g. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the city fire department.
 - h. Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.
 - i. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
- (4) *Automobile repair establishments (major repair) and automobile service establishments (routine maintenance and minor repair).*
- a. All principal and accessory structures shall be set back a minimum of 500 feet from a single-family residential district.
 - b. There shall be a minimum lot frontage on a paved road of 200 feet.
 - c. All maintenance and repair work shall be conducted completely within an enclosed building.
 - d. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.
 - e. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the planning commission.
 - f. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the city fire department.
 - g. Any use with gasoline sales shall also meet the standards for automobile gasoline stations.
- (5) *Bed and breakfast inns/Airbnb.*
- a. Parking areas shall be located off-street and shall not be located in any required front yard.
 - b. No bed and breakfast inn shall be located closer than 300 feet to another bed and breakfast inn.
 - c. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the inn.
 - d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and such operator shall live on the premises while the establishment is active. In the case of multiple ownership, at least one owner shall occupy the premises while the establishment is active.

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- e. No guest of the bed and breakfast inn shall be permitted to reside on the premises for more than 30 consecutive days.
 - f. Any dwelling or structure proposed as a bed and breakfast inn must possess some historical or architectural significance that makes it a unique location for such an establishment. The exterior appearance of the bed and breakfast shall not be changed from its single-family or historic character.
 - g. No more than five rooms shall be available for rent at any time.
- (6) *Commercial parking lots.*
- a. A commercial parking lot may be permitted as an expansion of an existing parking lot or new construction that is abutting a principal permitted or special land use.
 - b. The applicant must demonstrate that there is an on-site parking shortage that cannot be economically resolved without expanding onto an abutting lot.
 - c. All access to the lot shall be provided from the commercial property and/or the street on which the commercial use fronts; not onto a residential (local) street.
- (7) *Drive-through window facilities for banks, restaurants or other permitted uses.*
- a. Sufficient stacking capacity in accordance with article XIX, off-street parking and loading standards, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
 - b. A bypass lane shall be provided around the stacking spaces.
 - c. In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
 - d. Only one ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-through facility shall be only from the street which carries the least amount of daily traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
 - e. The planning commission may require direct vehicular access connections with adjacent commercial developments where feasible.
 - f. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or 75 feet from the centerline of any other driveway.
 - g. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
 - h. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- (8) *Essential public service buildings and structures.*
- a. Such facilities shall not be located closer than 150 feet from any lot occupied by a residential use or located in a residential district.
 - b. Electric or gas regulator equipment and apparatus shall be set back a minimum of 50 feet from any public right-of-way and 30 feet from all other lot lines.

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- c. An open-air fence six feet in height shall be constructed for security purposes as determined by the planning commission.
- (9) *Garden centers.*
- a. The outdoor storage or material display areas shall not be permitted in any front yard as determined by the planning commission. Such areas shall meet all other yard setback requirements applicable to any building in the district.
 - b. All loading activities and parking areas shall be provided off-street and on the same premises.
 - c. The storage of any soil, sand, mulch, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials shall be prohibited.
 - d. Decorative fences, knee walls, and other architectural features may be required by the planning commission for outdoor sales, display, and storage areas to assure compatibility with the existing or intended character of the general vicinity.
 - e. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center fencing or wall.
- (10) *Golf courses.*
- a. Minimum size for properties involved for the use shall be 40 acres.
 - b. The principal and accessory buildings, including maintenance sheds, shall be set back at least 75 feet from all property and street lines.
 - c. Accessory buildings, structures, and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way as determined by the planning commission.
 - d. Operational hours for maintenance vehicles, course maintenance, and/or irrigation may be restricted by the planning commission to protect nearby residential districts.
- (11) *Golf driving ranges and miniature golf courses.*
- a. All traffic ingress and egress shall be from a major traffic route in the city master plan, or as a local or collector street on the city's Act 51 map.
 - b. Whenever any such use abuts a residential district, a transition buffer area at least 100 feet in width shall be provided between all operations, buildings, and structures, including fences, and the residential property. Landscaping, berms, and structural screens of a type approved by the planning commission may be placed within the buffer strip.
 - c. All buildings, uses, operations, and structures, including fences, shall be located a minimum of 100 feet from any public right-of-way. This yard shall be landscaped as determined by the planning commission.
- (12) *Hospitals.*
- a. Minimum site area shall be ten acres.
 - b. The proposed site shall have at least one property line abutting a "major street," as identified in the city's Act 51 map or identified as a major traffic route in the city master plan.
 - c. The front, side, and rear yard minimum setbacks shall be 50 feet.
 - d. Parking setbacks shall be 40 feet in the front yard, 20 feet for side and rear yards.

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- e. Whenever any such use abuts a residential district, a transition buffer area of at least 100 feet in width shall be provided. Walls, fences, or landscaping may be required as part of this buffer area as determined by the planning commission.
 - f. Emergency room, ambulance, and delivery areas shall be screened from public view with an obscuring wall and/or landscaping with a minimum height of six feet.
 - g. Auxiliary uses, such as a pharmacy, gift shop, cafeteria, day care, and similar customary hospital related uses shall be allowed.
 - h. Parking for professional and outpatient buildings, or sections of a hospital building, shall be calculated as separate uses as noted in article XIX, off-street parking and loading requirements. Only one-half of the total number of parking spaces within gated or restricted physician parking lots shall be included for required parking calculations.

(13) *Parking structures.*

- a. Any parking structure shall comply with the required setbacks and height requirements for principal buildings for the district in which it is located.
- b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
- c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site or on adjacent sites.
- d. Vehicle access design must ensure safe and efficient traffic operation along the public or private roadway serving such structure.

(14) *Retail businesses with adult novelty items.*

- a. *Intent.* Same as subsection 102-177(1).
- b. *Definitions.*
 - 1. Adult materials: One or a combination of more than one of the following types of materials: adult books and adult novelty items.
 - 2. Adult books: Books, magazines, newspapers, advertisements, displays, posters, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.
 - 3. Adult novelty items: Devices of simulated human genitals or devices designed for sexual stimulation.
 - 4. Retail businesses with adult novelty items: See article XXV, definitions (retail businesses with adult novelty items).
- c. *Requirements and regulated uses.* The following requirements and regulated uses are included this subsection and defined for purposes of regulating retail businesses with adult novelty items:
 - 1. Except for transitory movement by customers to the cash register and exiting the store, and except for temporary movement for delivery of inventory into the store and subsequent shelf placement, adult materials shall not be visible to the public, except for within a designated area meeting the following requirements:
 - A. A separate room (hereinafter referred to as adult material room) with a minimum of six-foot high walls that screen or substantially limit view by persons in the remaining areas of the store.

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- B. Minors under the age of 18 years of age shall not be permitted in the adult material room.
- d. The ceiling in the adult material room shall not be utilized for the display, storage or reflection of any adult materials.
 - e. A bathroom and/or mechanical room adjacent to the adult material room shall at no time be used for the display or storage of adult materials.
 - f. Adult materials are prohibited in any location visible to the public outside of a retail business, including any area visible to the public through front windows of a retail business.
 - g. There shall not be any live modeling or similar activity of any sort on the property.
 - h. There shall be only one public entrance to the retail business located at the front of the retail business only, excluding required emergency exits and loading doors.
 - i. Retail businesses with adult novelty items shall be located at least 500 feet from.
 - j. All churches, convents, temples and similar religious institutions.
 - k. All public, private or parochial nursery, primary or secondary schools, public parks, and hospitals.
 - l. All childcare centers or day care centers.
 - m. Pre-viewing of any adult materials on or from any televisions, audio players, video screens, monitors or other devices in the retail business is prohibited.
- (15) *Schools, including public, private, and parochial elementary, middle, and high.*
- a. At least one street access shall be onto a street classified as a "major street" or "collector street" on the city's Act 51 transportation map.
 - b. All play areas adjacent to a residential district must be fenced.
 - c. Bus and automobile drop-off and pickup drives must be provided and shall be separate from, and not conflict with, through travel lanes of any street classified as a "major street " or "collector street" on the city's Act 51 map.
- (16) *Theaters, cinemas, and similar places of assembly.*
- a. The principal and accessory buildings and structures shall be not be located within 200 feet of any residential district or use. Parking and other impervious surfaces shall be set back a minimum of 100 feet from any residential district or permitted use.
 - b. All uses shall be conducted completely within a fully enclosed building.
 - c. At least one street access shall be onto a street classified as a "major street" or "collector street" on the city's Act 51 transportation map.
 - d. The arrangement of buildings and parking shall ensure that vehicular circulation patterns are appropriately designed and regulated to eliminate potential conflicts between traffic generated by the use, and traffic on adjacent streets and thoroughfares. The planning commission may require a traffic analysis which compares the projected trip generating capacity of the proposed development to existing and projected traffic volumes and the carrying capacity of adjacent streets. The traffic analysis shall be prepared by a firm or individual experienced in such studies.

ARTICLE XIV. RESERVED

Secs. 102-178—102-189. Reserved.

ARTICLE XV. SITE PLAN REVIEW

Sec. 102-190. Purpose.

- (a) It is the intent of this article to require site plan review approval by the planning commission prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this article.
- (b) It is further the intent of this article to require the eventual upgrade of existing sites that do not conform with current standards of this article and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the city and the goals and design guidelines in the city master plan.

Sec. 102-191. Uses requiring site plan review.

Uses Requiring Site Plan Review			
Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
a. New construction development of any non-residential or multiple family.	•		
b. All uses subject to special conditions.	•		
c. Site condominium developments.	•		
d. Planned developments (PDs) in accordance with article XII, PUD, planned unit development overlay district standards.	•		
e. Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	•		
f. Co-location of a communication antenna upon an existing tower.		•	
g. Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	In accordance with section 102-10		
h. Home occupations/in-home office		•	
i. Temporary uses, buildings, structures, and seasonal events.		•	
j. An increase in floor area of uses subject to site plan review up to 1,000 square feet or five percent of existing floor area, whichever is less.		•	
k. Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bike paths, or sidewalks.		•	

l. Improvements to outdoor recreational uses and parks.		•	
m. Expansion, replacing or alteration of landscaping areas consistent with this article.		•	
n. Improvements or installation of walls, fences, or lighting.		•	
o. Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent or to meet various federal, state, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate city staff.		•	
p. Construction or relocation of a waste receptacle or enclosure.		•	
q. Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required) pursuant to section 102-30, non-residential design requirements/building façade design, and in compliance with the South Lyon Downtown Design Guidelines.		•	
r. Approved changes to utility systems.		•	
s. Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet.		•	
t. Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool, or clearing of trees within an area of less than 100 square feet.			•
u. Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with article XVII, nonconforming uses, structures, and lots.		•	
v. Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other federal, state or county regulations.		•	
w. Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.			•
x. Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.			•

y. Development regulated by the Land Division Act of 1997 (P.A. 112) and chapter 86, subdivisions, of the South Lyon City Code.			•
z. Erection of essential public service local distribution lines.			•
aa. Construction, erection or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.			•
bb. Keeping of animals as an accessory use without additional structures, except kennels under the special land use requirements.			•
cc. Construction of accessory building or structure for the keeping of animals.		•	
dd. Accessory outdoor display of general retail items as determined by the zoning administrator.		•	
ee. Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12 month period does not exceed 50 percent of the building SEV or affect parking requirements on a site.			•
ff. Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other city standards and where site plan review is not specifically required under other sections of this article.			•
gg. Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	•		

Sec. 102-192. Planned unit developments, site condominiums, and condominium subdivisions.

Site plans for planned unit developments shall be subject to the provisions of article XII, planned unit development overlay, and site condominiums and condominium subdivisions shall be subject to the provisions of article XVIII, condominium development standards, and the Condominium Act (MCLA 559.101 et seq.).

Sec. 102-193. Projects exempt from site plan review.

Projects identified as exempt from site plan review must still meet all applicable zoning ordinance and code requirements and obtain a certificate of zoning compliance prior to application for a building permit or construction.

Sec. 102-194. Projects eligible for sketch plan review and administrative approval.

- (a) *Intent.* The intent of this section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this chapter. The intent is to also provide for an administrative review by city staff or planning commission approved site plans for compliance with conditions as imposed by the planning commission.
- (b) *Eligibility.* A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in section 102-191, uses requiring site plan review.
- (c) *Procedure.*
 - (1) *Sketch plan.* The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the zoning administrator. The zoning administrator shall review the sketch plan in accordance with the same standards used by the planning commission for a full site plan. The zoning administrator shall make a report of administrative reviews to the planning commission.
 - a. The minimum contents of a sketch plan submitted for administrative review include:
 - 1. Cover sheet including:
 - A. Completed application form and fee.
 - B. Title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
 - C. Scale and north-point.
 - D. Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile.
 - E. Legal and common description of property including net acreage.
 - F. Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
 - G. Zoning classification of petitioner's parcel and all abutting parcels.
 - H. Zoning classifications - bulk density requirements for the district.
 - I. A note on each plan sheet stating "not to be used as construction drawings."
 - 2. Buildings and structures.
 - A. Existing and proposed buildings and parking lots with dimensions, setbacks, and percent coverage.
 - B. Floor plan indicating existing and proposed uses.
 - C. Building elevations including materials and colors for all sides with proposed changes. Building material samples shall be submitted to the zoning administrator for approval.
 - 3. Parking and access.
 - A. Existing and proposed parking calculations.
 - B. Existing and proposed driveways.

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4. Site data.
 - A. Existing and proposed landscaping illustrated on the plan and described in a plant list.
 - B. Proposed changes to grading and other natural features.
 - C. Existing and proposed lighting and screening.
 - D. Proposed changes to utilities.
 - E. Any other items requested by the zoning administrator to assist in the administrative review.
 - (2) *Planning commission approved site plan.* If the administrative review consists of a review of an approved site plan with conditions by the planning commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
 - (3) *Additional information.* The zoning administrator retains the option to require additional information or a complete site plan for review by the planning commission particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the zoning administrator shall inform the applicant to submit a set of plans in accordance with this article within 14 days of receipt of the application.

Sec. 102-196. Site plan submittal requirements.

The site plan shall include all the following information, unless the zoning administrator determines that some of the required information is not reasonably necessary. Additional information beyond that listed below may be requested by the city:

- (1) *Application, form, and fees.* A completed application form, supplied by the building department clerk, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the planning commission agenda until the zoning administrator determines that the application is complete as reviewed by city staff and consultants.
- (2) *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- (3) *Project schedule.* A narrative indicating the period of time within which the project will be completed.
- (4) *Copies.* Hard copies of site plans plus a digital copy shall be submitted to the city with application. The zoning administrator shall determine the number of hard copies to submit.
- (5) *Sheet size.* Sheet size of submitted drawings shall be 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 100 feet or less (i.e., one inch equals 20 to 100 feet) for sites over 20 acres.
- (6) *Cover sheet.* Cover sheet providing:
 - a. Applicant's name.
 - b. Name of the development.
 - c. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 - d. Date of preparation and revision dates.

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- e. North arrow.
 - f. Property lines and dimensions.
 - g. Zoning district.
 - h. Bulk density requirements for property.
 - i. Complete and current legal description and size of property in acres.
 - j. Small location sketch of sufficient size and scale to determine the site's location within the city.
 - k. Note on each plan sheet stating "not to be used as construction drawings."
- (7) *Site plan*. Plan sheet(s) indicating:
- a. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
 - b. Lot lines and all structures on the property and within 100 feet of the site's property lines.
 - c. Location of any vehicle access points on both sides of the street within 100 feet of the site along streets where vehicle access to the site is proposed.
 - d. Existing buildings and any public or private easements, noting those which will remain and which are to be removed.
 - e. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
 - f. Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
 - g. Building footprints, setbacks, typical floor plans, and a sketch of any ground mounted equipment to scale along with required screening.
 - h. Proposed lot coverage percentage and impervious surface percentage.
 - i. Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.
 - j. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees (in accordance with section 102-274, incentives to preserve existing trees), non-EGLE regulated wetlands, lakes, rivers, drainageways, topography, etc.
 - k. Location(s) of any EGLE-regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an EGLE wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two contiguous acres.
 - l. Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of section 102-52, waste receptacles and enclosures.
 - m. Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements of article XIX, off-street parking and loading-unloading standards.

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- n. Details of exterior lighting meeting the requirements of article XXII, lighting standards including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot candles).
 - o. Size, type, and location of proposed identification signs including:
 - 1. Location, type, height and method of lighting for identification signs.
 - 2. Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
 - p. Details of site circulation and access design, including:
 - 1. Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
 - 2. Indication of pavement widths and pavement type including internal service and access drives.
 - 3. Street horizontal and vertical dimensions, including curve radii.
 - 4. Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
 - 5. Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
 - 6. Written verification of access easements or agreements, if applicable.
- (8) *Landscape plan.* A landscape plan in accordance with article XXI, landscape standards and tree replacement, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
- (9) *Grading plan.* A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels and with topography extending a minimum of 50 feet beyond the site in all directions and a general description of grades within 100 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.
- (10) *Stormwater management plan.* A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed in an EGLE-regulated wetland may require an EGLE wetland permit; and, if constructed below the ordinary high water mark of an inland lake or stream, will require a permit under the Inland Lakes and Streams Act, PA 346 of 1972, as amended. Status of all such EGLE permit applications or copies of permits with attached conditions shall be provided as applicable.
- (11) *Additional items.* Any additional graphics or written materials requested by the planning commission or city council to assist the city in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

Sec. 102-196. Standards for site plan approval.

Based upon the following standards, the planning commission may recommend approval, a approval with conditions, or denial of the site plan:

- (1) *General.* All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this article.
- (2) *Building design.* The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of section 102-30, non-residential design requirements.
- (3) *Preservation of significant natural features.* Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, EGLE-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the EGLE.
- (4) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of article XXI, landscape standards and tree replacement.
- (5) *Streets.* All streets shall be developed in accordance with the city subdivision control ordinance and construction standards, unless developed as a private road in accordance with the requirements of section 102-39, private road standards.
- (6) *Access, driveways, and circulation.* Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
 - a. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - b. All driveways shall meet the design and construction standards of the City.
 - c. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
 - d. For uses having frontage and/or access on a major traffic route, as defined in the city master plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of article XX, access management and driveway standards.
 - e. Emergency vehicle access. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the city fire and police departments.
- (7) *Sidewalks, pedestrian and bicycle circulation.*
 - a. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with section 102-45, sidewalks, bikepaths, and other walkways.

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- b. A pedestrian circulation system shall be separated from vehicular circulation system.
 - c. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high traffic areas of pedestrians or bicycles.
- (8) *Barrier-free access.* The site has been designed to provide barrier-free parking and pedestrian circulation.
 - (9) *Parking.* The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by article XIX, off-street parking and loading standards. However, where warranted by overlapping or shared parking arrangements, the planning commission or city council may reduce the required number of parking spaces as permitted in subsection 102-251(f), shared parking, and subsection 102-251(h), parking lot deferment.
 - (10) *Loading and storage.* All loading and unloading areas and outside storage areas shall be screened as determined by the planning commission in accordance with article XXI, landscape standards and tree replacement.
 - (11) *Soil erosion control.* The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the city engineer.
 - (12) *Utilities.* Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
 - (13) *Stormwater management.* Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion, and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct flow of vehicular or pedestrian traffic or create standing water.
 - (14) *Lighting.* Exterior lighting, in accordance with article XXII, lighting standards, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
 - (15) *Noise.* The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
 - (16) *Mechanical equipment and utilities.* Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of section 102-30, mechanical equipment and utilities.
 - (17) *Waste Receptacles.* Waste receptacles shall be provided as required in section 102-52, waste receptacles and enclosures.
 - (18) *Signs.* The standards of chapter 70, signs, must be met.
 - (19) *Hazardous materials or waste.* For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
 - (20) *Other agency and department reviews.* The applicant has provided documentation of compliance with other appropriate agency and department review standards, including, but not limited to, the EGLE,

MDOT, Oakland County Drain Commission, Oakland County Health Department, city police, fire, building, etc., and other federal and state agencies, as applicable.

Sec. 102-197. Site plans with multiple phases.

The planning commission shall review site plans with multiple phases as a site plan meeting the submission requirements of section 102-196, site plan submittal requirements. If construction on any phase is not started within one year of site plan approval, the phase must be re-reviewed and approved by the planning commission in the form of a new site plan submission. The planning commission may require that the conceptual layout for future phases and out lots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the planning commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this article have been provided. In addition, any phase of a site plan where construction has not commenced within one year from the date of approval must return to the planning commission for a new site plan approval.

Sec. 102-198. Conditions of site plan approval.

- (a) As part of an approval to any site plan, the planning commission may impose any additional conditions or limitations related to ordinance regulations that in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the planning commission to ensure compliance with the review standards of section 102-197, standards for site plan approval, and necessary to meet the intent and purpose of this article.
- (b) Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
- (c) A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with section 102-201, deviations from approved site plan.
- (d) A record of the decision of the planning commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- (e) The zoning administrator may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the planning commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The zoning administrator shall have authority to approve the site plan.
- (f) The zoning administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the planning commission to terminate such approval following a public hearing.

Sec. 102-199. Validity of approved site plan.

- (a) Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of one year. If building permits are not secured and actual physical construction has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.
- (b) Upon written application filed prior to the termination of the one year approval period, the planning commission may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that

the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the planning commission but which shall not exceed one year.

Sec. 102-200. Deviations from approved site plan.

Amendments to the approved site plan may occur only under the following circumstances:

- (1) An applicant or property owner who has been granted site plan approval shall notify the zoning administrator of any proposed amendment to such approved site plan.
- (2) Minor changes may be approved by the zoning administrator. The zoning administrator must provide, in writing to the planning commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this article, nor any specified conditions of the plan as agreed upon by the planning commission. In considering such a determination, the zoning administrator shall consider the following to be a minor change:
 - a. Change in size of structures, for residential buildings by up to five percent, provided that the overall density of units does not increase.
 - b. Change in square footage of non-residential buildings by up to five percent or 1,000 square feet, whichever is smaller.
 - c. Alterations to horizontal and/or vertical elevations by up to five percent.
 - d. Movement of a building or buildings by no more than ten feet.
 - e. Increase in designated "areas not to be disturbed."
 - f. Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis, with approval of the zoning administrator.
 - g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - h. Changes of building materials to another of higher quality, as determined by the zoning administrator.
 - i. Changes in floor plans which do not alter the character of the use.
 - j. Slight modification of sign placement or reduction of size.
 - k. Relocation of sidewalks and/or refuse storage stations. Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent or alter access locations or design.
 - l. Changes required or requested by the city for safety reasons.
- (3) Should the zoning administrator determine that the requested modification to the approved site plan is not minor, the planning commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the zoning administrator for resubmission to the planning commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.
- (4) Any deviation from the approved site plan, except as authorized in section 102-201, deviations from approved site plan, shall be considered a violation of this article.

Sec. 102-201. Property maintenance after approval.

- (a) It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.
- (b) Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the provisions of this article and shall be subject to the same penalties appropriate for a violation.
- (c) With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

Sec. 102-202. As-built drawings.

- (a) All projects within the city which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the city engineer prior to final acceptance of the project by the city.
- (b) After the record drawings have been approved by the city engineer, the applicant shall an electronic copy of the approved plans.

Secs. 102-203—102-209. Reserved.

ARTICLE XVI. REZONING, ZONING AND MASTER PLAN AMENDMENT REVIEW

Sec. 102-210. Initiation of rezoning, zoning ordinance text, and master plan amendments.

- (a) The city council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map (rezoning) or the provisions of this chapter. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the city council, the planning commission, or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the text of this chapter may be initiated by the city council, the planning commission, or property owners of the city. All proposed amendments to the official zoning map or the provisions of this chapter shall be referred to the planning commission for public hearing and recommendation to the city council, prior to consideration thereof by the city council.
- (b) The planning commission may amend the future land use designations shown on the city master plan. An amendment may be initiated by the planning commission.

Sec. 102-211. Application procedure.

- (a) An amendment to the official zoning map, this chapter, or the master plan, except those initiated by the city council or planning commission, shall be initiated by submission of a completed application on a form

supplied by the city, including an application fee, which shall be established from time to time by resolution of the city council.

- (b) In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application:
- (1) A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 - (2) The name, signature, and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
 - (3) The existing and proposed zoning district designation of the subject property.
 - (4) A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 - (5) A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
 - (6) A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.
 - (7) A traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the planning commission with input from city staff and consultants.
 - (8) A written description of how the requested rezoning meets section 102-213, criteria for amendment of the official zoning map (rezoning).
- (c) In the case of an amendment to the official zoning map (rezoning), the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
- (d) In the case of an amendment to the master plan or this chapter, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany the application form.

Sec. 102-212. Rezoning, zoning ordinance, and master plan amendment procedure.

- (a) Upon initiation of a rezoning, zoning ordinance text amendment, or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission in accordance with section 102-304, public hearings and in accordance with the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), and Michigan Public Act 285 of 1931, as amended.
- (b) Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council, except in the case of a master plan amendment. In the case of an amendment to the official zoning map (rezoning), the planning commission shall consider the criteria contained in section 102-213, criteria for amendment of the official zoning map (rezoning), below, in making its finding and recommendation.
- (c) Following receipt of the findings and recommendation of the planning commission, the city council shall consider the proposed amendment. In the case of an amendment to the text of this chapter, the city council

may modify or revise the proposed amendment as recommended by the planning commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the city council shall approve or deny the amendment, which may be based on consideration of the criteria contained in section 102-213, criteria for amendment of the official zoning map (rezoning).

- (d) No petition for rezoning, zoning ordinance text amendment, or master plan amendment that has been denied by the city council or planning commission (master plan amendment) shall be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

Sec. 102-213. Criteria for amendment of the official zoning map (rezoning).

In considering any petition for an amendment to the official zoning map (rezoning), the planning commission shall and the city council may consider the following criteria in making its findings, recommendations, and decision:

- (1) Consistency with the goals, policies and future land use map of the city master plan, including any subarea or corridor studies. If conditions have changed since the city master plan was adopted, the consistency with recent development trends in the area.
- (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
- (5) The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of the city.
- (6) The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate the demand.
- (7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Sec. 102-214. Amendments required to conform to court decree.

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the city council and published, without necessity of a public hearing or referral thereof to any other commission or agency.

Sec. 102-215. Conditional rezoning.

- (a) *Conditional rezoning.* An applicant for a rezoning may voluntarily offer a conditional rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a conditional rezoning shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and this section.
- (1) A conditional rezoning shall be a written agreement executed by the applicant and the City, shall be in recordable form and shall be recorded with the Oakland County Register of Deeds after execution.

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- (2) A conditional rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features than would otherwise be provided in this chapter.
- (b) *Content of agreement.* In addition to any limitations on use or development of the property or preservation of property features or improvements as described above, a conditional rezoning agreement shall also include, but not be limited to the following:
- (1) An acknowledgement that the conditional rezoning was proposed voluntarily by the applicant.
 - (2) An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a conditional rezoning.
 - (3) An agreement and understanding that the approval of a rezoning and a conditional rezoning shall be binding upon and insure to the benefit of the property owner and the city, and their respective heirs, successors, assigns, receivers, or transferees.
 - (4) An agreement and understanding that, if a rezoning with a conditional rezoning becomes void for any reason including, but not limited to, reasons identified in this section, then no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
 - (5) An agreement and understanding that no part of a conditional rezoning shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
 - (6) A legal description of the land to which the agreement pertains.
 - (7) Any other provisions as are agreed upon by the parties.
 - (8) An agreement in a form acceptable to the city attorney.
- (c) *Process.* A conditional rezoning shall be reviewed in accordance with the process in section 102-212, rezoning, zoning ordinance, and master plan amendment procedure and the following:
- (1) A conditional rezoning should be submitted prior to the planning commission public hearing. A conditional rezoning agreement shall be reviewed by the city attorney to determine that it conforms with the requirements of this section, this chapter, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and that the conditional rezoning is in a form acceptable for recording with the Oakland County Register of Deeds.
 - (2) Following a public hearing for a proposed zoning amendment, the planning commission shall make a recommendation to the city council based upon the criteria listed in section 102-213, criteria for amendment of the official zoning map (rezoning). In addition, following a public hearing to consider a Conditional Rezoning, the planning commission shall consider and address in written findings whether a proposed conditional rezoning:
 - a. Is consistent with the intent of this article.
 - b. Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - c. Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood.

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- d. Leads to a better development than would have been likely if the property had been rezoned without a conditional rezoning, or if the property were left to develop under the existing zoning classification.
 - e. Is clearly in the public interest.
- (3) If a conditional rezoning has been offered by the applicant and recommended for approval by the planning commission, the city council may approve a conditional rezoning if it meets all requirements of subsection (2) above. The conditional rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council.
 - (4) If the conditional rezoning is approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the conditional rezoning. The zoning map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a conditional rezoning (i.e., "B-1, a"). The city clerk shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the agreements upon request.
 - (5) The conditional rezoning agreement shall be recorded with the Oakland County Register of Deeds.
 - (6) Any uses proposed as part of a conditional rezoning that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of article XIII special land uses and article XV site plan review.
 - (7) All other requirements of this chapter or any other city ordinances shall apply to the property to which a conditional rezoning applies.
- (d) *Expiration.*
- (1) Unless extended by the city council for good cause, a conditional rezoning shall expire two years after adoption of the conditional rezoning, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the city commences within the two year period and proceeds diligently to completion.
 - (2) In the event that substantial construction on the approved development has not commenced within the aforementioned two years, or if construction and development does not proceed diligently to completion thereafter, a conditional rezoning and rezoning shall be void and of no effect.
 - (3) Should a conditional rezoning become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with this chapter, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 - (4) Notwithstanding the above, if the property owner applies in writing for an extension of a rezoning and a conditional rezoning at least 30 days prior to the expiration date, the city council may, in its sole discretion, grant an extension of up to one year. Future extensions may be granted, although the number of previous extensions granted to a particular rezoning and conditional rezoning shall be considered by the city council.
- (e) *Reversion of zoning.* If a rezoning and conditional rezoning become void as outlined above, the zoning classification of the property shall revert to its previous zoning classification, according to MCL 125.3405.
- (f) *Continuation.* Provided that all development and/or use of the property in question is in compliance with a conditional rezoning, a use or development authorized thereunder may continue indefinitely, provided that all terms of a conditional rezoning continue to be adhered to.
- (g) *Amendment.*

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- (1) During an initial two year period, or during any extension granted by the city as permitted above, the city shall not add to or alter a conditional rezoning, even with the landowner's consent.
 - (2) A conditional rezoning may be amended after the expiration of an initial two year period and any extensions, in the same manner as was prescribed for the original rezoning and conditional rezoning.
 - (h) *Violation of agreement.* Failure to comply with a conditional rezoning at any time after approval will constitute a breach of the agreement and also a violation of this chapter and further use of the property may be subject to legal remedies available to the city.
 - (i) *Subsequent rezoning of land.* Nothing in a conditional rezoning, nor any statement or other provision, shall prohibit the city from later rezoning all or any portion of the property that is the subject of a conditional rezoning to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act (Public Act 110 of 2006).
 - (j) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this chapter.

Secs. 102-216—102-219. Reserved.

ARTICLE XVII. NONCONFORMING USES, STRUCTURES, AND LOTS

Sec. 102-220. Nonconforming uses, structures, and lots, in general.

- (a) Within the districts established by this article, or amendments that may later be adopted, there exist lots, structures, and uses of land which were lawful before this article was enacted or amended, but which would be prohibited, regulated, restricted, or otherwise unlawful under the provisions of this article or future amendments.
- (b) It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such nonconforming uses and structures are declared by this article to be incompatible with permitted uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) Nonconforming uses are considered to present a greater public burden than nonconforming lots and structures, therefore the intent of this article is to gradually eliminate nonconforming uses or decrease their nonconforming status, but to permit certain nonconforming uses to continue under certain conditions.
- (d) Nonconforming lots and structures are typically those established prior to the current zoning standards. The city intends to allow continued use of these lots and structures in certain cases. Accordingly, this article establishes regulations that govern the completion, restoration, reconstruction, and expansion of nonconforming structures which do not increase the non-conforming situation.
- (e) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article, and upon which actual building construction has been diligently carried on.

Sec. 102-221. Nonconforming lots.

- (a) *Use of nonconforming lots.* Any lot of record existing at the effective date of the ordinance codified in this article that now fails to meet the requirements for area or width, or both, that are generally applicable in the

district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this chapter are met.

- (b) *Variance to area and dimensional requirements.* If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the zoning board of appeals (ZBA).
- (c) *Nonconforming contiguous lots under the same ownership.* The following regulations shall apply to nonconforming contiguous lots under the same ownership. The intent of these regulations is to ensure that development of nonconforming lots will not overbuild the lots, result in a development pattern or structures that are out of character with the surrounding neighborhood, diminish access to open space, sunlight, and views for existing residences and will be in accordance with the residential density planned for in the city master plan.
 - (1) If two or more lots or combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this title, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this article. The lots must be combined prior to receiving a building permit for any construction activity, including additions, renovations or new construction.
 - (2) No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this title.
 - (3) Any combination, in whole or in part, of nonconforming lots of record shall result in lots that conform to the requirements of this title to the maximum extent feasible. Any altering of lot lines or combination of lots shall result in lots that conform to the requirements of this title. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this title.

Sec. 102-222. Nonconforming uses.

Where, at the effective date of this article or amendment thereto, lawful use of land exists that is made no longer permissible under the provisions of this article as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this article.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this article.
- (3) A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas, and electricity to the property, have been disconnected.
 - b. The property, buildings, or grounds have fallen into disrepair.
 - c. Signs or other indications of the existence of the nonconforming use have been removed.
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.

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- e. Other actions, which in the opinion of the zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
 - f. Those alleged nonconforming uses which cannot be proved to have been legally existing prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.

Sec. 102-223. Nonconforming structures.

Where, at the effective date of this chapter section or amendment thereto, a lawful structure exists that could not be built under the provisions of this section by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity within the provisions of this article.
- (2) Should such structure be destroyed by any means to an extent greater than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this article.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- (4) Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.
- (5) *Expansion of a nonconforming residential building.* A nonconforming residential building (that does not meet the required lot size) may be expanded into a required side or rear yard in a manner that does not comply with the setback standards with approval from the zoning administrator. The zoning administrator shall utilize the following standards:
 - a. The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.
 - b. The addition does not extend beyond the predominant existing building line along the same block.
 - c. The addition retains compliance with all other setback, lot coverage, and height requirements.
 - d. The addition will meet all minimum building code requirements.
 - e. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
 - f. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.
 - g. The expansion of a residential building with a nonconforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the ZBA (ZBA).

Sec. 102-224. Continuance of nonconforming uses of structures and land.

Where, at the effective date of this chapter or amendment thereto, lawful use of a structure, or of a structure and land in combination, exists that is made no longer permissible under the provisions of this article as

enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following limitations:

- (1) No existing structure devoted to a use not permitted by this article in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a structure which were arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such structure.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the ZBA, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate in the district than the existing nonconforming use; in permitting such change, the ZBA may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5) A nonconforming structure, or structure and land in combination shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming structure:
 - a. Utilities, such as water, gas, and electricity to the property, have been disconnected.
 - b. The property, buildings, or grounds have fallen into disrepair.
 - c. Signs or other indications of the existence of the nonconforming use have been removed.
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
 - e. Other actions, which in the opinion of the zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- (6) Those alleged nonconforming uses which cannot be proved to have been legally existing prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.
- (7) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Sec. 102-225. Nonconforming sites.

The intent of this section is to permit improvements and minor modifications to sites containing uses and building(s) which do not meet all of the various site improvement related regulations of this zoning ordinance, including provisions such as landscaping, signage, building materials and architecture, paving and other non-safety site related items. The purpose is to allow gradual compliance with these and other site related requirements, for the entire site, for sites that predate the ordinance requirements.

Site improvements or expansions on nonconforming sites may be permitted by the zoning administrator or the planning commission during special land use, site plan review, or as required under section 102-191, without a complete upgrade of all site elements under the following conditions. The city may require a performance

guarantee to ensure that all improvements permitted under this section will be made in accordance with the approved plan.

- (1) There are reasonable site improvements proposed to the overall site in relation to the scale and construction cost of the proposed building improvements or expansion.
- (2) Safety-related site issues, or those regulated by state and federal laws, are met.
- (3) Driveways that do not conform with the access management requirements of this chapter shall be eliminated to the extent practical, provided that the minimum reasonable access shall be maintained, as determined by the standards of article XX, access management and driveway standards, and as approved by the planning commission.
- (4) Landscaping shall be required to conform to the requirements of article XXI, landscape standards and tree replacement; exceptions will be permitted only where the existing site conditions prevent full compliance.
- (5) All signs must conform with chapter 70, signs. Existing pole signs shall be replaced with monument signs. Some size allowances may be granted where site conditions warrant such consideration.
- (6) All lighting, including pole and building mounted, must conform with article XXII, lighting standards.
- (7) The improvements or minor expansions shall not increase any existing nonconformity with the site requirements.
- (8) A site plan shall be submitted and reviewed in accordance with article XV, site plan review.

Sec. 102-226. Repairs and maintenance.

- (a) On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the estimated value of the structure, as determined by the most recent assessment of the market value of the structure for purposes of taxation, provided that the cubic content of the structures as it existed at the time of enactment or amendment of this article shall not be increased.
- (b) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
- (c) Ordinary repair and maintenance means any work, the purpose and effect of which is to correct or prevent any deterioration or decay of or damage to a building, object or structure of any part thereof and to restore same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials which are, in appearance, as close as possible to the original. Ordinary repairs include:
 - (1) Exterior and interior painting.
 - (2) The installation and replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. The installation and replacement of means of egress and emergency escape windows and doors may be made in the same opening without altering the dimensions or framing of the original opening, and shall not reduce the required height, width or net clear opening of the previous window or door assembly.
 - (3) The repair of existing roofing material not exceeding 25 percent of the total roof area within any 12-month period.

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- (4) The repair of existing siding with like material not exceeding 25 percent of the total building exterior was area within any 12-month period.
 - (5) The repair or replacement of any part of a porch or stoop which does not structurally support a roof above.
 - (6) The replacement or installation of screens.
 - (7) Replacement of exterior rainwater gutters and leaders.

Sec. 102-227. Change of tenancy or ownership.

A change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises shall not alter the nonconforming status of a nonconforming building, structure, use, or lot, provided there is no change in the nature or character of such nonconforming uses.

Secs. 102-228—102-229. Reserved.

ARTICLE XVIII. CONDOMINIUM DEVELOPMENT STANDARDS

Sec. 102-230. Purpose.

The intent of this article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

Sec. 102-231. Definitions.

The definitions contained in article XXV, definitions, are intended to make comparison possible between the definitions of the zoning ordinance and the city subdivision regulations (South Lyon City Code section 86-2 et seq.)

Sec. 102-232. Application and authority.

The following review process shall apply to all condominium projects within the city:

- (1) Concurrently with notice required to be given to the city pursuant to section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the city clerk the following information with respect to the projects:
 - a. All names, addresses and telephone numbers of:
 1. The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 2. All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
 3. The developer or proprietor of the project.
 - b. The legal description of the land including tax identification numbers.

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- c. The total acreage.
 - d. The intended use.
 - e. The number of units to be developed.
 - f. A copy of the proposed master deed.
- (2) Condominium projects shall contain all information required by the Condominium Act.
 - (3) The information shall be filed with the zoning administrator at the time the information is filed with the city clerk and shall be kept current.
 - (4) In addition to the requirements of this article, any applicable requirements of article XII, planned unit development overlay standards, article XV, site plan review, and the city subdivision regulations, must be met.

Sec. 102-233. Approval of plans.

All condominium plans must be approved by the planning commission following the same process identified for site plan review in the City of South Lyon Zoning Ordinance. In making determination, the planning commission shall consult with the zoning administrator, city planner, city attorney, and the city engineer, or any other consultants deemed necessary by the city regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design, and layout and compliance with the Condominium Act. The master deed, bylaws, and article of incorporation are subject to review and approval of the city attorney.

Sec. 102-234. Streets and necessary easements.

- (a) Condominium projects shall comply with all public and private street requirements found in the South Lyon Code of Ordinances. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
- (b) The condominium plan shall include all necessary easements granted to the city for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

Sec. 102-235. Setbacks and boundaries.

- (a) The setback requirements for condominium buildings shall be in accordance with the requirements of each district unless otherwise modified by the planning commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
- (b) The relocation of boundaries as defined in Condominium Act shall conform to all setback requirements of this article for the district in which the project is located, shall be submitted to the planning commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

Sec. 102-236. Common elements.

After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

Sec. 102-237. Encroachment.

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

Sec. 102-238. Subdivision of unit sites.

Subdivision of condominium unit sites is permitted with planning commission approval, contingent upon the submission, review and approval of an amended master deed by the city attorney to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.

Sec. 102-239. Conformance with subdivision regulations.

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the city subdivision regulations.

Sec. 102-240. Residential recreational area.

Any residential condominium comprising 20 or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area in accordance with section 102-44, residential recreational area.

Sec. 102-241. Water and wastewater.

The condominium project shall comply with and meet all federal, state, county, and city standards for a domestic water system and wastewater disposal.

Sec. 102-242. Expansion and conversion.

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the planning commission.

Sec. 102-243. Master deed.

The project developer shall furnish the zoning administrator with one copy of the proposed consolidated master deed, one copy of bylaws and two copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and the South Lyon City Code and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the city for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the city for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the city council. Master deeds must be approved by the city attorney.

Sec. 102-244. As-built plan and occupancy.

Submission of an as-built plan is required prior to occupancy. The zoning administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the city clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the city. The amount of the bond shall be determined by the city engineer.

Sec. 102-245. Final bylaws, consolidated master deed, and site plan.

Upon approval of the development, a copy of the bylaws and consolidated master deed shall be furnished to the city. The site plan shall be provided in digital format meeting the requirements of section 102-203, as-built drawings. The bylaws and consolidated master plan must be reviewed and approved by the city attorney.

Sec. 102-246. Compliance with other statutes and ordinances.

All condominium projects shall comply with federal, state, county, and city laws, statutes, and ordinances.

Secs. 102-247—102-249. Reserved.

ARTICLE XIX. OFF-STREET PARKING AND LOADING STANDARDS

Sec. 102-250. Purpose.

The purpose of this article is to ensure adequate and well-designed parking and loading areas are provided in all districts at the time of erection, enlargement, or change in use, of any principal building or lot. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed. All parking shall be on a paved surface with curb and gutter according to the city engineering standards.

Sec. 102-251. General requirements.

(a) *Residential parking.*

- (1) Single-family 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.
- (2) No parking shall be permitted on lawns or other unpaved areas on residential lots.
- (3) A minimum three feet wide lawn or landscape strip shall be required between the edge of parking area pavement and all property lines to provide adequate room for drainage, snow storage and privacy screening.
- (4) Commercial and recreational vehicle parking in residential districts shall comply with the standards in article II, general provisions.
- (5) Garage doors facing the front yard shall be setback 20 feet from the road right-of-way.

(b) *Location.*

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- (1) Except within the CBD district, off-street parking for multiple-family and nonresidential uses shall be either on the same lot or within lots under the same ownership and control within 300 feet of the building it is intended to serve, measured from the nearest point of the building or use entrance to the nearest point of the off-street parking lot, except as otherwise permitted in this article.
 - (2) Within the CBD district, off-street parking shall be either on the same lot, lot(s) under the same ownership and control, open public parking lots, or on the street within 500 feet of the building it is intended to serve, measured from the nearest point of the building entrance to the nearest point of the off-street parking lot. The planning commission may, however, require that some or all of the parking required by section 102-253, parking space numerical requirements, be provided outside of municipal parking lots or on-street if it is determined that sufficient capacity is unavailable within the municipal parking lot(s) or on-street. The planning commission can require a parking supply and demand study if necessary, to make this determination.
- (c) *Change in use or intensity.*
- (1) Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this article for the new use.
 - (2) If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.
 - (3) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere, or the parking requirements of the site change as determined by the zoning administrator.
- (d) *Storage and repair.* The use of required parking and loading areas for the material storage, refuse storage stations/ dumpsters, storage, or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
- (e) *Control of off-site parking.* It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of such property.
- (f) *Shared parking.* The provision for shared off-street parking for two or more buildings or uses is permitted subject to the following:
- (1) The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the planning commission may reduce the total number of spaces by up to 25 percent if they determine that the operating hours of the buildings or uses do not overlap.
 - (2) Where buildings are located on separate lots, written easements which provide for continued use and maintenance of the parking shall be submitted to the city for approval. Such agreement shall include provisions to address any changes in use which shall be reviewed in accordance with subsection 102-251(b), change in use or intensity.
 - (3) Where shared parking between two or more lots is utilized, provisions for pedestrian connection(s) must be provided.
- (g) *Reduction of parking requirements.* The planning commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one or more of the following:
- (1) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. Where uses are on separate lots, the lots shall be adjacent to each other. Pedestrian and vehicular connections shall be maintained between the lots and

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- shared parking agreements shall be filed and recorded with the Oakland County Register of Deeds and a copy provided to the city.
- (2) Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation shall provide safe and convenient access to the building entrance.
 - (3) Availability of other forms of travel such as transit. The planning commission may require that the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
- (h) *Parking lot deferment.*
- (1) Where the property owner can demonstrate that the required amount of parking is excessive, the planning commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six months of being informed of such request in writing by the zoning administrator.
 - (2) The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
 - (3) Stormwater calculations shall be provided based on the required amount of parking to verify adequate capacity if an expansion is necessary.
- (i) *Additional parking.* To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, the number of spaces provided shall not exceed 20 percent beyond the number required by this article, except as approved by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence of actual use and demand provided by the applicant.
- (j) *Construction.* During construction, off-street parking shall be provided on-site for all construction vehicles and employees. Gravel surfacing may be permitted by the zoning administrator for such temporary parking.
- (k) *Carpports and garages.* Cloth-covered, temporary carports are not permitted in the city. Carports for single-family may not be forward of the front plane of the residential dwelling and must be a permanent structure with footings. Cloth covered carports are not permitted in the city. Carports and garages for multiple-family dwellings and other non-single-family residential uses shall be calculated as parking spaces on a one-to-one basis. Carports and garages in such developments shall have a maximum height of 14 feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least 25 percent along sides visible from public streets, residential districts or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the planning commission.
- (l) *Stacking space requirements.*
- (1) Stacking spaces, as required by section 102-253, parking space numerical requirements, which block access to parking spaces shall not be included in calculating the required number of spaces.
 - (2) Each required stacking space shall be a minimum of 24 feet long and nine feet wide.
 - (3) Stacking space shall be designed so that an efficient circulation pattern is maintained on the site and a sufficient width is available to allow a vehicle to maneuver around another vehicle waiting in line.
- (m) *Uses not cited.* For uses not specifically listed in section 102-253, parking space numerical requirements, the requirements for off-street parking facilities shall be in accordance with a similar use as determined by the zoning administrator based on documentation regarding the specific parking needs for the particular use, as determined by the planning commission.

Sec. 102-252. Parking units of measurement.

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

- (1) *Floor area.*
 - a. Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.
 - b. Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85 percent of the gross floor area.
- (2) *Bench seating.* In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating, shall be counted as one seat.
- (3) *Employees.* Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one time and may include overlap of employees during shift changes.
- (4) *Fractional spaces.* When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one additional space.

Sec. 102-253. Parking space numerical requirements.

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

Parking Space Numerical Requirements	
Residential	
Mobile or manufactured homes in a mobile home or manufactured housing park	2.0 spaces per dwelling unit plus 5.0 additional spaces for any office or clubhouse facility, plus one visitor space for every three homes
Multiple-family dwellings	1.5 spaces per each efficiency or one-bedroom dwelling unit, 2.0 spaces per each unit with two bedrooms, 2.5 spaces per each unit with three or more bedrooms, plus 5.0 additional spaces for any office, plus 1.0 space per 200 square feet of GFA of any clubhouse facility, plus visitor off-street parking equal to at least 20 percent of the total spaces required
Single- and two-family dwellings	2.0 spaces per dwelling unit
Housing for the Elderly	
Congregate, assisted living or interim care housing	1.0 space per each room or three beds, whichever is less
Dependent housing facilities including convalescent homes, nursing homes, rest homes, etc.	1.0 space per each four beds or two rooms, whichever is less
Senior apartments	1.0 space per unit
Institutional/Public	

Adult and childcare facilities	1.0 space per 400 square feet of GFA, plus 1.0 space per employee, plus adequate drop-off area
Auditoriums, theaters, assembly halls, stadiums, and sports arenas with fixed seating	1.0 space per each three seats or six lineal feet of bleachers
Places of worship or public assembly	1.0 spaces per each three seats or six feet of pews in the main unit of worship, plus required spaces for any accessory uses such as a school, childcare center, recreation facilities, etc.
Community Centers Including Senior Centers, Cultural Centers, And Teen Centers	1.0 space per each 250 square feet of GFA, or 1.0 space per every four persons of capacity authorized by the Uniform Building Code, plus 1.0 space per employee, whichever is greater
Group day-care homes, adult foster care group homes, and adult congregate care facilities	1.0 space per four residents, plus 1.0 space per employee, plus adequate drop-off spaces
Hospitals, outpatient service centers, urgent care centers, emergency medical stations, and similar uses	1.0 space per 175 square feet of GFA plus 1.0 space per employee
Lodge and union halls; fraternal orders; private and civic clubs, and similar uses	1.0 space per every three persons of capacity authorized by the uniform building code
Municipal office buildings	1.0 space per 250 square feet of GFA
Post offices, public libraries, museums	1.0 space per 200 square feet of GFA (available for public use) plus spaces for employees and delivery vehicles
Public utility use	1.0 space per employee
Schools, elementary, and middle schools	2.0 spaces per classroom plus 2.0 drop-off spaces per classroom plus spaces required for any assembly hall, auditorium, and/or outdoor arena or athletic fields
Schools, high schools, colleges, business and vocational schools, and technical training facilities	2.0 spaces per classroom plus 15.0 student spaces per classroom plus parking required for any assembly hall, auditorium, or outdoor arena
Office	
Banks, credit unions, savings and loans	1.0 space per 200 square feet of GFA, plus 2.0 spaces per each 24-hour teller, plus 4.0 stacking spaces for the first drive-through window and 2.0 stacking spaces for each additional drive-through lane
Business offices and professional services	1.0 space per 300 square feet of GFA
Medical and dental clinic/offices (where such use comprises at least 50 percent of the building or site)	1.0 space per 150 square feet of GFA
Veterinary offices, clinics, or hospitals	1.0 space per 250 square feet of GFA.
Commercial	
Animal grooming establishments	1.0 space per 300 square feet of GFA plus 1.0 space per employee
Appliance stores	1.0 space per 250 square feet of GFA
Automobile gasoline stations	1.0 spaces per each pump island and service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each 500 square feet of GFA devoted to sales of automotive goods, plus required spaces for any convenience store (mini-mart), restaurant or auto wash

Automobile and vehicle service centers and auto repair establishments	3.0 spaces for each service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each tow truck. Plus 1.0 stacking space per bay
Automobile and vehicle dealerships including recreational vehicles, boats, motorcycles, and mobile homes	1.0 space per 400 square feet of GFA of interior sales space plus 1.0 space per 600 square feet of GFA of exterior display, plus 3.0 spaces per each service bay (bay can be included as a space)
Automobile washes (automatic)	2.0 spaces, plus 1.0 space per employee, plus 12.0 stacking spaces per bay for free-standing washes, 6.0 stacking spaces when accessory to a gas station
Automobile washes (self-service or coin operated)	2.0 spaces per bay for drying, plus 3.0 stacking spaces per wash bay
Bars, taverns, lounges, and brewpubs (majority of sales consist of alcoholic beverages)	1.0 space per 75 square feet of GFA
Barber shops, beauty salons, and tanning facilities	1.0 space per 175 square feet of GFA or 2.5 spaces per each barber or beautician's chair/station, whichever is greater
Bookstores	1.0 space per 200 square feet of GFA
Business and personal service establishments	1.0 space per 300 square feet of GFA plus 1.0 space per employee
Conference, meeting or banquet rooms; exhibit halls, and similar uses	1.0 space per every two persons of capacity authorized by the uniform building code
Convenience stores (mini-marts), with or without gasoline service	1.0 space per 250 square feet of GFA, plus spaces required for automobile gasoline stations plus 2.0 stacking spaces
Dry cleaners	1.0 space per 500 square feet of GFA plus 2.0 stacking spaces per drop off station
Equipment repair establishments	1.0 space per 800 square feet of GFA
Funeral homes and mortuary establishments	1.0 space per 50 square feet of GFA of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on the premises
Furniture, carpet, and flooring stores	1.0 space per 500 square feet of GFA
General retail and service uses not otherwise specified	1.0 space per 200 square feet of GFA
Grocery store and retail food establishments	1.0 space per 250 square feet of GFA
Hardware, paint, and home improvement stores	1.0 space per 200 square feet of GFA including outdoor sales space
Kennels, commercial	1.0 space per 400 square feet of GFA, plus 1.0 space per employee
Laundromats	1.0 space per each two washing machines, plus 2.0 spaces for employees
Mini or self-storage warehouses	Minimum of 6.0 spaces
Motel, hotel, bed and breakfast inn, and similar uses	1.0 space per guest room, plus 1.0 space per employee, plus 75 percent of required spaces for restaurants, conference rooms, banquet halls and other uses

Open air businesses including nurseries, garden centers and other outdoor display, sales, and storage uses	1.0 space per 500 square feet of GFA of outdoor display, sales and storage area, plus 1.0 space per 200 square feet of GFA of indoor space, plus 1.0 space per employee
Pharmacies (drive through)	3.0 stacking spaces for any drive-through windows
Restaurants, (standard, with liquor license)	1.0 space per 60 square feet of GFA, or 0.6 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting rooms
Restaurants, (standard, without liquor license)	1.0 space per 70 square feet of GFA or 0.5 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting
Restaurants, fast food with drive- through window, including coffee shops, cafes, delicatessens, etc.	1.0 space per 80 square feet of GFA plus 10.0 stacking spaces
Restaurants, fast food without drive- through window	1.0 space per 80 square feet of GFA or 0.5 spaces per seat, whichever is greater
Restaurants, drive-in	1.0 space per drive-in station, plus 1.0 space per employee
Restaurants, carry-out and open front window, with fewer than six tables and/or booths	6.0 spaces plus 1.0 space per employee
Showroom of a plumber, decorator, or similar trade	1.0 space per 800 square feet of GFA
Shopping centers	1.0 space per 225 square feet of GFA, plus spaces required for any grocery store, bookstore or restaurant, if included
Studios for art, photography, music, dance, and similar uses	1.0 space per 300 square feet of GFA plus 1.0 space per employee
Video rental establishments	1.0 space per 200 square feet of GFA, with a minimum of 8.0 spaces provided
Wholesale establishments and warehouse clubs	1.0 space per 500 square feet of GFA
Recreation/Entertainment	
Baseball and softball fields	25.0 spaces per field
Batting cages	3.0 spaces per cage
Bowling centers	3.0 spaces per lane, plus 0.5 spaces per seat in spaces designated for any lounge or dining area
Golf course driving ranges	1.0 space per tee
Golf courses, miniature, and par three-courses	2.0 spaces per each course hole, plus 1.0 space per employee
Golf courses	6.0 spaces per each course hole, plus 1.0 space per employee, plus required spaces for restaurants, banquet rooms, pro shop, offices, and other uses
Health clubs and fitness centers	1.0 space per 250 square feet of GFA, plus required spaces for swimming pools, courts, restaurants and other uses
Ice/roller skating rinks	1.0 space per 170 square feet of GFA, or 1.0 space for each 6.0 seats or feet of bench, whichever is greater, plus 50 percent of parking required for restaurants, pro shops and other uses
Pool and billiard halls	1.0 space per 70 square feet of GFA or 1.0 space per every three persons of capacity authorized by the uniform building code

Recreation centers (indoor) commercial, not already specified	1.0 space per 1,000 square feet of GFA, plus, required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Recreation centers (outdoor) public or commercial	1.0 space per 200 square feet of GFA
Soccer and football fields	30.0 spaces per field
Swimming pools	1.0 space per each three persons of capacity authorized by the BOCA Code
Tennis courts and racquetball centers	1.0 space per 1,000 square feet GFA or 6.0 spaces per court, whichever is greater, plus 50 percent of required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Theaters, cinemas	1.0 space per each three seats plus 1.0 space per two employees
Industrial	
Light industrial, manufacturing, testing labs, research, design, and development centers	1.0 space per 700 square feet GFA, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area
Warehousing and wholesale establishments (non-retail)	1.0 space per each 1,500 square feet GFA, or 1.0 space per employee, whichever is greater; plus 1.0 space for each corporate vehicle plus spaces required for any office/sales area

Sec. 102-254. Barrier-free parking requirements.

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with the state building code.

Sec. 102-255. Off-street parking space design and setback requirements.

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

- (1) *Ingress and egress.*
 - a. Adequate ingress and egress to the parking facility shall be provided by clearly define driveways in accordance with article XX, access management and driveway standards.
 - b. All spaces shall be provided adequate access by means of maneuvering lanes.
 - c. Spaces backing directly onto a street use of the street for maneuvering between parking rows shall be prohibited. Access to off-street parking which serves a nonresidential use shall not be permitted across the land that is zoned or used for residential purposes.
- (2) *Surfacing, drainage, and grading.*
 - a. Grading, surfacing, and drainage plans shall comply with the City of South Lyon Engineering Standards and subject to the review and approval of the city engineer. All driveways, parking lots, access lanes, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, in accordance with specifications of the city.

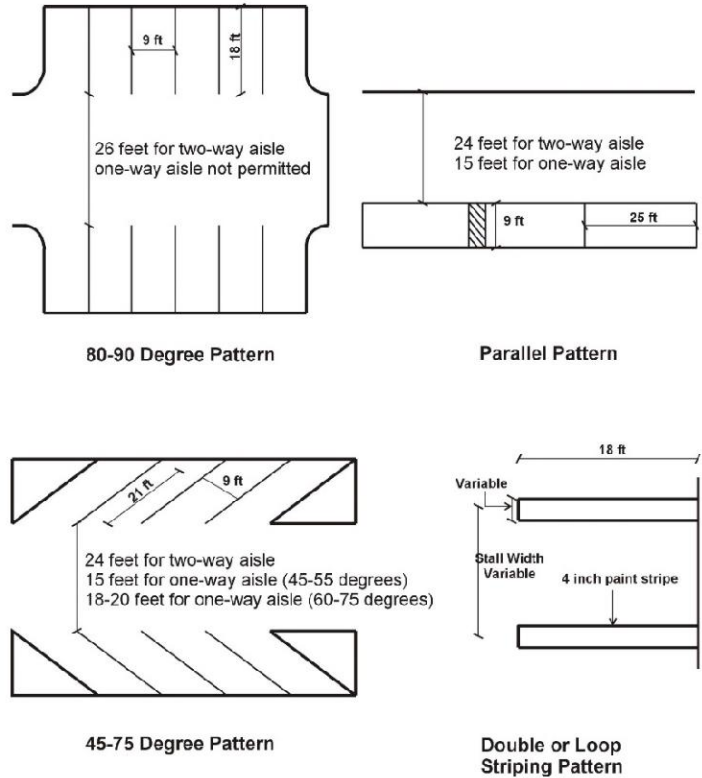
- b. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
 - c. All driveways, parking lots, and loading-unloading areas shall not be less than one percent and not exceed a grade differentiation of four percent.
- (3) *Curbs.* A raised or rolled concrete curb a least six inches in height shall be installed with the construction of all driveways, parking lots, access lanes, and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings, or adjoining property.
- (4) *Parking lot setbacks.*
- a. *From street rights-of-way.* In accordance with section 102-257, paragraph c, location, the planning commission may determine that parking lots may be appropriate in the front yard and grant a waiver.
 - 1. Determination of front yard placement by the planning commission may apply if the application meets the following:
 - A. Size of the parcel is insufficient to meet the dimensional standards.
 - B. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the parking lot location at a reasonable cost.
 - C. There is no other reasonable location for parking.
 - 2. If such determination has been made, parking lots, including drives and maneuvering aisles but excluding driveways, must be set back a minimum of 20 feet from any adjacent street right-of-way line in all zoning districts except the CBD, wherein the setback shall be a minimum of ten feet. Required parking lot setback areas shall be landscaped according to the standards of article XXI, landscape standards and tree replacement.
 - b. *From non-residential districts.* Parking lots shall have a minimum setback of ten feet from any nonresidential property line that is not a street right-of-way line. This requirement may be waived by the planning commission where a shared access driveway, connected parking lots, frontage road, or rear service drive, designed in accordance with article XX, access management and driveway standards, is provided.
 - c. *From residential districts.* Parking lots shall have a minimum rear and side yard setback of ten feet from any residential zoning district. This setback area shall include either berming, a wall and/or landscaping, designed according to the standards of article XXI, landscape standards and tree replacement.
 - d. *CBD district.* The above setback requirements may be reduced in the CBD by the planning commission upon showing that adequate buffering and/or screening is provided.
- (5) *Dimensions.* All spaces shall be designed and marked with dimensions described below and shall meet the standards of the City of South Lyon Engineering Standards.

Dimensions			
Parking Pattern	Parking Space Dimension	2-Way Aisle Width	1-Way Aisle Width
80—90 degree	9 feet × 18 feet	26 feet	Not permitted
60—75 degree	9 feet × 21 feet	24 feet	18-20 feet
45—55 degree	9 feet × 21 feet	24 feet	15 feet

Parallel parking	9 feet x 25 feet with 3-foot area striped for "no parking" between each two spaces	22 feet	15 feet
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**Figure 19.1
Off Street Parking
Design Standards**

For required barrier-free parking requirements refer to the State Building Code



- (6) *Parking lot marking.* All parking spaces must be marked with double (or loop) stripes three to four inches wide, and spaced not less than 18 inches wide, and no greater than 24 inches apart.
- (7) *Walkways.* In accordance with section 102-45, sidewalks, bikepaths, and walkways, walkways shall be located within the parking areas and provide access to the entrances of the building(s).

Sec. 102-256. Parking lot construction and maintenance.

- (a) Plans and specifications for parking and loading areas shall be submitted to the zoning administrator prior to the issuance of a building permit. These plans shall at a minimum:
 - (1) Show existing and proposed grades.
 - (2) Be designed to ensure that stormwater runoff shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.

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- (3) Provide specifications on surface and base materials to be used for construction.
 - (b) Required parking lots shall be installed and completed within six months of receipt of a building permit and before issuance of an occupancy permit. The zoning administrator may grant a single extension for an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
 - (c) All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good condition.
 - (d) The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
 - (e) All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow or standing water which prevent full use and occupancy of such facilities, except for temporary periods of no more than five days in the event of heavy rainfall or snowfall.

Sec. 102-257. Off-street loading and unloading requirements.

- (a) *General applicability.* On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
- (b) *Change in use and intensity.* Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this article for the new use, regardless of any variance which may have been in effect prior to change of use.
- (c) *Location.*
 - (1) Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street.
 - (2) Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
 - (3) The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.
- (d) *Size.* The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area for office uses and at least ten feet by 70 feet or 700 square feet in area for commercial and industrial uses, with a clearance of at least 14 feet in height.
- (e) *Surfacing and drainage.*
 - (1) Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material.
 - (2) Loading areas shall be graded and drained so as to dispose of surface waters.
 - (3) Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
 - (4) Grading, surfacing, and drainage plans shall be subject to review and approval by the engineer.
- (f) *Storage and repair.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.
- (g) *Central loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
 - (1) Each business served shall have direct access to the central loading area without crossing streets or alleys. Loading from a public street is not permitted.

- (2) Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
 - (3) No building served shall be more than 300 feet from the central loading area.
- (h) *Loading space requirements.* The minimum number of loading spaces shall be provided in accordance with the following table. The planning commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Central Loading	
Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. GFA	1.0 space.
5,001—60,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA or fraction thereof
60,001 sq. ft. GFA and over	3.0 spaces, plus 1.0 space per each 50,000 sq. ft. GFA or fraction thereof
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401—20,000 sq. ft. GFA	1.0 space
20,001—100,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft. or fraction thereof
100,001 sq. ft. GFA and over	5.0 spaces

- (i) *Screening.* When required off-street loading in a nonresidential district is visible from public view or abuts a residential district, the off-street loading shall be screened by a solid, ornamental masonry wall at least six feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of article XX, landscape standards and tree replacement.
- (j) *Calculations.* Required loading areas shall not be included in calculations for off-street parking space requirements.

Secs. 102-258, 102-259. Reserved.

ARTICLE XX. ACCESS MANAGEMENT AND DRIVEWAY STANDARDS

Sec. 102-260. Statement of purpose.

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

Sec. 102-261. Application of standards.

- (a) The standards of this article shall be applied to the following major traffic routes (arterials) in the city master plan:
 - (1) Lafayette Street/Pontiac Trail.
 - (2) Martindale Road.

-
- (3) 9 Mile Road.
 - (4) 10 Mile Road/Lake Street.
 - (5) 11 Mile Road.
 - (b) The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Road Commission for Oakland County (RCOC) and the Michigan Department of Transportation (MDOT).
 - (c) The standards contained in this article shall apply to all uses, except permitted single-family and two-family dwelling units.
 - (d) For expansion and/or redevelopment of existing sites where the planning commission determines that compliance with all the standards of this article is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this article may be accepted by the planning commission, provided that the applicant demonstrates all of the following apply:
 - (1) Size of the parcel is insufficient to meet the dimensional standards.
 - (2) The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - (3) The use will generate less than 500 total vehicle trips per day or less than 75 total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers (ITE).
 - (4) There are no other reasonable means of access.

Sec. 102-262. Number of driveways.

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

Sec. 102-263. Shared access-joint driveways, frontage roads, parking lot connections, and rear service drives.

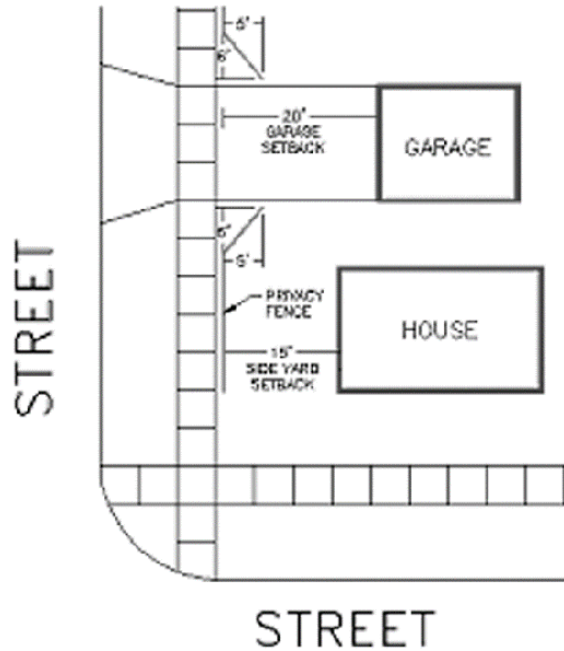
- (a) Shared use of access between two or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction on- site of frontage roads and rear

service drives; particularly within one-quarter mile of major intersections, for sites having frontage on two or more streets, where frontage dimensions are less than 300 feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.

- (b) In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the planning commission.
- (c) In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.
- (d) The applicant shall provide the city with letters of agreement or access easements from all affected property owners.

Sec. 102-264. Adequate sight distance.

- (a) Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1994.
- (b) The planning commission may adjust driveway location where there is inadequate sight distance.
- (c) Residential driveway clear vision area.
 - (1) Nothing shall be erected, placed or allowed to grow in such a manner that impedes or obstructs vision between a height of 30 inches and six feet within the clear vision area next to a residential driveway with the exception of a chain link fence that is less than 50 percent opaque.
 - (2) The residential driveway clear vision area next to a residential driveway is the triangular area formed at the corner intersection of a property line adjoining a public street and a residential driveway, one side of the triangular area being six feet in length measured along the property line adjoining a public street and starting at the residential driveway, the second side five feet in length measured along the side of the residential driveway starting at the property line, and the third side being a line connecting the end points of the first two sides.



Sec. 102-265. Driveway spacing from intersections.

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

Sec. 102-266. Driveway spacing from other driveways.

- (a) Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
- (b) Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

Driveway Spacing From Other Driveways	
Posted Speed (mph)	Minimum Driveway Spacing

25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

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

Sec. 102-267. Driveway design, channelized driveways, deceleration lanes and tapers, and bypass lanes.

- (a) *Standards.* Driveways shall be designed to the standards of the road commission of Oakland County, except where stricter standards are included herein.
- (b) *Driveway width and radii.*
- (1) The typical driveway design shall include one ingress and one egress lane, with a combined maximum throat width of 30 feet, measured from face to face of curb.
 - (2) Wherever the planning commission determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two exit lanes may be required.
 - (3) For one-way paired driveway systems, each driveway shall be 16 feet wide, measured perpendicularly.
 - (4) In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten feet.
 - (5) Driveways shall be designed with a 25-foot radii; 30-foot radii where daily semi-truck traffic is expected.
- (c) *Driveway storage.* Driveway storage shall be determined by the planning commission based on traffic volumes and conditions. A minimum of 40 feet of driveway storage shall be provided for less intense developments and a minimum of 120 feet of driveway storage shall be required for larger developments. Driveway storage shall be measured from the right-of-way line.
- (d) *Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes.* Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the planning commission where they are necessary to reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of 75 feet in length and at least 11 feet wide. Design of directional and divided driveways shall be in accordance with the designs in figure 20.1 divided commercial driveway standards.

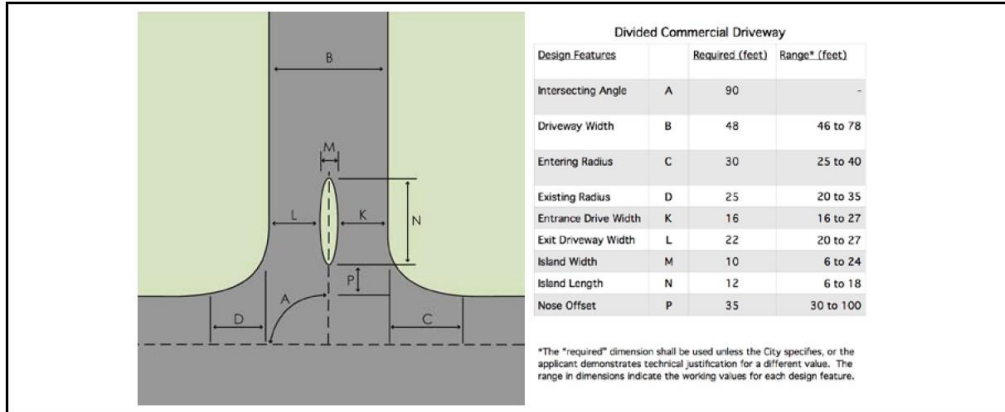


Figure 20.1 Divided Commercial Driveway

Sec. 102-268. Design of frontage roads, rear service drives and parking lot connections.

Frontage roads, rear service drives and drives connecting two or more parking lots shall be constructed in accordance with figures 20.2—20.4 frontage roads, service drives and parking lot connections and the following requirements:

- (1) Pavement width shall be a maximum of 30 feet, measured face of curb to face of curb; intersection approaches may be widened to 39 feet for a left turn lane.
- (2) Frontage road access to public streets shall be spaced according to the standards of section 102-265, driveway spacing from intersections and section 102-266, driveway spacing from other driveways.
- (3) Frontage roads shall have a minimum setback of 30 feet between the outer edge of pavement and the right-of-way line, with a minimum 60 feet of uninterrupted queuing (stacking) space at the intersections.
- (4) Parking along or which backs into a frontage road shall be prohibited.
- (5) For properties which are currently developed or adjacent to developed uses, and the standards of paragraphs (1) through (4), above, are determined by the planning commission to be too restrictive, frontage roads can be defined through parking lots by a raised curb and/or painted islands, as shown, provided that at least every third island at the end of the parking row is a raised curbed island.

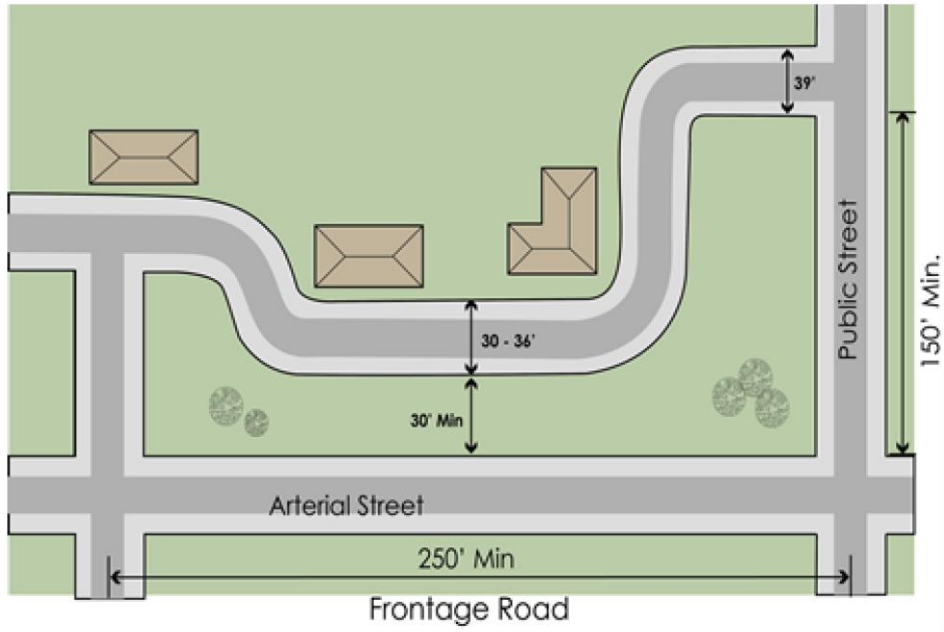


Figure 20.2 Front Service Roads

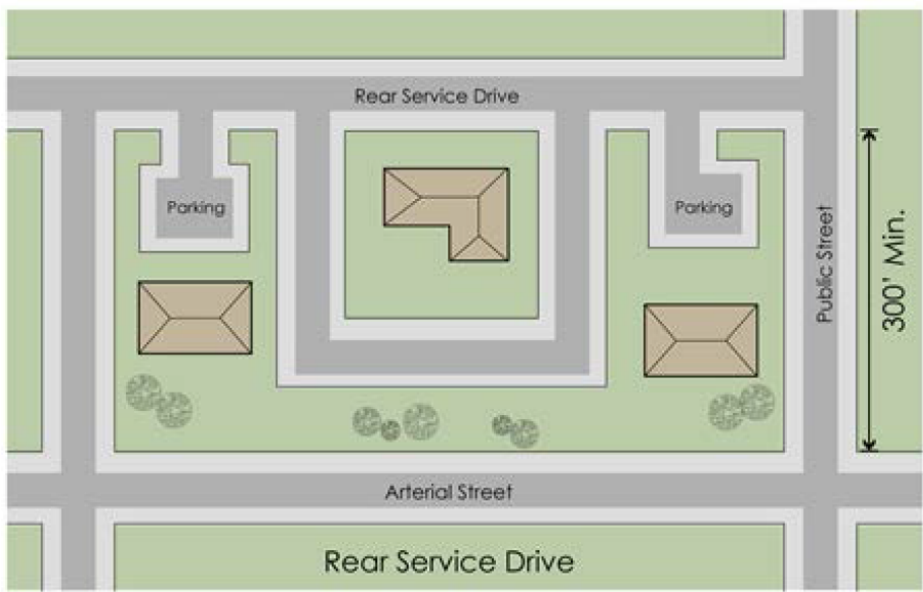


Figure 20.3 Rear Service Roads

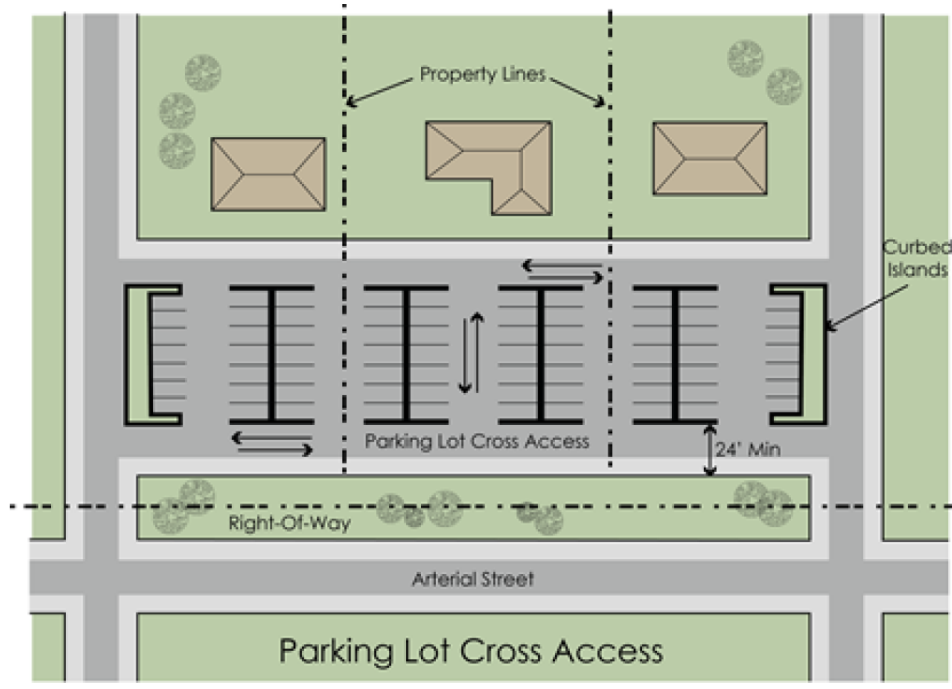


Figure 20.4 Parking Lot Connections

Sec. 102-269. Reserved.

ARTICLE XXI. LANDSCAPE STANDARDS AND TREE REPLACEMENT²

Sec. 102-270. Purpose.

- (a) The intent of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscape improvements. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the city. The standards of this article are intended to help achieve a number of functional and environmental objectives such as:
- (1) Promoting the implementation of the city master plan and subarea studies.
 - (2) Defining and articulating outdoor spaces and architectural elements.
 - (3) Obscuring, integrating and complementing various site elements.
 - (4) Assisting in directing safe and efficient movement of vehicular and pedestrian circulation.
 - (5) Screening headlights to reduce glare and incidental pollution.
 - (6) Reducing the physical impact between adjacent land uses.

²Cross reference(s)—Fences and walls, § 102-18.

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- (7) Providing landscape treatments that are consistent with adjacent sites and parcels within the surrounding area.
 - (8) Providing incentives to preserve quality existing plant material and trees.
 - (9) Providing reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein.
 - (10) Encourage drought-resistant species.
- (b) The standards contained in this article are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property.
 - (c) The intent of the tree protection removal requirements set forth in this section is to protect to the extent practical, the existing tree cover in the city and when trees must be removed, to sustain tree cover in the city by replacing trees in the community that are removed.

Sec. 102-271. Tree protection: Removal and replacement, permit required.

- (a) *Permit required.* If more than 25 percent of the trees six inches in caliper or larger on a site are proposed for removal, the property owner must first notify the zoning administrator and obtain approval. The zoning administrator may require submittal of a proposed sketch plan for review and/ or may send to the planning commission for approval.
- (b) *Normal maintenance.* This article is not intended to prevent the removal of dead or diseased trees on a site, after obtaining a permit from the zoning administrator.
- (c) *Tree location survey.* If a tree location survey is required by the zoning administrator, it shall be presented in a form acceptable to the city and shall include at least the following information:
 - (1) The scale of the tree location survey map shall be drawn at the same scale as the site plan, except a scale shall not be used that will make detail information illegible.
 - (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) The location and related setback dimensions of all buildings, structures and off-street parking areas, along with all existing or proposed easements.
 - (4) All such trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags.
 - (5) The location of all existing trees measuring six inches or more in diameter at breast height (DBH), including:
 - a. All such trees within any adjoining street right-of-way, and
 - b. All such trees that may be affected by the development, including all such trees located in any off-site right-of-way or utility easement or other easement in which improvements, including off site utility work necessary to serve the new development will be extended.
 - c. All such trees that are proposed to remain, or which are proposed to be relocated, and all such trees that are proposed to be removed shall be clearly identified on the tree location survey map. The tree location survey map shall also contain a list of all of these trees. Their tag number will key the trees on the list to the trees on the survey map. The list shall include the common name of each tree, its DBH number, its condition, and the existing and proposed grade at the base of

each tree. The condition of each such tree shall be determined by using the tree-ranking matrix set forth in subsection 102-273(b).

- (6) All tree location surveys shall be performed on the site as field surveys. A registered land surveyor shall map the location of each such tree, and record the existing and proposed grades at the base of each such tree. The type, size, and condition of each such tree shall be determined in the field by a registered landscape architect, certified arborist or forester. The name, address, and the phone and fax number, and any email address of those performing these responsibilities shall be provided on the tree location survey map, along with the date the field information was obtained.
 - (7) Identify existing trees that will be relocated, their new location on the property, along with a statement as to how they will be protected and/or stored during land clearance and construction, and how these trees will be maintained in a living and growing condition, as required by ordinance.
 - (8) A statement explaining how trees not included in item (7), in this subsection, and which will remain on site will be protected during land clearance, construction, including the proposed use of tree wells, protective barriers, tunneling or retaining walls, and explaining thereafter, how these trees will be maintained as a permanent part of the site's landscaping.
 - (9) Figures that represent the number of trees that are six inches in DBH that will be removed from:
 - a. The property;
 - b. The public rights-of-way along the property;
 - c. Any abutting property, if applicable;
 - d. Any affected easements, if applicable; and
 - e. Any rights-of-way and/or easements beyond the site in which such trees must be removed to extend services to the site, if applicable.
 - (10) A tree location survey may be waived by the city for any area or areas of a development site that lie 50 feet or more outside of the development's construction zone. For the purpose of this section the construction zone shall mean any area of the property that will be disturbed in any way by any new development taking place on the property. Prior to receiving a waiver, the applicant shall submit a statement to the city identifying the most predominant species of trees in the waiver area, the total number of trees in the waiver area, and the estimated predominate tree size in the waiver area. A waiver area shall be physically separated from any designated construction zone on the property by a snow fence prior to any activity taking place on the property.
- (d) *Tree protection during site development.*
- (1) Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer, or agent shall do the following:
 - a. Clearly identify the on-site trees that are to be removed and those that are to be relocated by fluorescent orange spray paint or by red flagging tape. This responsibility shall be completed before any field inspection shall be conducted by the city or its designee.
 - b. Erect barriers of four-foot high wooden fencing or orange snow with metal stakes ten feet on center (OC) which will shield and protect trees, no closer than six feet from the trunk or at the edge of the tree canopy, whichever is greater, of all such trees or groups of trees.
 - c. Keep the area within the protective barrier clear of all debris or fill, and any equipment and material.
 - (2) During the construction stage of development, the owner, developer or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including but not limited to the

storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material, or any other material harmful to the life of a tree.

- (3) No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this section.
 - (4) The city or its designee shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this section.
- (e) *Emergency tree removal.* When high winds, storms, tornadoes, floods, freezes, fires, or other manmade or natural disasters damage or destroy trees in the city, making it necessary to expedite the removal of these trees in the interest of promoting the public safety, health and general welfare of the city, the requirements of this article may be suspended by the city for a period of 30 days in the affected areas.

Sec. 102-272. Replacement of removed trees.

A tree survey shall be submitted with any site plan for new development. The survey shall identify the location, species and size of existing trees on the proposed site that are to be removed, or are within ten feet of the removal area. Existing landmark trees that are planned to be removed shall be replaced on the site in accordance with the following standards:

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

Common Name	Species	Minimum DBH (Inches)
American Beech	Fagus grandifolia	18
American Chestnut	Castanea dentata	8
Birch	Betula spp	18
Black Alder	Acinus glutinosa	12
Black Tupelo	Nyssa sylvatica	12
Black and White Walnut	Juglans nigra, J. cinerea	20
Buckeye	Aesculus glabra	18
Cedar, Red	Juniperus spp	12
Crabapple (cultivar)	Malus spp	12
Choke Cherry	Prunus spp	18
Douglas Fir	Pseudotsuga menziesii	18
Eastern Hemlock	Nuga canadensis	12
Flowering Dogwood	Cornus florida	8
Hickory	Carya spp	18
Horse-chestnut	Aesculus camea	18
Kentucky Coffeetree	Bymnociadus diocius	18

Larch/Tamarack	Larix Laricina (Eastern)	12
London Planetree/Sycamore	Plantanus spp	18
Maple	Acer spp	18
Oak	Quercus spp	16
Pine	Pinus spp	18
Sassafras	Sassafras albidum	15
Spruce	Picea spp	18
Tuliptree	Liriodendron tulipifera	18

Sec. 102-273. Tree health condition ranking matrix.

Except as may be otherwise waived herein, the applicant shall be responsible for determining the condition (health) in the field of all trees that are to be removed or relocated. Compliance with the applicable requirements of this subsection may be waived by the city, provided the applicant has properly requested a waiver from the applicable requirements of this section, in the manner set forth in this section:

- (1) The applicant or his designee shall evaluate the condition of the tree trunk, the growth rate of the tree, its general structure, identify any insect infestations and/or diseases, the crown development of the tree, and the life expectancy of the tree. From this evaluation the expert examining the trees shall assign a point value to each such tree using the tree condition rating matrix provided in subsection b, of this section. The rating number shall be placed in the column listing all the trees as outlined in subsection b. of this section.
- (2) The ranking matrix that the expert shall use in the field to calculate the condition (health) of a tree is outlined:

Ranking Matrix

Factor	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	1 major or several minor limbs dead	2 or more major limbs dead
Insects/diseases	No pests present	1 pest present	2 or more pests present
Crown/development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
Life Expectancy—Remaining	Over 30 years	15—20 years	Less than 5 years

- (3) When the city or its designee evaluates the applicant's tree condition data in the field, the rating matrix set forth in subsection b, of this section shall be used.

Sec. 102-274. Incentives to preserve existing trees.

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

- (1) Trees intended to be preserved shall be indicated on the site plan.

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

Sec. 102-275. Landscape plan specifications.

- (a) A separate detailed landscape plan, prepared by a licensed/registered design professional, shall be submitted as part of the site plan review process.
- (b) The landscape plan shall demonstrate that all requirements of this article are met and shall:
 - (1) Illustrate location, spacing, species, and size of proposed plant material.
 - (2) Separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and interior landscaping; required trees or materials cannot be double counted.
 - (3) If applicable, identify compliance with the numeric requirements for tree replacement and preservation.
 - (4) Provide, as determined by the planning commission, typical cross sections to illustrate views from adjacent land uses and the slope, height and width of proposed berms or landscape elements.
 - (5) Identify trees and other landscape elements to be preserved.
 - (6) Delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved.
 - (7) Provide significant construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - (8) Provide details to ensure proper installation and establishment of proposed plant material.
 - (9) Identify grass areas and other methods of ground cover.
 - (10) Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this chapter.

Sec. 102-276. Design standards.

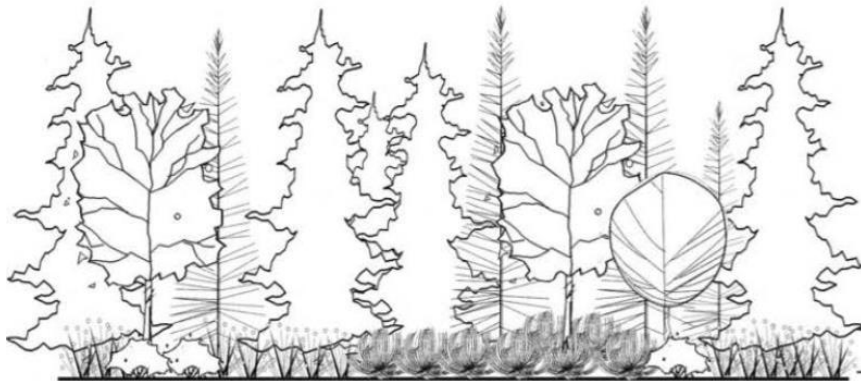
- (a) *Greenbelts.* A greenbelt shall be planted or preserved along public rights-of-way, private road easements, and designated frontage roads and access drives. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:
- (1) The width of the greenbelt shall be 35 feet in residential districts and 20 feet in nonresidential districts. Greenbelts must have a water source.
 - (2) Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services. Greenbelts must have a water source.
 - (3) Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
 - (4) The greenbelt shall contain a minimum of one canopy tree and six upright shrubs per 30 linear feet, or fraction thereof, of street frontage including any openings for driveways, pathways, or easements. The planning commission may approve the substitution of evergreen trees for up to 50 percent of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses. A hedgerow with upright shrubs planted four to five feet on center along the entire road frontage may also be utilized.
 - (5) Ornamental trees may be used to diversify greenbelt planting requirements, provided two ornamental trees shall be provided for each one required canopy tree.
 - (6) Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the planning commission finds a more formal arrangement would be consistent with the established character of the area.
 - (7) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities, and accessibility to fire hydrants. Where such conditions prohibit full compliance, the planning commission may adjust the location of the required materials so as long as the design intent is met.
- (b) *Parking lot landscaping.* Parking lot landscaping shall be provided in accordance with the following standards:
- (1) Landscaping shall be dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
 - (2) At least one canopy tree shall be provided per eight parking spaces provided.
 - (3) All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending outward ten feet from the edge of the parking lot.
 - (4) A minimum of one-third of the trees shall be placed within parking islands located inside the perimeter of the parking lot.
 - (5) Parking lot islands shall be curbed and be at least 100 square feet in area. Islands within parking lots having less than 100 spaces may be a minimum of ten feet in width, parking areas with more than 100 spaces shall have islands at least 20 feet in width. The depth of the island shall be two feet shorter than an adjacent parking space.
 - (6) Only trees, shrubs, grass or other living ground cover shall be used within parking lot islands.
 - (7) The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.

(c) *Buffer zones.*

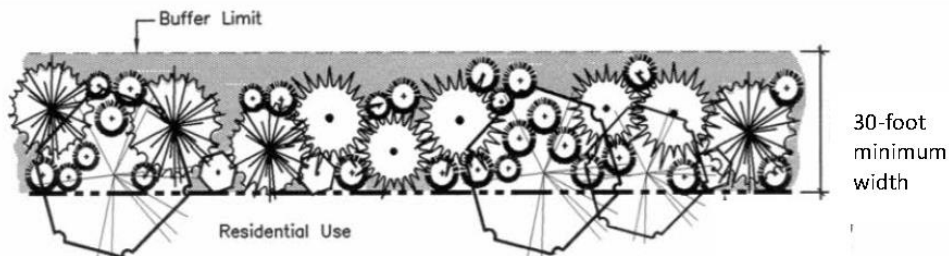
- (1) A buffer shall be provided between the subject site and all adjacent properties, developed or undeveloped, in accordance with the table on the following page.
- (2) The planning commission shall use the table on the following page as the minimum requirements necessary and determine whether landscaping, a wall, a berm, or combination of these elements are needed to attain the intended screening.
- (3) The use of canopy trees and associated understory are encouraged while walls and berms are discouraged.
- (4) Buffer zones shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

Buffer zone A: Thirty-foot minimum width, along the property line with two canopy trees and four shrubs, or one canopy tree, one evergreen and four shrubs per 20 linear feet, rounded upward, and including a wall, berm or combination of these elements as determined by the planning commission.

Buffer zone B: Ten-foot minimum width, along the property line with one canopy tree and four shrubs, or one evergreen tree and four shrubs per 20 linear feet, rounded upward.



TYPE 'A' LANDSCAPE – FULL BUFFER
Conceptual Elevation – Not to Scale



TYPE 'A' LANDSCAPE – FULL BUFFER
Conceptual Plan – Not to Scale

Table 21.1 Buffer Zone Requirements Chart

Buffer Zones											
Zoning or Proposed Use of Subject Site	Zoning or Use of Adjacent Site										
	Single-Family	Multi-Family	Manu-factured Housing	Office	Insti-tutional, Medical or Municipal Use	Central Business District	Commercial	Industrial	Outdoor Storage Areas in any District	Utility Structures in any District	Parking Lots
Single-Family	none	B	A	B	A	A	A	A	A	A	A
Multiple-Family	B	none	A	B	A	A	A	A	A	A	A
Manu-factured Housing	A	A	none	A	A	A	A	A	A	A	A
Office	B	B	A	none	B	B	B	B	B	A	B
Insti-tutional	A	A	A	B	none	B	B	A	B	A	B
Central Business District	A	A	A	B	B	none	B	A	A	A	B
Commercial	A	A	A	B	B	B	none	A	A	A	B
Industrial	A	A	A	B	A	A	A	none	B	B	B
Outdoor Storage	A	A	A	B	B	A	A	B	none	B	B

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Areas in any District											
Public Utility Buildings and Structures in Any District	A	A	A	A	A	A	A	B	B	none	B
Parking Lots	A	A	A	B	B	B	B	B	B	B	none

-
- (d) *Detention/retention pond landscaping.* Ponds shall be located outside required setbacks and designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards:
- (1) Side slopes shall be such that the perimeter of the pond shall not need to be fenced.
 - (2) The sides of the pond must be undulating to avoid an "engineered" appearance.
 - (3) One canopy or evergreen tree and ten shrubs are required per 50 feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
 - (4) Wild grasses and wetland plantings should be utilized on the side slopes and bottom of the pond to give it a more natural appearance, minimize ongoing maintenance, and provide improved filtering of sediments.
 - (5) Where a natural landscape is found not to be particular or desirable the planning commission may require some type of decorative fencing.
- (e) *Interior site landscaping.* Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas. Site landscaping must have a water source.
- (f) *Residential and site condominium developments.* Landscaping for single-family and multiple-family residential developments shall be provided in accordance with the following requirements:
- (1) Street trees shall be provided at a rate of one tree per 40 linear feet of frontage, or thereof, along all interior roads. The planning commission may determine that existing trees preserved within ten feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should generally be planted between the sidewalk and road curb, in consideration of intersection sight distance.
 - (2) The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings and common open space areas.
- (g) *Right-of-way landscaping.* Public rights-of-way shall be planted with grass or other suitable living plant material and maintained by the owner or occupant of the property. Trees and shrubs may be planted within the right-of-way with permission from the appropriate authority with jurisdiction over the street.
- (h) *Accessory site components.* In addition to required screens or walls, site elements such as waste receptacles, air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material.

Sec. 102-277. Specifications for landscape improvements and plant materials.

- (a) *Wall standards.* While walls are not necessarily encouraged, certain situations may be appropriate for provision of a wall. When provided, walls shall meet the following requirements:
- (1) Walls shall be located on the lot line or within the required setback when it is desired to have plant material on both sides of the wall.
 - (2) Walls shall be continuous except for openings for pedestrian connections as approved by the planning commission.
 - (3) Walls shall be constructed of the primary building material of the principal structure horizontal distance.
 - (4) Berms require a water source and must be weeded and maintained healthy.

- (b) *Plant material.* All plant material shall be hardy to the city, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds, no pebbles or stones are permitted.
- (c) *Minimum sizes and spacing.* The minimum plant sizes and spacing shall be provided in accordance with the following:
- (1) Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.

Minimum Sizes and Spacing		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Deciduous canopy trees	2½ inches caliper	25 feet on-center
Ornamental trees	2 inches caliper 6 feet height (clump form)	15 feet on-center
Evergreen trees	8 feet height	15 feet on-center
Narrow evergreen trees	4 feet height	12 feet on-center
Deciduous shrubs	3 feet height	4 feet—6 feet on-center
Upright evergreen shrubs	3 feet height	3 feet—4 feet on-center
Spreading evergreen shrubs	18 inches—24 inches spread	6 feet on-center

- (d) *Mixing of species.* The overall landscape plan shall not contain more than 33 percent of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
- (e) *Trees not permitted.* The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The planning commission may however allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).
- (g) *Planting beds.* Bark used as mulch shall be maintained at minimum of two inches deep.
- (h) *Topsoil.* Topsoil shall consist of a four-inch base for lawn areas and an eight inch to 12-inch base within planting beds.
- (i) *Proximity to utilities.* Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
- (j) *Lawn grasses.* Lawn grasses shall be planted in species normally grown as permanent lawns Oakland County. Grasses may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.

Sec. 102-278. Minimum standards for installation, irrigation and maintenance.

- (a) *Timing of planting.* All required plant material shall be planted prior to issuing a final certificate of occupancy. In the event that the project is completed during a time of year when planting is impractical, a financial

guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the city.

- (b) *Completion of improvements.* Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
- (c) *Irrigation.* All landscaped areas shall be provided with an underground irrigation system.
- (d) *Maintenance.* Landscaped areas and plant materials required by this article shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within 30 days written notice from the city or within an extended time period as specified in said notice.
- (e) *Maintenance bond.* A maintenance bond for replacement of plant material that may die in a two year period may be required by the city.

Sec. 102-279. Standards for compliance for existing sites.

In any case where the building and/or parking area is being increased by at least 25 percent over the originally approved site plan or is being changed to a more intense use as determined by the planning commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than 25 percent over the original site plan, the extent of new landscaping shall be equal to four percent of compliance for every one percent of increase in building or parking footprint. For example, a building or parking area increase of ten percent requires 40 percent compliance with the landscape standards.

ARTICLE XXII. LIGHTING STANDARDS

Sec. 102-280. Purpose.

The purpose of this article is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow;" reduce light pollution and light trespass from light sources onto adjacent properties; conservation of electrical energy; and curtail the degradation of the nighttime visual environment.

Sec. 102-281. Applicability.

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

Sec. 102-282. Lighting definitions.

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

Canopy structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

Flood or spotlight: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Glare: Direct light emitted by a lamp, luminous tube lighting or other light source.

Lamp: The component of the luminaire that produces the actual light including luminous tube lighting.

Light fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light pollution: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

Light trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire: The complete lighting system including the lamp and light fixture.

Luminous tube lighting: Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Outdoor light fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

Shielded fixture: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.

Sec. 102-283. Submittal requirements.

The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the director of community and economic development prior to lighting installation:

- (1) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
- (2) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
- (3) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
- (4) Use of the fixture proposed.
- (5) Any other information deemed necessary by the director of community and economic development to determine compliance with provisions of this article.

Sec. 102-284. Lighting standards.

Unless exempted under section 102-285, exemptions, all lighting must comply with the following standards:

(1) *Freestanding pole lighting.*

- a. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED, shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow"
- b. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way. The only exception is for automobile dealership lighting, where a maximum of 20 footcandles is permitted in display areas within the site but the above standards shall apply to intensity at the property line. Footcandles abutting a residential district or use can be a maximum of one-half footcandles at the property line.
- c. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- d. The maximum height of parking lot light fixtures shall be 20 feet, except that the planning commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.
- e. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
- f. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within non-residential zoning districts shall be turned off between 11:00 p.m. and sunrise, except where such use continues after 11:00 p.m. but only for so long as such use continues.

(2) *Building-mounted lighting.*

- a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
- b. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of one-half a footcandle at the property line.
- c. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site or is necessary for security purposes.
- d. The intensity of lighting under roof eaves, awnings, porticos, or other structural projections shall not exceed ten footcandles. The internal illumination of building-mounted awnings is prohibited.
- e. Luminous tube, LED, and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. unless approved by the planning commission upon showing that the treatment will enhance the appearance of the building.

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- (3) *Window lighting.*
 - a. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
 - b. Luminous tube, LED, and exposed bulb fluorescent lighting (visible from the property line) is prohibited in the windows of a building unless it is part of a sign that meets the requirements of chapter 70, signs of the City Code.
 - (4) *Gas station canopy lighting.*
 - a. The intensity of lighting under gas station canopies shall not exceed 32 footcandles or have an average intensity greater than 22 footcandles for LED fixtures. Any other fixtures shall not have an intensity greater than 20 footcandles.
 - b. All fixtures must be recessed into the canopy and the lens shall not extend below the lowest part of the fixture.
 - (5) *Other lighting.*
 - a. The internal illumination of building-mounted canopies is prohibited.
 - b. Indirect illumination of signs and buildings is permitted provided there is no off-site glare.
 - c. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
 - d. Lighting shall not be of a flashing, moving, or intermittent type.
 - e. Luminous tube, LED, and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of chapter 70, signs, of the City Code.

Sec. 102-285. Exemptions.

The following are exempt from the lighting requirements of this article, except that the zoning administrator may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:

- (1) Sports field lighting, in use no later than 10:00 p.m., provided they are located at least 1,000 feet away from any existing residential zone or use. Other sports field lighting may be approved by the planning commission after a determination that compliance with the standards in section 102-284 have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.
- (2) Swimming pools.
- (3) Holiday decorations when removed within 15 days of said holiday.
- (4) Window displays without glare.
- (5) Shielded pedestrian walkway lighting.
- (6) Residential lighting with no off-site glare.
- (7) Streetlights.
- (8) Search lights may be approved by the city manager, under the following conditions:
 - a. Such lighting must be associated with a public or private special event or annual sale.
 - b. Search lights for private events may be approved for a maximum of two such events per business, person or organization, per calendar year. The city manager may grant exceptions to

this maximum for community-wide events or for those that serve a general public purpose or that benefit the public.

- c. Search lights may not be used for a duration exceeding seven consecutive calendar days.
- d. Location of all search lights must be in a non-residential district, and must be placed in such a way as to minimize any nuisance or glare onto any nearby residential property.
- e. Search lights may not be run by any power supply that creates noise or vibration that can be heard or felt by nearby residences at a level that is greater than 75 decibels, or roughly equivalent to the noise generated by city traffic.
- f. If it is determined necessary by the city manager, a limit to the hours of search light usage may be imposed to prevent night glare.

Sec. 102-286. Lamp or fixture substitution.

Should any light fixture regulated under this article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the zoning administrator for approval, together with adequate information to assure compliance with this chapter, which must be received prior to substitution.

Secs. 102-287—102-299. Reserved.

ARTICLE XXIII. ADMINISTRATION AND ENFORCEMENT

Sec. 102-300. Authority of zoning administrator and his or her designee.

Except where herein otherwise stated, the provisions of this section shall be administered by the zoning administrator and his or her designee and the director of community and economic development and his or her designee, or such other official or officials as may be designated by the city council. Throughout this chapter any reference to a "zoning administrator" or "community and economic director" shall also mean his or her designee, and shall have the power to:

- (1) The zoning administrator shall make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this chapter.
- (2) The zoning administrator shall issue and serve appearance tickets on any person with respect to any violation of this chapter where there is reasonable cause to believe that the person has committed such an offense.
- (3) The zoning administrator shall issue a certificate of zoning compliance when the requirements of this chapter have been met.
- (4) The zoning administrator shall perform such other functions necessary and proper to enforce and administer the provisions of this chapter.

Sec. 102-301. Process and applicability.

The table below summarizes the approval and level of compliance required for development and re-occupancy applications.

The following abbreviations represent the approval authorities for projects listed in the table:

SPR: Site plan review in accordance with article XIII, special land use.

SLU: Special land use review by planning commission, see article XVII, nonconforming uses, structures, and lots.

AR: Administrative review and approval in accordance with article XV, site plan review.

Type of Project	Definition	Approval Required	Level of Compliance
New development	New buildings or principal structure, tear downs and complete rebuilds	SPR	Application shall show full compliance with the ordinance and all applicable site plan standards for the project as detailed in article XV, site plan review.
Special land use	Establishment, change, or expansion of a special land use.	SLU	Application shall meet the standards of article XIII, special land use and applicable site plan standards for the type of project in article XV, site plan review.
Major expansion	Expansion of building by more than 2,500 square feet or parking, loading or storage area by more than 3,000 square feet or 25 percent or more from the existing current area, whichever is greater.	SPR	Application shall include information on site and building conditions and changes as described in article XV, site plan review. Improvements needed to ensure public safety and safe circulation shall be required. See article XVII, nonconforming uses, structures, and lots for the extent of site upgrades required where the building or site do not meet current standards.
Minor building and/or parking expansions	Expansion of building by less than 2,500 square feet or parking, loading or storage area by less than 3,000 square feet or 25 percent or less from the existing current area, whichever is greater.	AR	
Façade and site improvements beyond typical building maintenance and repair	Building or architecture changes or site improvements that do not involve expansion of the building or parking but will alter the physical character of the site.	AR	Improvements shall be required to comply with the requirements of this chapter to an extent proportionate and reasonably related to the specific request. Improvements needed to ensure public safety, safe circulation, and compliance with other city codes shall be required.
Change in a permitted use, new occupancy, or re-occupancy	Change in use or re-occupancy of a building with a similar, less or more intense use.	AR	Site improvements shall be required particularly those related to impacts associated with the new use such as the amount of parking to meet standards for the new use. If the site or building does not meet current city standards, improvements shall be required to bring the site and building into compliance, or greater compliance, with this and other city codes as noted in article XVII, nonconforming uses, structures, and lots
Nonconforming situation	Change in nonconforming use, building, structure, or site (i.e., where the existing	See article XVII	Level of compliance and approval body is dependent upon situation as described in

	building or site improvements do not meet the current zoning ordinance standard		article XVII, nonconforming uses, structures, and lots
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Sec. 102-302. Certificates of zoning compliance.

The zoning administrator or designee shall issue certificates of zoning compliance under the following conditions:

- (1) No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this chapter.
- (2) It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, as permitted under the terms of this chapter, until a certificate of zoning compliance shall have been issued hereunder by the zoning administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this chapter.
- (3) The zoning administrator shall maintain a record of all certificates of zoning compliance.
- (4) Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. Any change in approved plans shall occur only as provided for in this chapter and shall require the issuance of an amended certificate of zoning compliance.
- (5) The types of buildings and structures subject to a building permit or zoning compliance permit are generally described in the following table. The zoning administrator will make the final determination of the applicability of the building permit and will make the final determination of the applicability of a zoning compliance permit, based on the information submitted by the applicant and subject to applicable legislation, including this article.

Buildings and Structures Subject to Building Permits	Buildings and Structures Subject to Zoning Compliance Permits
<ol style="list-style-type: none"> 1. All principal structures 2. Accessory structures two stories in height or taller, regardless of floor area 3. Attached accessory structures 4. Accessory structures that have a floor area exceeding 120 square feet 5. Retaining walls greater than four feet in height 6. Other structures as outlined in the Michigan Building and Residential Codes 	<ol style="list-style-type: none"> 1. Change of use, including operations for current occupants 2. Change of tenant 3. Building façade changes 4. Landscape changes; entrance features 5. Parking lot changes, other than routine maintenance 6. Lighting, including the replacement of fixtures 7. Utility relocation 8. Change of rooftop mechanical units 9. Fences 10. Driveway expansion, repaving or resurfacing

Sec. 102-303. Performance guarantees.

- (a) As a condition of approval of a site plan, special land use, or planned unit development, the zoning administrator may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items. Financial guarantees are generally required for items that cannot be completed due to weather or related delays yet a temporary certificate of occupancy is sought.
- (b) Performance guarantees shall be processed in the following manner:
 - (1) Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the uncompleted required improvements, which shall then be reviewed by the zoning administrator. The amount of the performance guarantee shall be no greater than 100 percent of the cost of installing the uncompleted improvements, plus the cost of necessary consultants and a reasonable amount for contingencies.
 - (2) The required performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the city.
 - (3) Upon receipt of the required performance guarantee, the zoning administrator may issue a temporary certificate of occupancy for the subject development or activity, provided it is in compliance with all other applicable provisions of this chapter.
 - (4) When all of the required improvements have been completed, the obligor shall send written notice to the zoning administrator of completion of such improvements. Thereupon, the zoning administrator shall inspect all of the improvements and shall either approve or reject the improvements with a statement of the reasons for any rejections.
 - (5) The zoning administrator shall then either approve or reject the improvements. The zoning administrator shall notify the obligor in writing of the action within 30 days after receipt of the notice from the obligor of the completion of the improvements.
 - (6) The zoning administrator, upon completion of all required improvements, shall issue a certificate of zoning compliance and forward it to the building official.
 - (7) Upon receipt of the certificate of zoning compliance and request of the obligor, the zoning administrator shall rebate the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed.
 - (8) Performance guarantees shall not be returned until all debts or obligations to the city are resolved.
 - (9) A record of authorized performance guarantees shall be maintained by the zoning administrator.

Sec. 102-304. Public hearings.

The Michigan Zoning Enabling Act 110 of 2006, MCL 125.3103 Notice; Publication; Mail or Personal Delivery Requirements, prescribes the requires for public hearings: Unless otherwise required, notices for all public hearings shall be given as follows:

- (1) The notice shall:
 - a. Describe the nature of the request.

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- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- (2) Except as required in (3) and (4), below, notices for all public hearings shall be given as follows:
- a. Notice of the hearing shall be not less than 15 days before the date of the public hearing, not including the date of the meeting.
 - b. Notice of the hearing shall be published in a newspaper of general circulation
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (3) Newspaper publication as required in (2) above shall be the only notice required for an amendment to the zoning ordinance or the zoning map that affects 11 or more properties.
- (4) *Zoning board of appeals (ZBA).*
- a. For ordinance interpretations and appeals of administrative decisions by the ZBA notice shall be only to the applicant and by newspaper publication, as required in (2)b. above.
 - b. If the interpretation or appeal of an administrative decision involves a specific property, notice shall be given to the person bringing the appeal and as required in (2)a.-c., above.

Sec. 102-305. Violations.

Whenever by the provisions of this article the performance of any act is required, or the performance of any act is prohibited, or whatever regulation, dimension or limitation is imposed on the use of, or upon any land, or on the erection or alteration or the use or change of use of a structure or the uses within such structure, a failure to comply with such provisions of this article shall constitute a violation of this article. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 102-306. Penalties.

Any person who violates this article shall be responsible for a civil infraction violation, subject to the fines and penalties set forth in the South Lyon City Code.

Secs. 102-307—102-309. Reserved.

ARTICLE XXIV. ZONING BOARD OF APPEALS (ZBA)

Sec. 102-310. Establishment.

A zoning board of appeals (ZBA), hereinafter in this article sometimes referred to as the "board," is hereby established pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended. The terms of the statute shall prevail, except as modified by the terms of the Code of Ordinances and the Charter which are not in direct conflict thereto.

Sec. 102-311. Membership, quorum, and alternate members.

- (a) The ZBA shall consist of five members appointed by majority vote of the members of the city council. Each member shall be appointed to hold office for a three year term. A vacancy on the ZBA shall be filled by city council for the remainder of the unexpired term in the same manner as the original appointment.
- (b) Three members shall constitute a quorum.
- (c) The city council may, if desired, appoint two alternate members for three year terms. One or both alternate members may be called by the chairman, or in the absence of the chairman by the vice-chairman, or, in the absence of the vice-chairman, by the secretary to sit as a regular member of the ZBA if a regular member is absent from or unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights a regular member of the ZBA.

Sec. 102-312. Qualifications of members.

- (a) Members of the board shall be residents of the city. One of the regular members or an alternate member of the ZBA may be a member of the city council, but that member shall not serve as chairperson of the ZBA. One of the regular members of the ZBA shall be a member of the planning commission.
- (b) An employee or contractor of the council may not serve as a member of the ZBA.

Sec. 102-313. Procedural matters, public hearings, and vote required.

- (a) The ZBA is hereby authorized and empowered to establish its own rules of procedure and to elect its own officers subject to the provision that it shall, at its organizational meeting, elect a chairman, a vice-chairman and a secretary. In establishing rules of procedure and election of officers, a majority of those in attendance and constituting a quorum shall be required.
- (b) Prior to the ZBA making a decision in a specific case, the ZBA shall conduct a public hearing. Written notice of the hearing shall be in accordance with section 102-303, public hearings.
- (c) A concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant, a matter upon which the board is required to pass under this article or other articles of the Code of Ordinances, except that a concurring vote of two-thirds of the members of the ZBA shall be necessary to grant a variance from uses of land permitted in this chapter.
- (d) A member of the ZBA who is also a member of the planning commission or the city council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission or the city council. However, the member may consider and vote on other unrelated matters involving the same property.

Sec. 102-314. Jurisdiction, duties and responsibilities.

The ZBA shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the following specific jurisdiction and powers:

- (1) To hear and decide appeals from and review any order, requirements, permit, decision or determination made by the building official or any other administrative official or body in enforcing the provisions of this chapter. The ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision or determination as in the ZBA's opinion ought to be made in the premises, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.
- (2) To hear and decide matters referred to it or upon which it is required to pass under any ordinance adopted pursuant to Act 207 of 1921 (MCL 125.581 et seq.), as amended, of the state, or by other articles of the Code of Ordinances.
- (3) If there are practical difficulties (for nonuse variances) or unnecessary hardship (for use variances) in the way of carrying out the strict letter of the zoning ordinance, the ZBA may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The ZBA may impose conditions and vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures or the uses of land, buildings or structures, so that the spirit of the particular article shall be preserved, public safety secured and substantial justice done.
- (4) The ZBA may grant dimensional or other site plan related variances for special land uses, however the ZBA shall not have the power to reverse or modify the planning commission decision to approve or deny a special land use permit nor grant variances to any special land use standards or conditions of special land use approval.
- (5) The ZBA shall not have the authority to hear any appeal from a decision on an application for a planned unit development.
- (6) The ZBA shall have the authority to hear and decide on a request for a use variance.

Sec. 102-315. Granting of variances.

The ZBA shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below:

- (1) *Dimensional variance.* The ZBA may grant a dimensional variance only upon a finding that practical difficulties exist. A dimensional variance is a variance from any dimensional standard or requirement of this chapter, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
 - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.
 - b. A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

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- c. The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography or area.
 - d. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
 - e. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
 - f. The granting of the variance will not materially impair the intent and purpose of this chapter.
- (2) *Use variance.* The ZBA may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:
- a. The property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.
 - b. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.
 - c. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - d. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

Sec. 102-316. Appeals.

- (a) An appeal to the ZBA, as provided in section 102-314, jurisdiction, duties and responsibilities, shall be taken within such reasonable time as shall be prescribed by the ZBA by general rule, and if no general rule has been adopted, within 30 days of the decision, requirements or determination of an administrative official or body, by the filing with the zoning administrator and with the board of a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. Filing with the secretary of the ZBA the notice of appeal, or, in the absence of the secretary filing of the same with the chairman or presiding officer, shall satisfy the provision of this section that a copy of the notice of appeal be filed with the board.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the building official certifies to the ZBA after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board or by the circuit court for the county, on application, on notice to the building official and on due cause shown.

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- (c) The ZBA shall fix a reasonable time for the hearing of the appeal.
 - (d) Any interested party may appear and be heard at the hearing in person or by an agent or attorney.
 - (e) The ZBA shall not have the power to alter or change the zoning district classification of any property.

Sec. 102-317. Decisions.

- (a) Matters coming before the ZBA shall be decided within a reasonable time.
- (b) An appeal from a decision of the ZBA shall be filed within whichever the following deadlines comes first:
 - (1) Thirty days after the ZBA issues its decision in writing by the chairperson, if there is a chairperson, or signed by members of the ZBA, if there is no chairperson.
 - (2) Twenty-one days after the ZBA approves the minutes of its decision.
- (c) The ZBA shall maintain a record of proceedings.
- (d) Decisions of the ZBA may be appealed by an aggrieved person to the circuit court.

Sec. 102-318. Orders, validity, and limitations.

No order of the ZBA permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to a completion in accordance with the terms of such permit.

Secs. 102-319—102-329. Reserved.

ARTICLE XXV. DEFINITIONS

Sec. 102-330. Construction of language.

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

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the planning commission, city council, or ZBA, as indicated.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied;" the word "building" includes the word "structure" and any part thereof; the word "dwelling" includes the word "residence;" the word "lot" includes the words "plot" or "parcel."
- (6) The word "person" includes an individual, a corporation, a partnership, an incorporated or unincorporated association, or any other entity recognizable as a "person" under the laws of Michigan.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

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- a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or").
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (8) The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public street right-of-way.
 - (9) The term "this zoning ordinance" or "this chapter" includes the City of South Lyon Zoning Ordinance and any amendments thereto.
 - (10) Terms not herein defined shall have the meaning customarily assigned to them.

Sec. 102-331. Definitions A—B.

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

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

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

Accessory building, structure, or use: A building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related. Buildings may include, but are not limited to, detached garages and shed; structure may include, but are not limited to, a pool or hot tub.

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

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

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

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

(4) *Congregate facility*: Residence for more than 20 adults.

Adult entertainment regulated uses: See subsection 102-177(1) special land use specific requirements.

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

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

Animal, domesticated: An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Chickens shall not be considered a domesticated animal.

Animal, exotic: Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal. Definition is not limited to alligators, badgers, bears, beavers, bobcats, cheetah, chinchilla, chipmunks, cougars, coyotes, crows, doves, dog-wolves, eagles, elk, foxes, hawks, jaguars, kangaroos, lions, lynx, monkeys, mink, opossums, owls, porcupines, potbelly pigs, prairie dogs, raccoons, skunks, squirrels, tigers, wild turkeys, wolverines, wolves, wild hybrids or the offspring of any animals that have been bred to a wild animal, poisonous and nonpoisonous reptiles, spiders and insects and endangered species.

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

Animal, vicious: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

Antenna(s), reception: See "reception antennas."

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

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

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

Arterial street: A street defined in the Master Plan or City's Act 51 Plan as "major traffic routes" and/or as an arterial or major street by the Michigan Department of Transportation where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function.

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

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

Automobile gasoline station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline service station may also include an area devoted to

sales of automotive items and convenience goods (mini-mart) primarily sold to patrons purchasing gasoline. An establishment which provides vehicle maintenance or repair is not included within this definition.

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

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

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

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

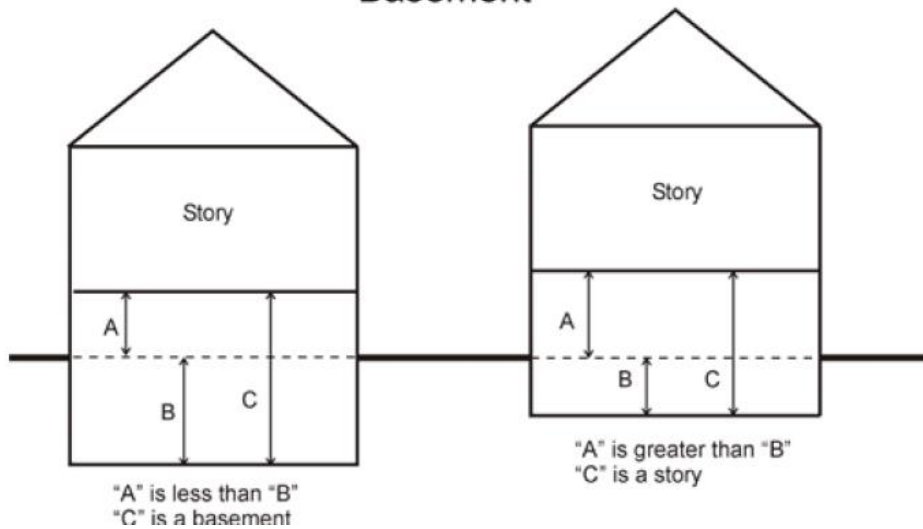
Awning: A roof like cover, often fabric, metal, or glass, designed and intended for protection from the weather or as decorative embellishment, and which projects from a wall or roof of a structure over a window, wall, or the like.

Balcony: An exterior floor system projecting from a structure and supported by that structure.

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

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

Basement



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

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

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

Brewpub: A restaurant or tavern (as defined in this chapter) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

Body art: Physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices that are considered part of a medical procedure performed by board certified medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body art establishment. This chapter definition shall not include piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

Body art establishment: Any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

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

Building: Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include tents, mobile homes, manufactured housing, storage sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences, smokestacks, canopies, or overhangs but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

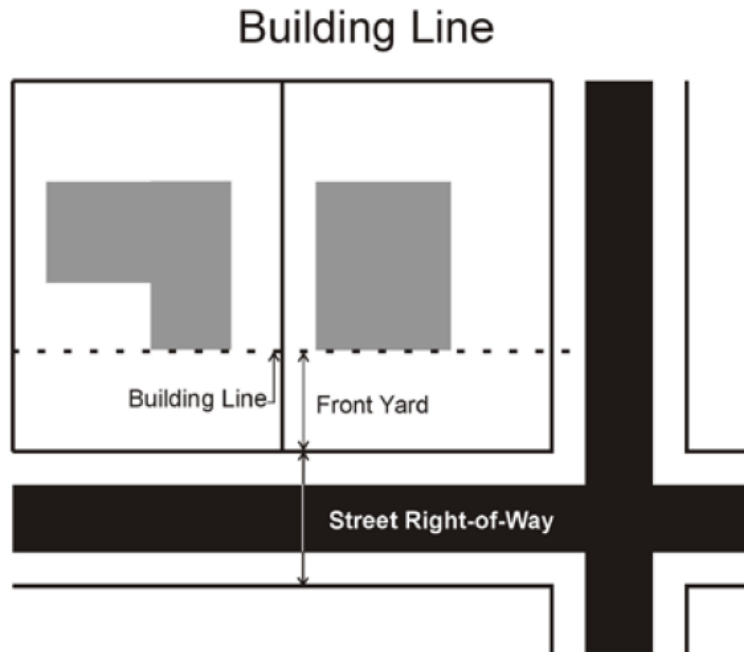
Building coverage: The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

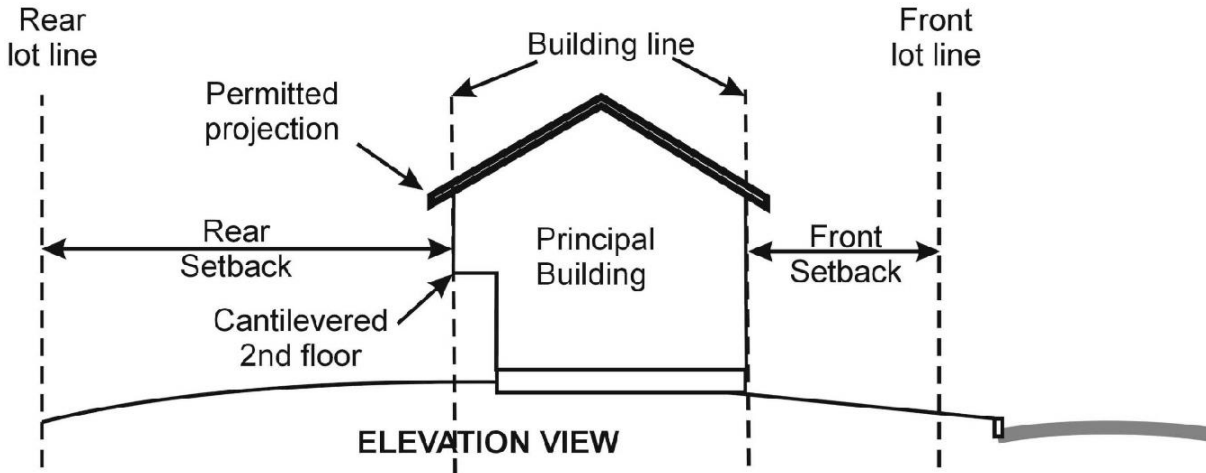
Building department: The department charged with enforcing this chapter. The term "building department" shall also include "planner," "planning consultant," "engineer," "engineering consultant," "building administrator," "building official," "building inspector," "director of community and economic development"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

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

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

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





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

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

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

Business service establishment: A business which provides business type services to patrons including but not limited to copy centers, postal centers, data centers and computer repair establishments.

Sec. 102-332. Definitions C—D.

Caliper: The diameter of a trunk measured as follows:

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

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

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

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

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

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

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

- (1) *Childcare center or day-care center:* A facility other than a private home, receiving more than six preschool or school age children for group day-care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day-care center, day nursery, preschool, nursery school, parent cooperative preschool, play group, or drop-in center. "Childcare center" or "day-care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- (2) *Child caring institution:* A childcare facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- (3) *Foster family home:* A private home in which at least one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (4) *Foster family group home:* A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (5) *Family day-care home:* A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (6) *Group day-care home:* A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

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

City council: The City of South Lyon City Council.

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

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

Clerk: The clerk of the city.

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

Club or fraternal organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this chapter.

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

Commercial (promotional) advertising message: A sign, wording, logo, or other representation that, directly or indirectly advertises or calls attention to a business, product, or service that relates primarily to economic interests (i.e., the exchange of goods and services).

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

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

- (1) Truck tractor.
- (2) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- (3) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors.
- (4) Tow trucks.
- (5) Commercial hauling trucks.
- (6) Vehicle repair service trucks.
- (7) Snow plowing trucks.
- (8) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

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

- (1) *General common elements* means and includes:
 - a. The land in the condominium project.
 - b. The foundations, main walls, roofs, halls, lobbies, stairways entrances, exits, or communication ways.
 - c. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
 - d. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated.

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- e. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks, and pumps and the like.
 - f. The elevators, incinerators and, in general, all devices or installations existing for common use.
 - g. All other elements of the condominium project owned in common and intended for common use or necessary to the existence, upkeep and safety of the project.
- (2) *Limited common elements* means and includes those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Condominium setbacks: Setbacks shall be measured as follows:

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

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

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

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

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

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

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

Convenience store: A one-story, retail store that is designed and primarily stocked to sell food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract greater volumes of stop-and-go traffic.

Convenience store with gasoline sales: An establishment meeting the above definition of convenience store that also includes the sale of gasoline.

County drain commission: The Oakland County Drain Commission.

County health department: The Oakland County Health Department.

County road commission: The road commission of Oakland County.

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

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

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

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

Day-care center: See "childcare organization."

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

Deck: A platform, commonly constructed of wood, which is typically attached to a house or around an above-ground pool and which used for outdoor leisure activities.

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

Density: The number of dwelling units situated on or to be developed per net or gross acre of land. For purposes of calculating maximum density, only 25 percent of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage. All open bodies of water, land within the 100-year floodplain elevation, public rights-of-way and areas within overhead utility line easements are excluded from this calculation. Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements.

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

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

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

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

Drainageways and streams: Existing permanent or intermittent watercourses.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in

restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through window facilities: A business establishment in which all or at least ten percent of the business consists of providing goods and services from a drive-through window to patrons in motor vehicles.

Dumpster or waste receptacle: Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be dumpsters or waste receptacles.

Dwelling unit: A building, or enclosed portion thereof, designed for occupancy by one family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site-built units.

- (1) *Dwelling unit, attached:* A dwelling unit attached to one or more dwelling units by common major structural elements.
- (2) *Dwelling unit, detached:* A dwelling unit which is not attached to any other dwelling unit by any means.
- (3) *Dwelling unit, efficiency apartment:* A dwelling unit of not more than one room in addition to a kitchen and a bathroom.
- (4) *Dwelling unit, manufactured:* A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.
- (5) *Dwelling unit, multiple-family:* A building designed exclusively for, and containing three or more dwelling units.
- (6) *Dwelling unit, single-family:* A detached building designed exclusively for, and containing one dwelling unit only.
- (7) *Dwelling unit, site built:* A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- (8) *Dwelling unit, two-family or duplex:* A detached building designed exclusively for, and containing two dwelling units only.

Sec. 102-333. Definitions E—F.

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

- (1) Easement, access.
- (2) Easement, maintenance.
- (3) Easement, private.

Enclosed deck: A platform, commonly constructed of wood, which is typically attached to a house and which is used for outdoor leisure activities. An enclosed deck has a roof and one or more walls.

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

Entertainment facilities: An establishment which provides for activities such as but not limited to: bowling alleys, billiard and pool halls, game and video arcades, and tag games. This definition does not include those uses defined in section 102-177, special land use specific requirements.

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

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

Essential public services: The erection, construction, alteration or maintenance by the public utilities or municipal department of underground, surface or overhead gas, electrical, cable television, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings or storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities. Radio and television towers and cellular phone antennas are defined under "wireless communication facilities."

Essential public service building: A building or structure principal to an essential public service, such as a drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations.

Essential public service building storage yard: An outdoor storage area used as a principal or accessory use for an essential public service.

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

Existing use: The use of a lot, parcel, or structure at the time of the enactment of the ordinance.

Facade: The exterior wall of a building exposed to public view.

Family: Family means either of the following:

- (1) A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or
- (2) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.
- (3) This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.
- (4) There shall be a rebuttable presumption enforceable by the building official/zoning administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application for a special land use based upon the applicable standards in this chapter.

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

Family foster care home: See "adult foster care facility or "childcare organization."

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming with acceptable farming practices is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, public or private stables, commercial kennels, stone quarries or gravel or sand pits, shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than 20 acres. No farms shall be operated as piggeries, or for the disposal of garbage, public sewage, or rubbish, or as rendering plants, or for the slaughtering of animals except animals raised on the premises or maintained on the premises for at least one year for the consumption by persons residing on the premises. Under no circumstances shall wild, vicious or exotic animals be considered farm animals or products.

Farm building: Any structure or building other than a dwelling used or built on a farm.

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

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

Filling station: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail use, wholesale, or wholesale distribution.

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

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

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

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

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

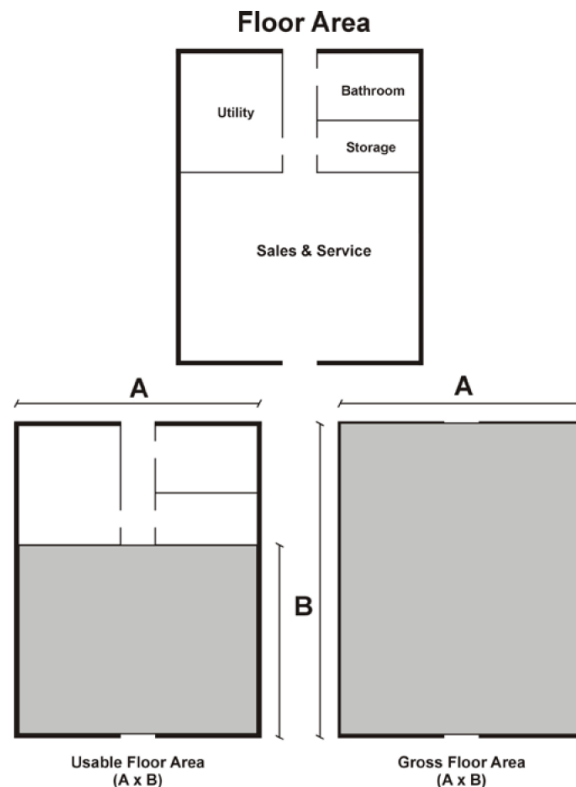
Flood insurance study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a flood hazard boundary-floodway map.

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

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

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

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



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

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

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

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

Frontage road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bidirectional in design. The frontage road

provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

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

Sec. 102-334. Definitions G—H.

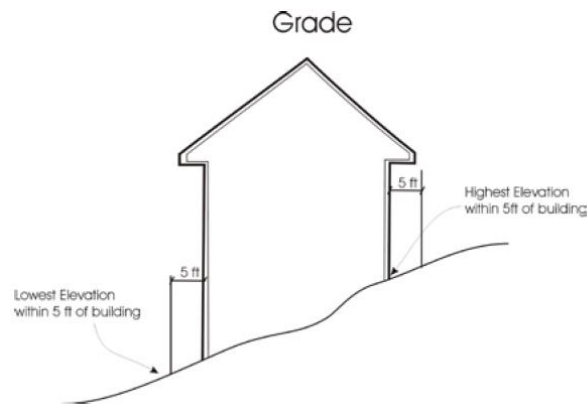
Garage, private or public: An accessory building or portion of a principal building designed or use solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

- (1) Garage, attached.
- (2) Garage, detached.

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

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

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



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

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

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

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

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

Group day-care home: See "childcare organization" or "adult foster care facility."

Group foster care home: See "childcare organizations" or "adult foster care facility."

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

Harmful increase: An unnaturally high stage on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

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

- (1) Hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State. 2767.
- (2) Hazardous waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- (3) Regulated substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- (4) Hazardous substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- (5) Used oil.
- (6) Animal waste or byproducts, or carcasses.

Hazardous uses and materials: Any uses which involve the storage, sale, manufacture, or processing of materials which are dangerous, combustible and/or produce either poisonous fumes or explosions in the event of fire. These uses include all high hazard uses in the International Building Code (IBC).

Hazardous or toxic waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed: an increase in mortality, or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or substantial present or potential hazard to human health or the environment.

Health care facility: A facility or institution, public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity, or physical condition including, but not limited to, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, out-patient clinic, dispensary, home health care agency, and bioanalytical laboratory or central services facility serving one or more such institutions, but excluding religious or other institutions that do not provide medical services.

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

Home occupation: An occupation for gain or support conducted within a residence solely by members of a family residing on the premises and conducted entirely within the dwelling; provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

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

Sec. 102-335. Definitions I—J.

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

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

Impervious surfaces: are man-made and other hard surfaces made of any material(s) that may impede or prevent the natural infiltration of water into the soil and may include, but not be limited to: pools, pool decks, unenclosed decks, enclosed decks, sheds, at-grade patios, raised patios, gazebos, green house, and any other structure covered by impenetrable materials such as: asphalt, pavers, concrete, brick, stone, and wood, that limits infiltration and natural groundwater recharge.

Improved public street: A public thoroughfare that affords the principal means of access to an abutting a property that is intended for public use, has been accepted and maintained by the city of road commission of Oakland County, and is constructed to of pavement or concrete, with curb and gutter.

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

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

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

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

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

Junkyard: See "Salvage yard."

Sec. 102-336. Definitions K—L.

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

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

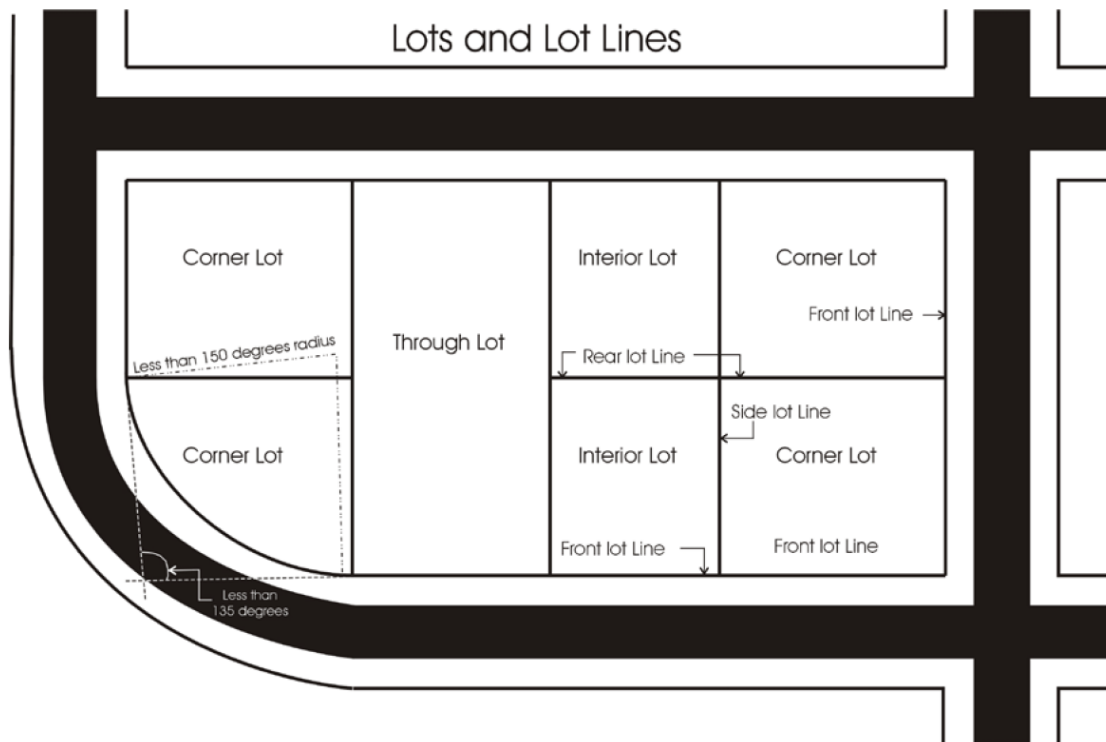
Landfill: A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

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

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

Lodging house: See "boarding house."

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



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

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

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

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

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

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

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

Lot frontage: The length of the front lot line.

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

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

Lot line, front: The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot.

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

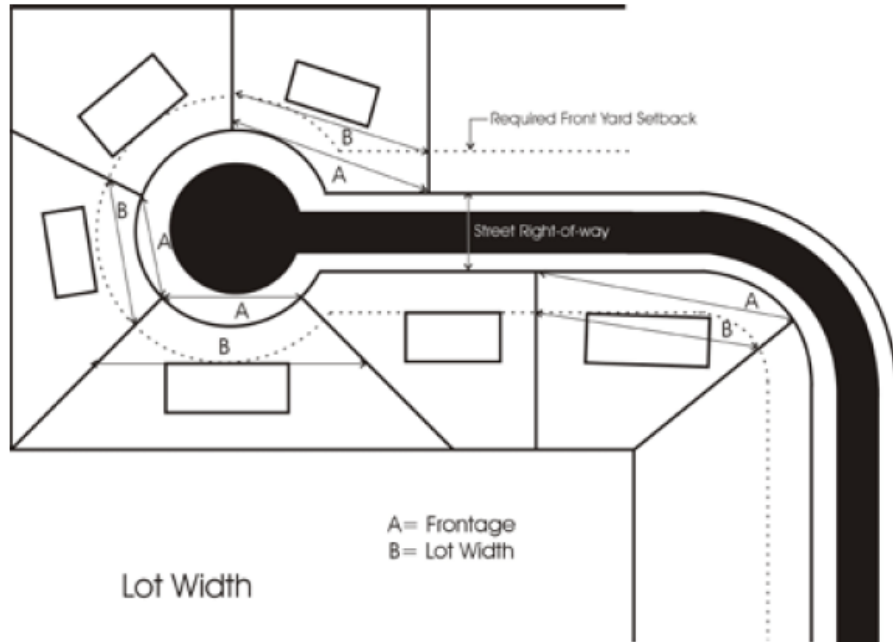
Lot line, side: Any lot line other than a front or rear lot line.

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

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

Lot, Through (also called a double frontage lot): An interior lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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



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

Sec. 102-337. Definitions M—N.

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

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

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

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

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

Microbrewery or microbrewer: A brewery that produces beer and ale for on-site consumption and retail and wholesale distribution. A microbrewery may be permitted as an accessory use to a restaurant or a bar, tavern or lounge. See "restaurant" and "bar, tavern, lounge."

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

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

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

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

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

Nonconforming building or structure: A building or portion thereof, existing at the effective date of this chapter, as amended, and that does not conform to the provisions of this chapter in the district in which it is located.

Nonconforming lot: A lot lawfully existing at the effective date of this chapter, or amendments thereto, that does not conform to the dimensional standards for the district in which it is located.

Nonconforming use: A use which lawfully occupied a building or land at the effective date of this chapter, as amended, and that does not conform to the use regulations of the district in which it is located.

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

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

Sec. 102-338. Definitions O—P.

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

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

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

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

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

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

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

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

Ordinary high water mark: 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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

Outdoor display, sales, or storage: Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and year-round flea markets farmer's markets, roadside stands, and auctions.

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

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

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

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

Patio: A level surfaced area usually made of concrete, brick, or other masonry material which is not elevated above the surface of the ground in any manner.

Pawnbroker: Any person, corporation, member of a limited liability company, member of a partnership, or firm who loans money on deposit, or pledges 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 things on condition of selling the same back at a stipulated price.

Pawnshop: Any place where a pawnbroker regularly conducts the business of being a pawnbroker.

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

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

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

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

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

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

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

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

Planning commission: The city planning commission, as duly created under the Michigan Planning Enabling Act, Act 33 of 2008.

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

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

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

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

Porch: A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

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

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

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

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

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

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

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

Sec. 102-339. Definitions Q—R.

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

Recognizable and substantial benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; and elimination of or reduction in the degree of nonconformity of a non-conforming use or structure.

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

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

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- (6) *Boats and boat trailers*: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
 - (7) Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

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

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

Recreational vehicle park: A campground designed to accommodate those recreational vehicles which are used as a temporary dwelling and are not parked more than six consecutive months in any one recreational vehicle park.

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

Refuse collection station: Any exterior space which is not a principal use for containers, structures, or other receptacle intended for temporary storage of solid waste materials.

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

- (1) *Restaurant, carry-out*: A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (2) *Restaurant, drive-in*: A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- (3) *Restaurant, drive-through*: A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (4) *Restaurant, fast-food*: A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- (5) *Restaurant, open front window*: See "open front store or restaurant."
- (6) *Restaurant, standard*: A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (7) *Bar/lounge/tavern*: A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may extend beyond 11:00 p.m.; thereby differentiating it from a

standard restaurant. A brewpub or microbrewery that operates beyond 11:00 p.m. is considered a bar, tavern or lounge.

Retail businesses with adult novelty items: An establishment having less than ten percent of all usable interior, retail, wholesale, or warehouse space dedicated to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items, including adult novelty items as defined in subsection 102-177(30)b., which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined and regulated under subsection 102-177(1). Adult entertainment regulated uses. If an establishment has ten percent or more of all usable interior, retail, wholesale, or warehouse space dedicated as provided above, such use is subject to the regulations in subsection 102-177(1).

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

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

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

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

Sec. 102-340. Definitions S—T.

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

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

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

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

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

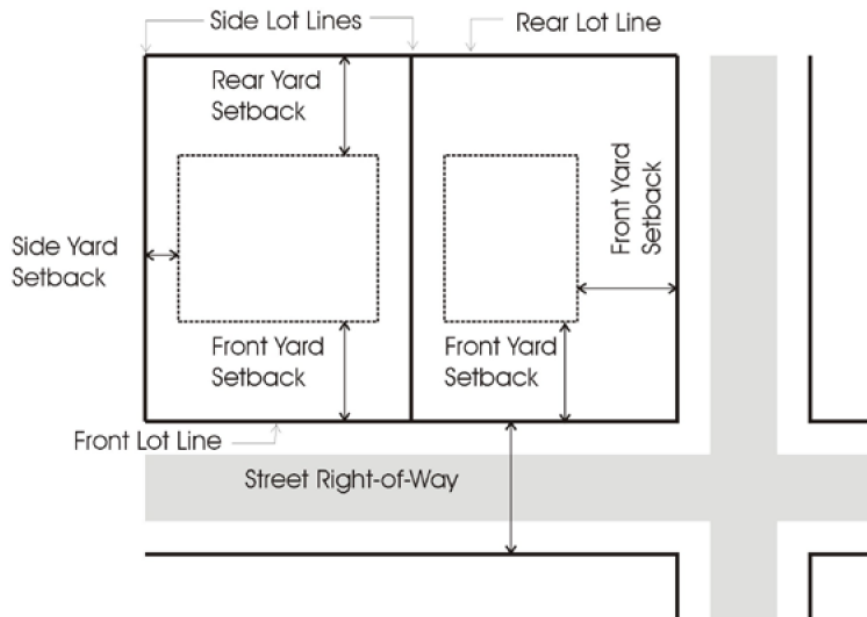
Senior housing: Housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55. Housing for the elderly may include the types of facilities listed below.

- (1) *Senior apartments (independent care):* Multiple-family dwelling units where occupancy is restricted to persons 55 years of age or older.

- (2) *Congregate care facilities or assisted living housing:* A semi-independent, assisted living, housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- (3) *Dependent housing facilities:* Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

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

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



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

Sewer: A public sanitary sewage disposal system approved by the Michigan Department of Public Health.

Sexually oriented business: For the purpose of this chapter, the following definitions shall be classified as adult oriented uses, adult entertainment use or an establishment including but not limited to the following:

- (1) *Adult arcade.* Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specific anatomical areas."

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- (2) *Adult bookstore or adult video store.* A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
- a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter, digital media or photographs, cassettes or video reproductions slides or other visual representation which depict or describe "sexually explicit activities" or "specified anatomical areas;" or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities;" or
 - c. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as "sexually explicit activities" or depict or describe "specified anatomical areas."
 - d. For purposes of this section, "principal business purpose" means:
 1. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least 25 percent of the floor area; or
 2. The receipt of 50 percent of more of its revenues from the sale of the items listed above; or
 3. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".
 - e. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas," and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- (3) *Adult cabaret.* A nightclub, bar restaurant or similar commercial establishment which regularly features:
- a. Persons who appear in a state of restricted nudity; or
 - b. Live performance which are characterized by the partial exposure of "specified anatomical areas;" or
 - c. Films, motion pictures, video cassettes, compact discs, slides, digital media or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- (4) *Adult motel.* A hotel, motel or similar commercial establishment which:
- a. Offers accommodations to the public for any form of consideration and provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas" or which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or

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- b. Permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web;
 - c. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - d. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- (5) *Adult motion picture theater.* A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides, electronic media or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- (6) *Adult theater.* A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities." This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
- (7) *Escort.* A person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual and/or that individual's guests.
- (8) *Escort agency.* A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (9) *Nude model studio.* Any place where a person appears in a state of nudity or displays "specific anatomical areas," and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
- (10) *Nudity or a state of nudity.* The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
- (11) *Peep booth.* An adult motion picture theater with a viewing room or cubicle of less than 150 square feet of floor space.
- (12) *Private room.* A room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
- (13) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (14) *Sexual encounter center.* A business or commercial enterprise that as one of its primary business purposes offers a place where two or more persons may congregate, associate or consort for the purpose of "sexually explicit activities," or the exposure of "specified anatomical areas" for any form of consideration including but not limited to:
- a. Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
 - b. Activities when one or more of the persons is in a state of nudity or semi-nudity; or

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- c. Permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.
- (15) *Sexually explicit activities* includes any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - b. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
 - c. Masturbation, actual or simulated; or
 - d. An activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or
 - e. Human genitals in a state of sexual stimulation, arousal or tumescence; or
 - f. Excretory function as part of or in connection with any of the activity set forth in (15)a. through (15)e., above.
- (16) *Sexually oriented business*. An adult arcade, adult bookstore or adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web. "Sexually oriented" when used to describe film, motion picture, videocassette, slides, or other photographic reproductions shall mean film, movies, motion picture videocassette, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing "sexually explicit activities" or "specified anatomical areas" offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- (17) *Specified anatomical areas* includes any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
 - b. Human genitals in a state of sexual arousal, even if opaquely and completely covered.
- (18) *Specified criminal activity*. Sexual crimes against children, sexual abuse, criminal sexual conduct, rape, and crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business including but not limited to the distribution of obscenity, prostitution and/or pandering.
- (19) *Significant or Substantial Portion*. Fifteen percent or more of the term modified by such phrase.
- (20) *Substantial enlargement of a sexually oriented business* means the increase in floor area occupied by the business by more than 15 percent, as the floor area exists on the date of adoption of this chapter.
- (21) *Transfer of ownership or control of a sexually oriented business* means and includes any of the following:
- a. The sale, lease or sublease of the business;

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- b. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or

The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

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

Shoreline: The edge of a body of water measured at the ordinary high-water mark.

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

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

Sign: See definitions in article XXII, signs.

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

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

Small scale production establishment: An establishment where shared or individual tools, equipment, machinery are used to make or grow products on a small scale, including design, production, processing, printing, assembly, treatment, testing, repair, packaging as well as incidental storage, retail or wholesale sales and distribution of products. Included, but not limited to: vegetable farming, making of electronics, food products, prints, leather products, jewelry, clothing/apparel, metal work, furniture, glass, ceramic, and craft beverages. Small scale establishments must have an accessory use, such as retail sales, wholesale trade, and training or education.

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

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

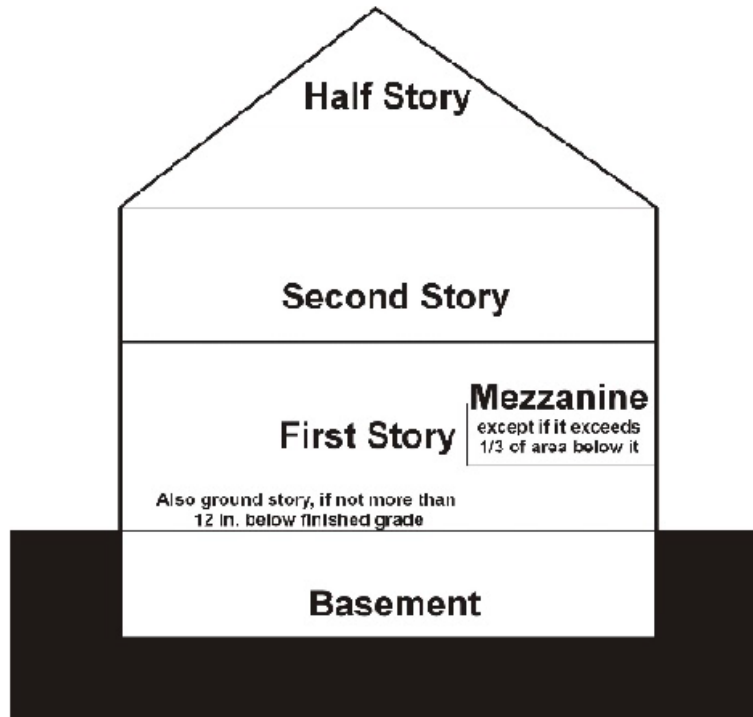
Stable, private: A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

Stable, public or commercial: A stable other than a private stable, with a capacity for more than two animals, and carried on within an unplatted tract of land of not less than 40 acres for the purposes of rearing and housing horses, mules, ponies or for riding and training academies.

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

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

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



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

- (1) **Arterial street or roadway:** A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the South Lyon area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the city master plan.
- (2) **Collector street:** A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the city master plan.
- (3) **Cul-de-sac:** A street or road that terminates in a vehicular turnaround.
- (4) **Expressways:** Limited access interregional arterial routes, including US- 23, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.
- (5) **Highways:** Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.

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- (6) *Local or minor street:* A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of 25 miles per hour or less, with numerous curb cuts and on-street parking permitted.
 - (7) *Private road:* Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the city, Oakland County, the State of Michigan or the federal government, but which meets the requirements of this chapter or has been approved as a private road by the city under any prior ordinance.
 - (8) *Public street:* Any road or portion of a road which has been dedicated to and accepted for maintenance by the city, Oakland County, State of Michigan, or the federal government.

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

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

Subdivision: A subdivision as defined in the city subdivision control ordinance.

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

Substantial improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the national register of historic places or the state inventory of historic places.

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

Supermarket: A retail establishment selling groceries, dry goods, frozen foods and similar items typically within a building of over 5,000 square feet.

Swimming pool: Any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than 24 inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

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

Temporary uses and seasonal events: Seasonal outdoor events intended for a limited duration within any zoning district. Such a temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events, and may also include temporary residential uses.

Theater: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building. ("Theater" is distinct from adult theater defined separately under adult regulated uses.)

Therapeutic massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two or more of the following requirements:

- (1) The person is a member of the current professional level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least 500 hours of training including: theory, practice and techniques of massage (minimum 300 hours); human anatomy and physiology (minimum 100 hours); and professionalism (minimum 100 hours). Instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.
- (2) The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in paragraph (1), above.
- (3) The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in (1), above.
- (4) The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

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

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

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

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

Truck terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other natural resources, are delivered for immediate distribution to other parts of the city, for delivery to other intrastate or interstate destinations, or for distribution involving transfer to other modes of transportation.

Sec. 102-341. Definitions U—V.

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

Urgent care center or emergency medical station: A facility offering immediate or emergency health care treatment and can be considered either a principal or accessory use.

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

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

Variance: A relaxation or modification of the requirements of this chapter as authorized by the ZBA under the provisions of this chapter and Act 207 of the Public Acts of 1921, as amended.

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

Sec. 102-342. Definitions W—Z.

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

Warehouse: A building used primarily for storage of goods and materials.

Well: A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and the rules promulgated pursuant thereto.

Wellhead protection area (WHPA): The area around and upgradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.

Wellhead protection overlay zone: The area outlined on the wellhead protection overlay zone map.

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

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

- (1) Contiguous to an inland lake or pond, or a river or stream.
- (2) Not contiguous to an inland lake, pond, river or stream, and more than five acres in size.
- (3) Not contiguous to an inland lake or pond, or a river or stream; and five acres or less in size if the EGLE determines that protection of the area is essential to the preservation of the natural resources of the

state from pollution, impairment, or destruction and the department has so notified the property owner.

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

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

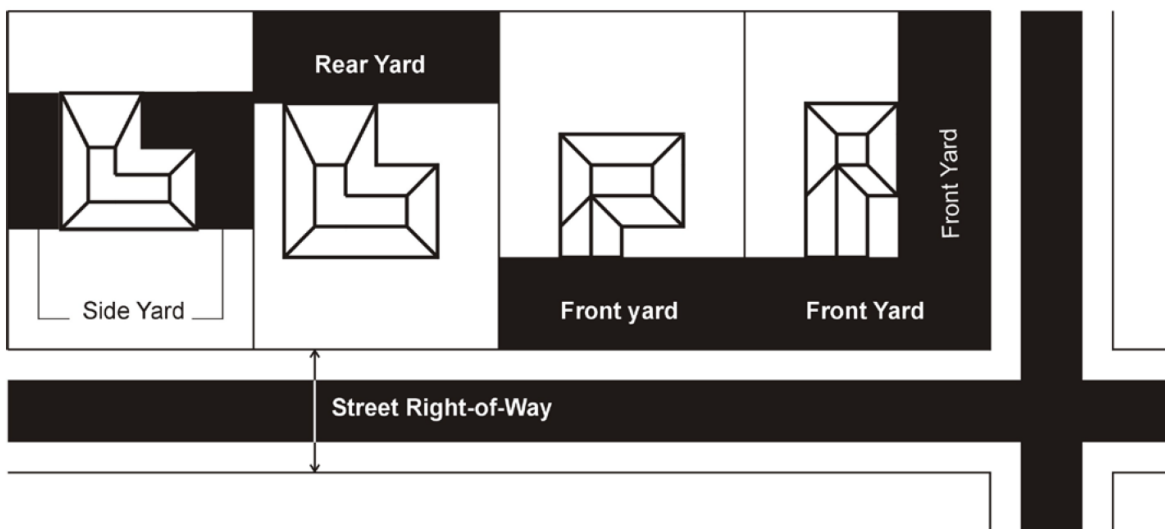
Wind energy system, medium: is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in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

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

Wireless communication facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this chapter.

Woodlot: An area of one-quarter acre or more containing eight or more trees per one-quarter acre, such trees having a four-inch or greater diameter at a four-foot height.

Yards



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

Yard, front: A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches.

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

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

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

Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006.

ZBA (ZBA): The City of South Lyon ZBA created under The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

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