

Title 18 ZONING*

Chapter 18.01 TITLE, PURPOSE AND ENACTING CLAUSE

Sections:

18.01.010 Short title.

This zoning ordinance, codified in this title, for the city of Wixom shall be known and may be cited as the "Zoning Ordinance of the City of Wixom," the "Zoning Ordinance" or "this title."

(Ord. 08-05 § 1 (part), 2008)

18.01.020 Preamble and enacting clause.

- A. The Michigan Zoning Enabling Act (Public Act 110 of 2006) establishes the right to adopt comprehensive zoning regulations, and empowers the city to enact a zoning ordinance and provides for its administration, enforcement, and amendment.
- B. The city deems it necessary for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of the residents of the city.
- C. The city has prepared and adopted a master plan designed to guide growth in a logical and orderly fashion; to control congestion on the public streets; and to provide for a well-balanced community from a physical, economic, and social standpoint.
- D. The city has been divided into districts and regulations have been prepared pertaining to such districts in accordance with the city of Wixom master plan and in consideration of the character of the districts and their unique suitability for particular uses, with a view to conserving property values and encouraging the most appropriate use of land throughout the city.

Now therefore be it ordained by the city of Wixom, Michigan that this title is declared to have been adopted by the city council of the city of Wixom, Oakland County, Michigan, at a meeting thereof, duly called and held on the 26th day of August, 2008, and it is ordered that publication be given in the manner prescribed by law and that this title be in effect fifteen days following publication.

(Ord. 08-05 § 1 (part), 2008)

18.01.030 Purpose.

The purpose of this title is to promote and safeguard the public health, safety, prosperity and general welfare of the residents and businesses of the city of Wixom through the following actions:

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- A. Create a diversified and balanced mixture of land uses that will support the economic vitality, tax base, and livability of the city.
 - B. Regulate the intensity of land development to ensure compatibility among land uses and where applicable, provide transitions between land uses to reduce the negative physical and visual impact on adjacent properties.
 - C. Provide a solid residential base that will accommodate expansion of existing neighborhoods, protect residential areas from incompatible land uses, offer a variety of housing opportunities, and support the needs of Wixom's residents.
 - D. Protect the character and stability of residential properties, nonresidential uses and public amenities within the city and promote orderly development and/or redevelopment of these areas.
 - E. Provide commercial and office uses that offer a diversity of services for different target markets that are appropriately located for convenience and safety and maximize the design potential to create aesthetic business areas in the city that reflect the intended character of the area.
 - F. Promote the development of a thriving, sustainable mixed-use downtown village center area (VCA) for Wixom that offers a walkable area for residents to live, work, and socialize, and which serves as the epicenter of the city.
 - G. Provide an organized pattern of various industrial land uses that accommodates business development, properly minimizes negative impacts such as noise and truck traffic, is located away from residential areas, and reflects a quality design image of the city.
 - H. Promote development and redevelopment of sites and buildings that fulfills the city's land use goals and enhances the desirability of the city for future development.
 - I. Protect natural resources and maintain views into open spaces.
 - J. Incorporate open space elements into the land use design in a manner that creates an interconnected, unified system and provides green space, recreation, and protects sensitive natural features.
 - K. Preserve, protect, and enhance the integrity, character, economic viability and livability of Wixom's neighborhoods.
 - L. Improve the appearance and design quality of nonresidential development in Wixom.
 - M. Create a safe, balanced, and coordinated multi-modal transportation system adequate to accommodate the current and future needs of the city of Wixom.
 - N. Preserve and improve the capacity and safety of the existing road system and mitigate direct impacts of new development where possible.

(Ord. 08-05 § 1 (part), 2008)

18.01.040 Conflicting regulations.

Whenever any provision of this title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this title, then the provisions of such ordinance shall govern.

(Ord. 08-05 § 1 (part), 2008)

18.01.050 Compliance with law.

Uses of land, buildings or structures for 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, MCL 333.26423(d):

- A. Medical marihuana activities by a registered qualifying patient as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, subject to Section 18.12.160;
- B. Medical marihuana activities, including the provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, subject to Section 18.12.160.

(Ord. No. 2014-01, § 1, 1-28-2014)

Chapter 18.02 ZONING DISTRICTS AND MAP

Sections:

18.02.010 Districts established.

For the purpose of this title, the city is divided into the following districts:

- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-4 One-Family Residential District
- RM-1 Multiple-Family Residential District
- RM-2 Multiple-Family Residential District
- MHP Manufactured Home Park District
- B-1 Local Business District
- B-2 Community Business District
- B-3 General Business District
- FS Freeway Service District
- I-S Industrial Service District
- VCA Village Center Area District
- OS-1 Office Service District
- IRO Industrial Research Office District
- M-1 Light Industrial District
- M-2 General Industrial District

The following conversion chart compares the residential zoning districts in the new zoning ordinance with the corresponding districts in the old zoning ordinance that was repealed.

New Zoning Districts	Old Zoning Districts
R-1	None
R-2	RA-1A
R-3	RA-1
R-4	RA-2
RM-1	RC-1
RM-2	RC-2

The names for the nonresidential zoning districts remain unchanged.

(Ord. 08-05 § 1 (part), 2008)

18.02.020 Official zoning map.

An official zoning map is adopted as a part of this title. The zoning map shows the boundaries of the zoning districts and the applicable zoning district that regulates each parcel of land within the city of Wixom. The city council may amend the zoning map following the procedures outlined in Chapter 18.23.

(Ord. 08-05 § 1 (part), 2008)

18.02.030 District boundaries interpreted.

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

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow the centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow the shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerline.
- F. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A through E of this section shall be so construed.
- G. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- H. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through G of this section, the zoning board of appeals shall interpret the district boundaries.

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- I. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that the district boundaries do extend to the center of any public right-of-way.

(Ord. 08-05 § 1 (part), 2008)

18.02.040 Zoning of annexed areas.

"Zoning of annexed areas" means any area annexed to the city shall, immediately upon annexation, be automatically classified as an "R-1" district, until a zoning map for the area has been adopted by the city council. Following annexation, the city council shall refer the zoning to the planning commission for review and recommendation of an appropriate zoning district in accordance with the rezoning procedures and criteria contained in Chapter 18.23.

(Ord. 08-05 § 1 (part), 2008)

18.02.050 Zoning of vacated lands.

"Zoning of vacated areas" means whenever any street, alley or other public way within the city shall be vacated, the street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

(Ord. 08-05 § 1 (part), 2008)

18.02.060 District requirements.

"District requirements" means all buildings and uses in any district shall be subject to the provisions of height and placement requirements listed for the underlying zoning districts in Chapters 18.03 Residential Districts, 18.05, Manufactured Home Park District, 18.06, Commercial Districts, 18.07, VCA Village Center Area District, 18.08, Office and Research Districts, 18.09, Industrial Districts and 18.12, General Provisions.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.03 RESIDENTIAL DISTRICTS

Sections:

18.03.010 Intent.

- A. R-1, R-2, R-3 and R-4 One-Family Residential Districts. The R-1, R-2, R-3 and R-4 one-family residential districts are intended to provide for an environment of one-family detached dwellings in a quiet neighborhood setting along with other residentially related facilities which serve the residents in the district. The districts provide for a range of low to moderate density one-family residential dwellings to meet the housing needs for various residents, and provide a range of housing prices.
- B. RM-1 and RM-2 Multiple-Family Residential Districts. The RM-1 and RM-2 multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower-density one-family districts. The multiple-family residential districts are further provided to serve the needs for various age groups, income levels and lifestyles.

- C. These residential districts are intended to achieve the following:
1. Provide for future residential development that is of a density and character that is compatible with adjoining, existing neighborhoods.
 2. Distinguish between levels of residential density in order to promote a mixture of lot sizes, neighborhood design, housing types and income levels.
 3. Ensure that new residential development possesses the important elements of a quality neighborhood such as sidewalks, street trees, access to parks and recreation, and prominent front entryways to homes.
 4. Link new neighborhoods to existing neighborhoods through connecting street and sidewalk systems that offer a consistent streetscape theme.
 5. Accommodate open space for active and passive recreation in neighborhoods.
 6. Facilitate innovative neighborhood design, open space preservation and high-quality neighborhoods.
 7. Enforce zoning, building code, and property maintenance standards to ensure that the condition of housing units does not deteriorate thereby preserving investment and maintaining the desirability of neighborhoods.

(Ord. 08-05 § 1 (part), 2008)

18.03.020 Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this title. Land and/or buildings in the districts indicated at the top of Table 3.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Chapter 18.18, Special Land Use Review Requirements and Procedures and specific standards of Section 18.03.040 are met.

NP: Not Permitted: The use is not permitted in the district.

Requirement: Provides reference to additional requirements or conditions applicable to that specific use.

**Table 3.02
Schedule of Uses**

Use	R-1	R-2	R-3	R-4	RM-1	RM-2	Requirement
Residential Uses							
One-family detached dwellings	P	P	P	P	P	P	Section 18.03.030
Two-family dwellings	NP	NP	SLU	SLU	P	P	
Townhouses/attached one-family dwellings	NP	NP	NP	NP	P	P	
Multiple-family dwellings/apartments	NP	NP	NP	NP	SLU	P	
Agricultural Uses							
Farms	P	P	P	P	P	P	

The raising and keeping of horses and other livestock	P	P	P	NP	NP	NP	Section 18.03.040(A)
Roadside stands for the sale of garden produce raised on the premises	P	P	NP	NP	NP	NP	Section 18.03.040(B)
Public and Institutional Uses							
Churches and other places of worship and other facilities normally incidental thereto, excluding "large-scale churches"	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(C)
Cemeteries which lawfully occupied land at the time of adoption of the ordinance codified in this title	P	P	P	P	P	P	
Public, parochial and other private elementary schools offering courses in general education	P	P	P	P	P	P	
Public, parochial and private intermediate or secondary schools offering courses in general education	SLU	SLU	SLU	SLU	P	P	
Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(D)
Uses and buildings of the municipality (without storage yards)	P	P	P	P	P	P	
Utility and essential public service buildings and uses (without storage yards), when operating requirements necessitate the	SLU	SLU	SLU	SLU	P	P	

locating of such building within the district in order to serve the immediate vicinity							
Recreational Uses							
Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(E)
Publicly owned and operated libraries, parks, parkways and recreational facilities	P	P	P	P	P	P	
Golf courses	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(F)
Human Care Uses							
Adult Foster Care Facilities							
Adult foster care family homes (6 or fewer adults 24 hours per day)	P	P	P	P	P	P	Section 18.03.040(G)
Adult foster care small group homes (12 or fewer adults 24 hours per day)	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(G)
Adult foster care large group homes (13 to 20 adults 24 hours per day)	NP	NP	NP	NP	P	P	Section 18.03.040(G)
Adult foster care congregate facilities (more than 20 adults 24 hours per day)	NP	NP	NP	NP	SLU	SLU	Section 18.03.040(G)
Child Care Facilities							
Foster family homes (4 or fewer children 24 hours per day)	P	P	P	P	P	P	
Foster family group homes (5 to 6 children 24 hours per day)	P	P	P	P	P	P	
Family day care homes (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	

Group day care homes (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(H)
Child care or day care centers	NP	NP	NP	NP	SLU	SLU	
Child caring institutions	NP	NP	NP	NP	SLU	SLU	
Adult day care facilities	NP	NP	NP	NP	SLU	SLU	
Adult day care homes	SLU	SLU	SLU	SLU	P	P	Section 18.03.040(I)
Senior housing (apartments, assisted living, senior independent living)	NP	NP	NP	NP	SLU	SLU	Section 18.03.040(J)
Nursing homes and convalescent homes	NP	NP	NP	NP	SLU	SLU	Section 18.03.040(J)
Hospice	NP	NP	NP	NP	SLU	SLU	
Accessory Home Business Uses							
Home occupations	P	P	P	P	P	P	Section 18.03.040(K)
Garage sales	P	P	P	P	P	P	Section 18.03.040(L)
Bed and breakfast inns	SLU	SLU	SLU	SLU	SLU	SLU	Section 18.03.040(M)

(Ord. 08-05 § 1 (part), 2008)

18.03.030 Residential dwelling units.

All one-family residential dwelling units shall be subject to building permit requirements and review by the building official based upon the following requirements:

- A. Dwelling units shall conform to all applicable city codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
- B. If the dwelling unit is a manufactured home, the manufactured home must either be: (1) new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (2) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (B)(1) of this section, and found, on inspection by the building official, to be in excellent condition and safe and fit for residential occupancy.
- C. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. The perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials,

construction and necessary foundations below the frost line. The perimeter wall shall also provide an appearance which is compatible with the dwelling and other homes in the area. Any such home shall be anchored by an anchoring system approved by the city.

- D. Dwelling units shall be provided with an exterior building width to depth and depth to width ratio that does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. All dwelling units shall have minimum width and depth dimensions of twenty feet each.
- E. Dwelling units shall have a roof with a minimum four to twelve pitch and minimum eight-inch eave, and with a gutter drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for southern Michigan. The roof pitch requirement may be waived by the building official for specific architectural styles that do not typically have pitched roofs, such as modernistic or international style buildings.
- F. The dwelling unit shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or one hundred square feet, whichever is less.
- G. Dwelling units with habitable basements, whether finished or unfinished, shall provide escape windows that meet the city building code.
- H. Bars shall not be put over windows and doors that are visible from the street.

(Ord. 08-05 § 1 (part), 2008)

18.03.040 Specific standards applicable to uses.

Uses allowed in the residential districts shall be subject to meeting the following specific requirements applicable to that use:

- A. Raising and Keeping of Horses and Other Livestock. The raising and keeping of horses and other livestock shall be permitted where there is a minimum of three acres for the first animal and one acre for each animal thereafter. The animals shall not be housed within one hundred feet of a property line of a platted subdivision lot or within one hundred feet of a dwelling on any adjoining unplatted parcel.
- B. Roadside Stands for the Sale of Garden Produce Raised on the Premises. The raising of garden produce for sale on the premises may be permitted, provided a zoning permit is obtained from the building official. Permits shall be issued for one year periods subject to yearly renewal, provided structures or buildings are properly maintained. Buildings and structures for which permits are not renewed shall be dismantled as directed by the building official. Building permits shall be issued for any structures or buildings. Buildings, structures, and displays shall not be located in the public road right-of-way.
- C. Churches and Other Places of Worship. Churches, and other similar places of worship and other facilities normally incidental thereto; provided that the uses do not meet the definition of "large-scale churches," shall be subject to the following requirements:
 - 1. Off-street parking spaces and drives or aisles shall not be located within twenty feet of the front lot line, which shall be landscaped as a greenbelt meeting the requirements of Section 18.14.020. Off-street parking spaces and drives or aisles shall not be located within twenty feet of a side or rear lot line when such lot line abuts a residential district. This minimum setback area shall be landscaped as a buffer zone meeting the requirements of Section 18.14.020.

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2. Principal buildings shall have a setback of at least fifty feet.
 3. All accessory buildings shall have a setback of at least fifty feet from any residential district unless such district is occupied by an existing use other than a dwelling.
 4. Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.
 5. There shall be no outside loudspeaker or amplified sound outside of a totally enclosed building, except for church bells, call to prayer or other similar purpose.
- D. Colleges, Universities, and other such Institutions of Higher Learning. Colleges, universities and other institutions of higher learning offering courses in general, technical or religious education, public or private, and not operated for profit, shall be permitted provided all buildings are setback a minimum of eighty feet from all lot lines.
- E. Recreational Areas, Recreation Centers and Clubs. Private noncommercial recreational areas, institutional or community recreation centers, and nonprofit swimming pool clubs shall be subject to the following requirements:
1. The site for a recreational use that is intended to serve areas beyond the immediate residential neighborhood of residents shall have at least one property line abutting a major thoroughfare as designated on the city of Wixom master plan.
 2. Front, side and rear yards shall be at least eighty feet.
 3. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may approve a reduction in the off-street parking requirements in those instances where it is specifically determined that the users will originate from the immediately adjacent areas and will, therefore, be pedestrian or other justification for reduced parking. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 4. All swimming pools shall be provided with a protective fence four feet in height and entry shall be provided by means of a controlled gate.
- F. Golf Courses. Golf courses, which may or may not be operated for profit, shall be subject to the following requirements:
1. All principal and accessory buildings shall be set back a minimum of two hundred feet from any property line abutting residentially zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the planning commission may reduce this requirement.
 2. Fairways and driving ranges shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.
 3. All swimming pools shall be provided with a protective fence four feet in height and entry shall be provided by means of a controlled gate.
- G. Adult Foster Care Facilities. A copy of the state of Michigan license shall be submitted to the city with the special land use application. A copy of the license should be predominately displayed on the premises. The licensee shall immediately notify the city of any change in, or loss of, the license.
- H. Group Day Care Homes. Group day care homes shall be subject to the following requirements:

1. An on-site drive shall be provided for drop-offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
 2. There shall be a fenced, contiguous open space with a minimum area of one thousand five hundred square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.
 3. A copy of the state of Michigan license shall be submitted to the city with the special land use application. A copy of the license should be predominately displayed on the premises. The licensee shall immediately notify the city of any change in, or loss of, the license.
- I. Adult Day Care Homes. Day care homes for elderly adults shall be subject to the following requirements:
1. Not more than twelve persons, other than the full-time occupants of the dwelling, may be cared for in any one dwelling.
 2. Certification shall be provided from the Michigan Association of Day Care Providers to ensure safety and quality of care.
 3. The facility shall not provide nursing or medical care.
- J. Senior Housing, Nursing Homes and Convalescent Homes. Independent senior housing including senior apartments and condominiums, and dependent senior housing including assisted living, nursing homes and convalescent homes for seniors, shall be subject to the following requirements:
1. Independent senior housing and senior apartments may be developed in a multiple-family or cluster housing form with full facilities for self-sufficiency in each individual unit. A community center for this overall development may be provided.
 2. Senior assisted living housing shall be developed in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 3. The following minimum requirements shall be provided for the senior housing types permitted in subsections (J)(1) and (J)(2) of this section:

Table 3.04

Senior Housing Requirements

	Independent Senior Housing/Apartments	Dependent Senior Housing
Density—same as	RM-2	RM-2
Minimum Usable Floor Area		
One bedroom	500 sq. ft.	350 sq. ft.
Two bedroom	600 sq. ft.	450 sq. ft.
Building Setbacks and Height—same as	RM-2	RM-2
Off-Street Parking		
Residents	space/unit	.5 space/unit
Guests	.25 space/unit	.25 space/unit
Maximum Percent Coverage of Site		
Buildings	30%	35%
Parking	15%	10%
Minimum Open space	60%	50%

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4. Personal service uses such as a dry cleaning pickup station, beauty shop, barbershop or similar use for the exclusive service to residents of a complex may be allowed in RM-2 and VCA districts within a housing development. In no instance shall such service use be provided with direct access to a street for the use of the public in general, it being the purpose of this provision to allow such use to only be provided as a convenience to occupants of the complex in which such service is located. No signs of any nature shall be visible from outside the building in which the use is located.
- K. Home Occupations. Home occupations shall be subject to the following requirements:
1. Home occupations that create the following conditions shall not be permitted:
 - a. Changes the outside appearance of the dwelling or is visible from the street;
 - b. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
 - c. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
 - d. Results in outside storage or display of anything including signs;
 - e. Requires the employment of anyone in the home other than the dwelling occupant;
 - f. Requires exterior building alterations to accommodate the occupation;
 - g. Occupies more than twenty-five percent of the ground floor area of the dwelling and may not occupy a detached accessory building;
 - h. Requires parking for customers that cannot be accommodated on the site and/or not exceeding one parking space at curbside on the street;
 - i. Requires the delivery of goods or the visit of customers before six a.m. and after eight p.m.
 2. The following are permitted home occupations, provided they do not violate any of the provisions of the previous paragraph:
 - a. Dressmaking, sewing and tailoring;
 - b. Painting, sculpturing or writing;
 - c. Telephone answering;
 - d. Home crafts, such as model making, rug weaving and lapidary work;
 - e. Tutoring, limited to a maximum of four students at a time;
 - f. Computer application, not including sale of computers;
 - g. Salesperson's office or home office of a professional person;
 - h. Laundering and ironing, with outdoor drying of clothing prohibited;
 - i. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - j. Barber shops, beauty shops and similar personal service establishment, limited to one operator;
 - k. Other home occupations similar to the above.

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3. Any proposed home occupation that is not specifically permitted by subsection (K)(2) of this section shall be considered a special land use and be granted or denied upon consideration of those standards contained in subsection (K)(1) of this section and under the procedures specified in Section 18.18.020.
 4. Home occupation permits shall be limited to the applicant who legally resides in the residence.
- L. Garage Sales. Garage sales or yard sales shall be permitted as an accessory use on a residential lot, provided a permit is obtained from the city and the total time of all garage sales shall not exceed fourteen days within a calendar year.
- M. Bed and Breakfast Inns. Bed and breakfasts shall be subject to the following requirements:
1. Bed and breakfast operations as a subordinate use to one-family dwelling units are subject to city licensing provisions.
 2. Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
 3. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
 4. Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
 5. The dwelling shall have not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
 6. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
 7. Approved smoke detectors/alarms shall be provided in individual sleeping units and in common hallways.
 8. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
 9. An approved fire extinguisher in the common hallway accessible to all occupants.
 10. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
 11. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number, and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.
 12. An unlit sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign, except in the VCA district, where the sign must be a wall sign.
 13. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case the applicant shall submit an analysis of parking required and parking provided within a three-hundred-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.

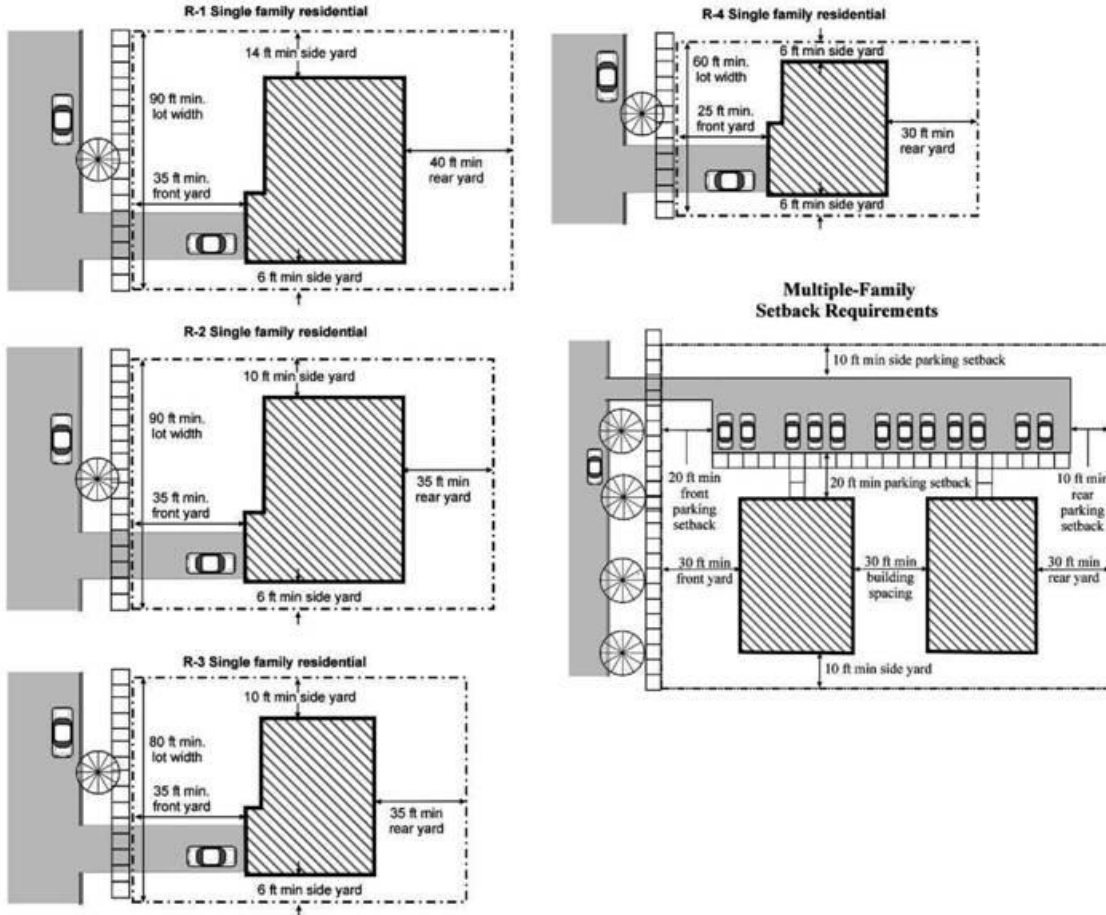
(Ord. 08-05 § 1 (part), 2008)

18.03.050 Height and placement requirements.

Table 3.05 delineates the height, bulk, and setback requirements pertaining to the zoning districts regulated by this chapter. Notes to the schedule of regulations follow.

**Table 3.05
Schedule of Residential Regulations**

Zoning District	Minimum Zoning Lot Size per Unit		Maximum Height of Structure		Minimum Yard Setback (In Feet) (E, F)			Minimum Floor Area per Unit (Sq. Ft.)		Maximum % of Lot Area Covered By Buildings
	Lot Area Per Unit (Sq. Ft.) (A, B, C)	Lot Width (Feet)	In Stories	In Feet	Front (G)	Side (Each/ Total)	Rear (H)	Total Floor Area	Ground Floor Area	
R-1 one-family residential	20,000 (D)	90 (D)	2	30	35	6/20	40	1,400	700	25%
R-2 one-family residential	15,000 (D)	90 (D)	2	30	35	6/16	35	1,400	700	30%
R-3 one-family residential	12,500 (D)	80 (D)	2	30	35	6/16	35	1,150	600	30%
R-4 one-family residential	7,200 (D)	60 (D)	2	30	25	6/12 (I)	30	960	600	30%
RM-1 multiple-family residential	3,200	—	2	30	30 (J)	10/20 (J)	30 (J)	500 (K)	—	30%
RM-2 multiple-family residential	2,400	—	3	40	30 (J)	10/20 (J)	30 (J)	500 (K)	—	30%



- A. Density. Maximum density shall be based upon the number of units per net buildable acre of the site. The following factors shall be utilized in determining the net buildable area of the site:
- B. Condominium Developments. One-family detached condominiums in condominium subdivisions shall meet all minimum requirements and standards of the district in which such dwellings are to be constructed, including minimum floor area requirements. Where condominiums are developed without individual site condominium lots, the number of dwelling units per gross acre shall not exceed the following:
- C. Recreational Area. Areas and facilities for recreation purposes shall be provided as follows:

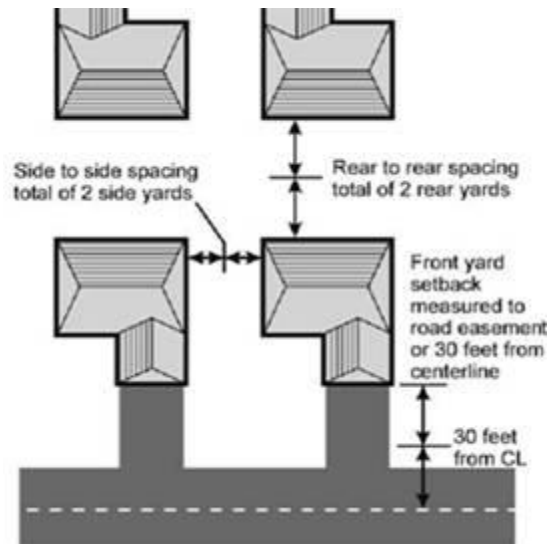
Table 03.05.B

Required Recreational Area

Development Size (in dwelling units)	Number of Recreation Sites	Minimum Improvements
Up to 100 units	1	Playground equipment, picnic facilities
101 to 200 units	Min. 1 Max. 2	Playground equipment, picnic facilities, tennis courts or active recreation facility

201 to 400 units	2	Playground equipment, picnic facilities, pathways, tennis court, field sports area or active recreation areas
401 to 600 units	Min. 2 Max. 3	Two playground equipment areas, picnic facilities, pathways, at least two tennis courts, clubhouse and/or swimming pool, field sports area
Over 600 units	Min. 2 Max 4 plus 1 additional area for each 300 units in excess of 600 units	Three playground equipment areas, picnic facilities, pathways, at least three tennis courts, swimming pool and clubhouse, field sports area

2. The planning commission, in its review of the site plan, may modify recreational improvement requirements in those instances where it can be shown that equally appropriate recreation facilities are to be provided in place of specific improvements designated in Table 3.05.B.
 3. The homeowners association or development owner shall be responsible for the maintenance of the recreational facilities.
- D. Open Space Plan. See Section 18.03.070 regarding flexibility allowances.
- E. Institutional and Recreational Building Setbacks. For all uses permitted other than residential, the setback shall equal the height of the main building or the setback required in this section, whichever is the greater.
- F. Condominium Setbacks. Where condominiums are developed without individual site condominium lots, the minimum yard setbacks shall be measured as the combined total of the setbacks between adjacent units.
1. The spacing between sides of units shall be the total of both side yard setbacks combined.
 2. The spacing between two back-to-back units shall be the total of both rear yard setbacks combined.
 3. The front yard setback shall be measured from the road right-of-way or easement. With a private road that does not have a minimum sixty-foot wide easement, the front yard setback shall be measured from the sidewalk along the street. Where sidewalks are not present, the setback shall be measured from a distance of thirty feet from the centerline of the street.



- G. Corner Lot Front Yard Setback. There shall be maintained a required front yard setback on each street side of a corner lot. No accessory building shall project beyond the front yard line on either street. All regulations applicable to a front yard shall apply to both front yards of a corner lot. Both frontages shall be designed as front facades with windows or utilize side entry garages.
- H. Stream Setback. All structures shall be a minimum of twenty feet from each side of Norton Creek and any other stream or established county drain unless a greater setback is required in this chapter.
- I. R-4 Setbacks. Any new principal dwelling built after the effective date of the ordinance codified in this title shall provide a six-foot side yard setback. Existing dwellings with five-foot side yard setbacks shall be permitted to continue, provided any additions shall be setback six feet from the side lot line.
- J. Multiple-Family Building Setbacks. The setback requirements indicated in Table 3.05 shall be measured from the perimeter of the overall site or development. Parking lots shall be set back a minimum of twenty feet from the front lot line and ten feet from the side, and rear lot lines. Setbacks internal to the site shall be as follows:
- K. Multiple-Family Storage Areas. All multiple-family dwelling units shall contain utility storage capability for such things as bicycles, sports equipment, barbecues, etc., in a basement located under the dwelling unit, in an attic area, in the living areas, not including clothing closet or in an accessory structure of standard construction similar to or of better quality than the principal dwelling. Such storage area shall be equal to ten percent of the square footage of the dwelling unit or one hundred square feet, whichever is less. An enclosed garage may be utilized to achieve this requirement.

(Ord. 08-05 § 1 (part), 2008)

18.03.060 Development requirements.

- A. Improvements. All residential developments, including one-family subdivisions, condominiums and multiple-family, shall be provided with improvements for streets and utilities as provided in the city's subdivision regulations contained in Title 16 and in the ordinance establishing engineering design standards for subdivisions and project improvements.
- B. Site Plans. Site plans shall be submitted as provided for in Chapter 18.17, Site Plan Review Requirements and Procedures.

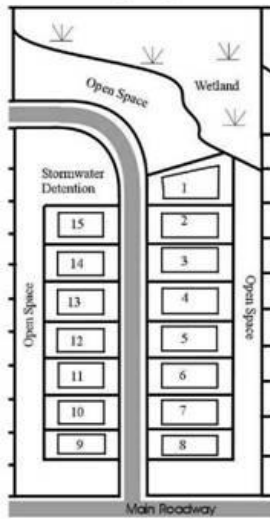
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- C. Access. All access to the site shall be in accordance with Section 18.15.050.
 - D. Utilities. Assurance shall be given that adequate utility services necessary to the development of the entire property will be provided. Utilities shall be located along the rear of the lot, except where the building official determines that utilities may not be located in the rear yard. Where utilities must be located in the front or side yard, landscape screening shall be provided for utility boxes. Any new utility lines shall be installed underground.

(Ord. 08-05 § 1 (part), 2008)

18.03.070 Clustered open space development.

- A. Intent. The intent of the clustered open space development is to promote the following objectives:
 - 1. Provide for moderate density development of residential areas and thereby assist an overall city effort to provide for efficiency of city services, a reduction of transportation needs, and to provide a more desirable living environment by preserving the natural character of open fields, stands of trees, streams, wetlands, hills and similar natural assets.
 - 2. Encourage a more creative approach in the development of residential areas.
 - 3. Assure the permanent preservation of natural, social, cultural and/or historic resources.
 - 4. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the property owner to preserve natural features on the site.
 - 5. Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- B. Eligibility Criteria. To be eligible for clustered open space development consideration, the applicant must present a proposal for a residential development that meets all of the following:
 - 1. A clustered open space development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the city. The benefits can be provided through site design elements in excess of the requirements of this chapter, such as extensive landscaping, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares or lakes, buffering development from wetlands and provision of buffers from adjacent residential.
 - 2. The site shall preserve significant natural features such as woodlands, significant views, natural drainage ways, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the city to preserve and which might be negatively impacted by conventional residential development.
 - 3. The clustered open space development shall be designed to create a cohesive neighborhood through a network of spaces such as parks and common open space areas for recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
 - 4. The site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 - 5. The clustered open space development shall be consistent with and further the implementation of the city of Wixom master plan.

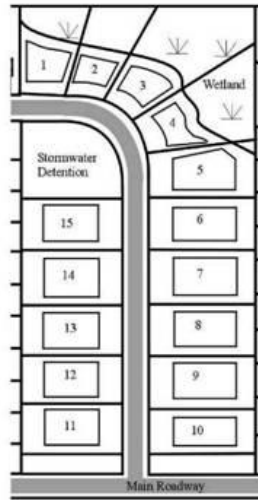
Clustered Open Space Plan



C. Density.

1. Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision with the underlying zoning district, meeting all applicable city zoning and subdivision requirements. Lots on the parallel plan shall meet the dimensional requirements required by Section 18.03.050, except in the R-1 district, the parallel plan shall be based upon eighteen thousand square foot lots. The parallel plan shall be submitted with the clustered open space development that contains all information required for a preliminary plat. The city shall review the design and determine the number of lots that could be feasibly constructed with a conventional subdivision. This number shall be the maximum number of dwelling units allowable for the open space cluster development.
2. The city council shall have the discretion to grant a density bonus of up to twenty-five percent, based upon the recommendation of the planning commission, for projects that meet the following requirements:
 - a. The amount of open space and usable recreational land provided is at least fifty percent more than the minimum requirement (i.e., thirty percent of the site must be open space and fifteen percent of the site must be usable recreation area).
 - b. The project will create a walkable neighborhood with a continuous pedestrian circulation system that links all areas of the development, links the development to other destinations in the surrounding area and is designed to facilitate a variety of transportation choices by providing alternatives to automobile travel.
 - c. The project takes advantage of compact design through clustering of development into a walkable scale neighborhood.
 - d. The development will preserve significant open space and natural features.

Parallel Plan
Showing Conventional Subdivision



- D. Dimensional Standards. All lots shall comply with the dimensional standards of the underlying zoning district, provided the lot area and width may be reduced in order to preserve a minimum of twenty percent of the total net site area as common open space (thirty percent with a density bonus) meeting the requirements of subsection F of this section.
1. All setback and other dimensional standards of Section 18.03.050 for the underlying zoning district shall be complied with. The site plan shall clearly illustrate the building envelopes for the dwellings and potential decks in accordance with Section 18.13.030. The planning commission may allow a reduction in setbacks for yards adjoining open space or to allow for clustering of dwelling units.
 2. The attaching of one-family dwelling units, one to another, may be permitted when the homes are attached by means of a common party side wall.
 - a. No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four.
 - b. Each unit shall have individual entrances.
 - c. The units shall meet all other setback requirements of the underlying zoning.
 - d. The spacing between the sides of groups of buildings shall be equal or greater than the combined total of two side yards required by Section 18.03.050.
 3. The zoning board of appeals shall have no authority to grant variances to a clustered open space development site plan or any conditions placed by the city council. The zoning board of appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances following final approval of the clustered open space development, provided such variance does not contradict the requirements of this section or any conditions placed on the approval of the clustered open space development.
- E. Subdivision Requirements. The layout of the clustered open space development shall comply with the requirements of the subdivision regulations of the city (codified in Title 16). The site shall provide for interconnection of roads and the future integration of circulation between adjacent sites. All landscaping and nonmotorized pathway requirements of Chapter 18.14, General Site Development Requirements shall be met.

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- F. Open Space. A minimum of twenty percent of the total site area (thirty percent with a density bonus) shall be preserved as common open space for recreation or conservation and shall be exclusive of residential lots, road rights-of-way, stormwater detention ponds, required greenbelts, minimum building setbacks or other improvements. The open space shall be arranged on the site to meet all of the following requirements, provided the planning commission may modify these standards where it is demonstrated that additional natural features will be preserved elsewhere on the site:
1. At least one-half of the minimum required open space area, shall be usable upland that shall be improved to provide active or passive recreational use. Open bodies of water such as lakes, rivers, streams and ponds over five acres shall not be included in open space area calculations, but wetlands may be used to satisfy up to one-half of the minimum required open space area.
 2. All wetlands and streams shall be preserved as open space.
 3. Open space shall be located to minimize removal of woodlands.
 4. A twenty-five-foot open space setback shall be provided from all floodplains, wetlands and streams.
 5. Open space will be designed to include recreational trails, picnic areas, parks and greenways. The planning commission may permit recreational buildings within the open space. Golf courses may be permitted, provided the area of the golf course may not be used to satisfy the twenty percent minimum open space requirement.
 6. Access shall be provided to areas dedicated for open space for those lots not bordering on such open space by means of streets or pedestrian access ways.
- G. Open Space Protection. The dedicated open space shall be set aside by the developer through an irrevocable conveyance in a form approved by the city, such as: recorded deed restrictions, covenants that run in perpetuity with the land, or conservation easements. The conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use.
1. Where deed restrictions are utilized for the protection of open space, the restrictions applicable to the open space shall not be amended. Final approval by the city council shall not be granted until the deed restrictions protecting the open space are recorded with the Oakland County Register of Deeds and copies are filed with the city.
 2. A preservation and maintenance plan for the open space shall be submitted with the final preliminary plat or final condominium plan and shall include mechanisms for the long-term funding of open space preservation. The city may require performance guarantees or other funding mechanisms to ensure long-term maintenance of open space. Measures for protection of open space shall be put in place prior to issuance of any building permits.
 3. Signs shall be posted by the developer delineating protected wetlands and conservation areas.
- H. Approval Process.
1. Tentative Preliminary Plat or Site Plan.
 - a. A tentative preliminary plat or site plan shall be submitted for review and recommendation by the planning commission and approval by the city council.
 - b. The tentative preliminary plat or site plan shall include all information as required in the city subdivision regulations, codified in Title 16, for a tentative preliminary plat, plus the following additional information:
 - i. An aerial photograph of the entire site and all areas within one hundred fifty feet of the site, taken not more than one year prior to the date of the application.

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- ii. A second parallel development plan that shows the number of dwelling units that could be developed on the site with a conventional subdivision for the purpose of determining base density.
 - iii. Location and definition of function of both developed and undeveloped open spaces. Layout of recreational facilities shall be included on developed open spaces.
 - iv. Outline and depiction of major wooded areas and wetlands, and description of the means to be employed to preserve them.
 - v. Total site acreage and percent of total project in various uses, including developed and preserved open space.
 - vi. Total site density and density of detached and attached dwellings and percent of ground area covered by buildings.
 - vii. A table of the required modifications or deviations to the regulations which are otherwise applicable to the site.
 - c. The planning commission shall conduct a public hearing on the tentative preliminary plat or site plan. The planning commission shall review the plan and make a recommendation for approval or denial to the city council. Notice of the public hearing shall be in accordance with Section 18.21.110.
 - d. If the proposal meets the requirements of this title and the subdivision regulations of the city (codified in Title 16), the planning commission shall recommend approval of the tentative preliminary plat or site plan to the city council along with any conditions upon which approval should be based. If the proposal does not meet the requirements of this title, or the planning commission finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, the planning commission shall recommend denial to the city council along with the reasons therefore in the minutes of the planning commission. Notice of recommendation of approval or disapproval of the proposal together with copies of all layouts and other relevant information shall be forwarded to the city clerk.
 - e. The city council shall review the action of the planning commission together with relevant material submitted by the applicant. The city council may take action to approve or disapprove the tentative preliminary open space plan or may refer such plan back to the planning commission with direction for further review. The city council may also take concurrent action on any tentative preliminary plat or tentative preliminary condominium plan.
 2. Reasonable conditions may be required with approval of a clustered open space development for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the city of Wixom master plan.
 3. Final Preliminary Plat or Site Plan.
 - a. After approval of a tentative preliminary plat or site plan, the final preliminary plat or site plan shall be submitted for planning commission review and recommendation to the city council. The following shall be submitted for planning commission review and recommendation to the city council:
 - i. The final preliminary open space cluster development shall meet all requirements of the plan that was tentatively approved and meet all requirements for a final preliminary plat in the subdivision regulations of the city (codified in Title 16).

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- ii. Copies of all necessary county and state approvals shall also be submitted to the city.
 - iii. Copies of draft conservation easements, deed restrictions, protective covenants, master deeds, bylaws or other legal mechanisms to protect open space areas shall be submitted with the final preliminary plan.
 - iv. Copies of all easement documents in recordable form, as specified by the city.
- b. If the final preliminary plat or site plan is recommended for approval by the planning commission, the plan shall be submitted to the city attorney for the preparation of agreements setting forth the conditions upon which the approval is based, the applicant's acceptance of the conditions and long-term maintenance of the open space. The agreement shall be finalized and approved by the city council prior to city council approval of the final preliminary site plan.
 - c. As a condition for the approval of the final preliminary clustered open space plan, the applicant shall deposit a performance guarantee in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the city. Performance guarantees shall be placed in escrow and returned to the applicant upon satisfactory completion of work, as specified in Section 18.21.100.
 - d. Detailed construction plans shall be submitted to the city for engineering review and approval prior to commencement of any construction or site grading.
 - e. Actual development of the open space shall be carried out concurrently with the construction of other improvements to serve the dwelling units. The city will require landscape improvement for the entire site frontage where such site abuts public streets as an initial site improvement even though such frontage is not part of an early stage of project development. The developer shall also be responsible for landscaping the right-of-way to the road curb along the site frontage. Development of the open space and installation of all the required landscaping must be completed prior to issuance of the final certificate of occupancy for the project.
4. Final Approvals. Final approvals shall follow procedures for approval of final plats or final condominiums, as applicable. In the case of a subdivision plat, final plats shall be submitted for approval by the city council in accordance with the subdivision regulations of the city (codified in Title 16). In the case of a condominium, final condominium as-built plans and Exhibit B drawings shall be submitted for approval by the city council in accordance with Section 18.17.070, condominium developments. The open space improvements shall be completed prior to final certificates of occupancy being granted for more than fifty percent of the dwelling units.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.04 GATEWAY PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

18.04.010 Intent.

The Gateway Planned Unit Development (GPUD) District is intended to allow a mixture of land uses permitted in specified zoning districts arranged according to an approved planned unit development plan and development agreement, meeting the standards of this chapter. The GPUD standards permit flexibility in the regulation of land development; encourage innovation in land use, form of ownership (such as a condominium), and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land; create aesthetically pleasing architectural features and public spaces; promote efficient provision of public

services and utilities; minimize adverse traffic impacts; provide better employment and service opportunities particularly suited to residents of the city; encourage development of convenient recreational facilities; and 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.

The standards are intended to accommodate redevelopment on the former Ford Wixom Plant site, which is an entryway into the community and designated as gateway property in the City of Wixom Master Plan. The GPUD 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. To encourage higher quality development, these standards may allow the city to relax or waive one or more of the dimensional requirements of the specified zoning districts. The GPUD also allows the developer the opportunity to mix compatible uses on a single property to achieve a more efficient use of the land than might otherwise be possible through an individual zoning classification.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.015 Definitions.

"Final GPUD plan" means the final site plan approved by the planning commission for each phase of development for the former Ford Wixom Plant site.

"Gateway Planned Unit Development (GPUD)" means the zoning district established for the former Ford Wixom Plant site at the northwest corner of I-96 and Wixom Road.

"GPUD development agreement" means the Gateway Planned Unit Development Agreement that is submitted with the preliminary GPUD plan and details the conditions of development approval along with any specific requirements such as timing of improvements, phasing, duration of approvals, financial guarantees, etc.

"Preliminary GPUD plan" means the preliminary site plan that is recommended by the planning commission and approved by city council to regulate the overall use of land for the former Ford Wixom plant site.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.020 Permitted uses.

The only property that qualifies for the Gateway GPUD District designation is the former Ford Wixom Plant site, as identified in the City of Wixom Master Plan as a mixed use property. The following principal uses are permitted in the GPUD District when the locations are in conformance with an approved preliminary GPUD plan:

- A. OS-1, B-1, B-2, B-3 and I-S. All business, service, professional offices, and other commercial uses, or any combination of these uses, listed as permitted uses in these zoning districts shall be permitted.
- B. IRO, M-1 and M-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 these zoning districts shall be permitted.
- C. Other uses. In addition to the above uses, other business, service and office uses may be permitted, if determined by the planning commission to meet the following:
 1. Be compatible with other proposed GPUD and surrounding uses and in conformance with the intent of the preliminary GPUD plan.
 2. The proposed use can be accommodated by the road network and will not create traffic conditions negatively impacting the remainder of the development.

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3. The proposed use would improve the mix of uses and not detract from development goals in other areas of the city.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.030 Special land uses.

All uses listed as special land uses in the above designated districts are considered as special land uses within the GPUD District.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.040 Qualifying condition.

The only property that qualifies for the GPUD zoning designation is the former Ford Wixom Plant site, as identified in the City of Wixom Master Plan as a mixed use property.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.045 Development and design standards.

Proposed development under the GPUD must meet the following minimum development and design standards:

- A. Availability and Capacity of Public Services. The proposed type and density of uses(s) shall ensure adequate availability of public services, public facilities and utility capacities.
- B. Phased Development. Each phase of the development must be capable of meeting the requirements of the ordinance including road network, with the use of T-turnarounds and stub street connections, utilities and availability of public services. Each phase upon completion must be capable of standing on its own with respect to these required improvements.
- C. Design Standards. Proposed development of the site must, at a minimum, meet the design standards that are adopted as a separate document by resolution of the city council. Such document shall include, but not be limited to, provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.050 Dimensional requirements.

- A. Base Zoning Regulations. Unless modified by the planning commission, according to the GPUD standards, all zoning ordinance requirements for the zoning districts designated on the preliminary GPUD plan shall remain in full force, except as modified by this chapter.
- B. Regulatory Flexibility. To encourage flexibility and creativity, the planning commission may grant specific modifications 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 a higher quality development that meets the intent of this section and provides a more efficient use of land and 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

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conventional zoning standards. Higher quality development that would be approved in exchange for a modification would include enhanced building design (e.g. higher quality materials, improved design), increased landscaping, additional site amenities (e.g. fountains, seating areas, gazebos), enhanced infrastructure, etc. Regulatory modifications are not subject to variance approval of the zoning board of appeals.

- 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, or other zoning ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this GPUD 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 chapter and the City of Wixom Master Plan shall be considered.

(Ord. No. 2012-04 , § 11-13-2012)

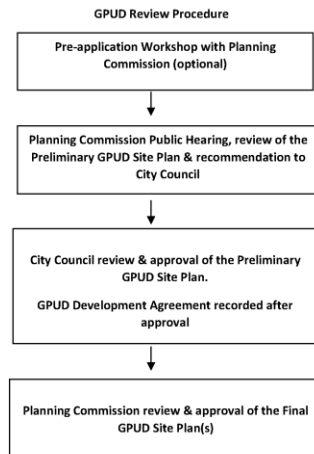
18.04.060 Application and review procedure for preliminary and final GPUD site plan.

The application process for a GPUD involves a two-step process, with an optional planning commission workshop, that includes review of a preliminary site plan by both the planning commission and city council. Upon approval of the preliminary GPUD plan, a final GPUD site plan shall be reviewed by the planning commission. The procedures are described below.

- A. The applicant shall meet with city staff to review the GPUD 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 details of the GPUD 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.
- B. The applicant shall submit the preliminary GPUD site plan, meeting the requirements of Section 18.04.070, at least thirty days prior to the meeting at which the Planning Commission shall first review the request; twenty-one days for an applicant who has had a pre-application workshop on the proposal within sixty days of the preliminary GPUD site plan submittal.
- C. The planning commission shall review the preliminary GPUD site plan and conduct a public hearing in accordance with Section 18.21.110. During this review, the administration and/or planning commission may request additional materials supporting the GPUD proposal, or recommend modifications or conditions based on the standards of 18.04.080. Examples of additional information include, but are not limited to, a traffic study, environmental study, market analysis, community impact statement, etc. The planning commission shall then make a recommendation on the preliminary GPUD 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.
- D. Following receipt of the planning commission recommendations, the city council shall take final action and either approve, deny or approve with conditions the preliminary GPUD site plan.
- E. Any conditions imposed upon the approval of the preliminary GPUD site plan by the city council shall be made part of the approval and shall be reflected in the final GPUD site plan.
- F. The city attorney shall prepare a draft GPUD development agreement stating the conditions upon which the GPUD is based, which shall be submitted to the city council for approval concurrent with the preliminary GPUD plan. The GPUD agreement will be finalized during final GPUD approval, and 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 GPUD development agreement.

- G. Approval of the preliminary GPUD site plan shall be effective for a period of two years. If a final GPUD site plan for at least the first phase of the project is not submitted and approved, permits issued and construction initiated within two years of the preliminary approval, the preliminary GPUD site plan shall terminate and a new application must then be filed and processed. The two-year period for preliminary GPUD approval may be extended for not more than one (1) year, if applied for by the petitioner prior to expiration and granted by the city council, based upon a recommendation by the planning commission. To be considered for an extension, the applicant must demonstrate that the applicant has been working diligently toward construction of the project, but has been unable to begin construction within the two year time period for reasons beyond the applicant's control, such as a change in the economy, environmental cleanup issues, etc.
- H. If the approved preliminary GPUD site plan indicated that the proposed development was to occur in phases, final GPUD site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to ensure protection of the health, safety, and welfare of the users of the GPUD and 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 GPUD site plans outlined in this chapter.



- I. For multi-phased plans, the preliminary GPUD plan shall remain in effect for a period of five years and the applicant has the right to request a five-year extension if economic conditions dictate the need for said extension.
- J. The applicant shall submit the final GPUD site plan, as described in Section 18.04.090, for all or any phase of, the approved preliminary GPUD site plan. Upon submission of all required materials and fees, the planning commission shall review the final GPUD site plan and shall take final action on the final GPUD site plan, in accordance with the standards and regulations of this chapter. The planning commission may request additional studies or materials that it deems necessary to render a decision.
- K. If the final GPUD site plan was approved with conditions, the applicant shall submit a revised final GPUD site plan to the building official for approval prior to the issuance of any building permits.

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- L. The applicant shall reimburse the city for all costs related to the review of the GPUD application, including the preparation of the GPUD development agreement by the city attorney.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.070 Preliminary GPUD site plan submittal requirements.

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

- A. 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.
- B. Written Documentation. Written documentation that the preliminary GPUD site plan meets the standards of Section 18.04.040.
- C. Application Form and Fees. A completed application form, supplied by the building official, and an application/review fee; a separate escrow deposit, to be kept current throughout the review process, shall be required for administrative and consulting charges to review the GPUD submittal.
- D. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four inches by thirty-six inches, with graphics at an engineer's scale of one inch equals twenty feet for sites of twenty acres or less; and one inch equals one hundred feet or less (i.e. one inch equals twenty to one hundred feet) for sites over twenty acres.
- E. Cover Sheet. Cover sheet providing:
 - 1. Applicant's name.
 - 2. Name of the development.
 - 3. Preparer's name and professional seal of architect, engineer, surveyor, and landscape architect as applicable indicating license in the State of Michigan.
 - 4. Date of preparation and any revisions.
 - 5. Complete and current legal description and size of property in acres.
 - 6. Small location sketch of the subject site and area within one-half mile, and scale.
 - 7. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the GPUD site.
 - 8. The applicant may be required to submit additional studies requested by the administration, the planning commission, or the city council to aid in a decision on the preliminary site plan. These additional studies may include, but are not limited to, traffic studies, environmental studies, community impact studies, market need analysis, etc.
- F. Final GPUD Site Plan Submittal Requirements. A site plan sheet indicating:
 - 1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ 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.
 - 2. Existing and proposed topography at five foot contour intervals, and a general description of grades within one hundred feet of the site.

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3. An aerial photograph of the entire site and all areas within one-half mile of the site, taken not more than one year prior to the date of the GPUD application.
 4. 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.
 5. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed.
 6. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use.
 7. General engineering information for utilities and drainage.
 8. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 9. Size, type, and location of proposed identification signs.
 10. North arrow.
 11. Property lines and dimensions.
 12. Lot lines and all structures on the property and within one hundred feet of the GPUD property lines.
 13. Location of any vehicle access points on both sides of the street within one hundred feet of the GPUD site along streets where vehicle access to the GPUD is proposed.
 14. The applicant may be required to submit additional studies requested by the administration, the planning commission, or the city council to aid in a decision on the final site plan. These additional studies may include, but are not limited to, traffic studies, environmental studies, community impact studies, market need analysis, etc.
- G. GPUD Development Agreement. A draft written GPUD development agreement specifying all the terms and understandings of the GPUD development must be submitted with the preliminary GPUD plan. The agreement shall be prepared by the city attorney (at the applicant's expense), the content of which shall be based on the extent of the proposed development, but shall at a minimum provide the following:
1. A survey of the acreage comprising the proposed development.
 2. The manner of ownership of the developed land.
 3. The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.
 4. Land use description including list of proposed uses, lot dimensions, setbacks and other dimensional standards.
 5. Description of improvements to common areas, recreational facilities and non-motorized pathways.
 6. 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.

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7. Provision assuring that open space areas shown on the plan for use by the public or owners 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.
 8. 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.
 9. Provisions to ensure adequate protection of natural features.
 10. Financial assurances to guaranty the completion of all improvements.
 11. 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.
 12. The preliminary GPUD site plan shall be incorporated by reference and attached as an exhibit, including conditions attached to the approval.
- H. GPUD Design Guidelines. A written draft of GPUD design guidelines specific to the GPUD shall be submitted and approved as a part of the review process
- I. 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 GPUD 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.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.080 Preliminary GPUD 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 GPUD site plan.

- A. The GPUD shall meet the qualifying conditions of Section 18.04.040.
- B. The GPUD must be consistent with the City of Wixom Master Plan.
- C. 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 designated zoning districts alone or that of any other zoning district.
- D. Any modifications to the dimensional standards of this chapter, 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 city council.
- E. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Chapter 18.15. However, where warranted by overlapping or shared parking arrangements, the city council may reduce the required number of parking spaces in accordance with Section 18.15.010.G.

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- F. All streets and parking areas within the GPUD shall meet the minimum construction and other requirements of city ordinances, unless modified by city council.
 - G. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - H. 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 Section 18.14.020.
 - I. Judicious effort shall be used to preserve significant natural features and the integrity of the land, including MDEQ regulated and nonregulated wetlands.
 - J. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
 - K. Building design shall be of a high quality and be consistent with or exceed the standards of Section 18.14.010.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.090 Final GPUD site plan submittal requirements.

The final GPUD site plan shall include all the following information, unless the building official determines that some of the required information is not reasonably necessary for the consideration of the GPUD:

- A. All information required for site plan submittal in accordance with Section 18.17.030.
- B. Any additional graphics or written materials requested by the planning commission to assist in determining the impacts of the proposed GPUD 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.
- C. The final GPUD application shall also note and include any variations to the dimensional standards of this chapter, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.100 Final GPUD site plan standards for approval.

The planning commission shall use the standards for approval of Section 18.17.040, and any design requirements developed specifically for the GPUD by the city council, in reviewing the final GPUD site plan. Any additional modifications to dimensional requirements under Section 18.04.080 may be approved by the planning commission when meeting the intent of this chapter.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.110 Deviations from approved final GPUD site plan.

- A. Deviations and amendments from the approved final GPUD site plan and associated design guidelines shall be reviewed and approved in accordance with Section 18.17.090.

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- B. Amendments to the approved site plan may occur only under the following circumstances:
1. An applicant or property owner who has been granted final GPUD site plan approval shall notify the building official of any proposed amendment to such approved site plan.
 2. Minor changes may be approved by the Wixom building official. The building official 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 chapter, nor any specified conditions of the plan as agreed upon by the planning commission. Examples of minor changes include, but are not limited to, the following:
 - a. Change in size of structures by up to five percent.
 - b. Change in square footage of non-residential buildings by up to five percent or one thousand 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 open space or "areas not to be disturbed."
 - f. Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the building official.
 - 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 building official.
 - i. Changes in floor plans which do not alter the character of the use.
 - j. Slight modification of sign placement or reduction of size.
 - k. Relocation of sidewalks and/or refuse storage stations.
 - l. Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent or alter access locations or design.
 - m. Changes required or requested by the city for safety reasons.
 3. Should the building official determine that the requested modification to the approved site plan is not minor, a revised final GPUD site plan submission must be submitted for planning commission review and possible approval. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified. Any change in use from the approved preliminary GPUD site plan must be reviewed and approved by the planning commission to determine if it meets the intent of the originally approved plan.
 4. Should the planning commission determine that the modifications to the final GPUD site plan significantly alter the intent of the preliminary GPUD site plan, a new submittal illustrating the modification shall be required and must be approved by the city council as a new preliminary GPUD site plan.

(Ord. No. 2012-04 , § 11-13-2012)

18.04.120 Appeals and variances.

Appeals and variances related to a GPUD cannot be taken to the zoning board of appeals. 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 GPUD, as identified in Section 18.04.010.

(Ord. No. 2012-04 , § 11-13-2012)

Chapter 18.05 MANUFACTURED HOME PARK DISTRICT

Sections:

18.05.010 Intent.

The purpose of the MHP manufactured home park district is to give recognition to the fact that manufactured homes can provide satisfactory living conditions provided certain minimum standards are maintained. Manufactured home parks may possess site development, use and density characteristics and private drive systems similar to multiple-family residential development. The following regulations shall apply in the MHP district and no building, structure or premises, except as otherwise provided in this title, shall be erected, altered or used except for one or more of the following specified uses.

(Ord. 08-05 § 1 (part), 2008)

18.05.020 Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this title. Land and/or buildings in the districts indicated at the top of Table 5.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Chapter 18.18, Special Land Use Review Requirements and Procedures and specific standards of Section 18.05.030 are met.

NP: Not Permitted: The use is not permitted in the district.

"Requirement" provides reference to additional requirements or conditions applicable to that specific use.

Table 5.02
Schedule of Uses

Use	MHP	Requirement
Residential Uses		
One-family detached dwellings	P	Section 18.03.030
Manufactured homes	P	
Manufactured Home Park Uses		
One office building to be used exclusively for conducting the	P	

business operation of the manufactured home park		
Utility buildings for laundry facilities and auxiliary storage space for manufactured home tenants	P	
New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer and/or broker. This shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale. The selling of new and/or used manufactured homes as a commercial operation to be moved to other locations is prohibited.	P	
Use	MHP	Requirement
New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer and/or broker. This shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale. The selling of new and/or used manufactured homes as a commercial operation to be moved to other locations is prohibited.	P	
Public and Institutional Uses		
Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity	SLU	
Recreational Uses		
Community buildings for use by the tenants of the manufactured home	P	

park as well as recreation areas and playgrounds		
Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs	SLU	Section 18.03.040(E)
Human Care Uses		
Adult foster care family home (6 or fewer adults 24 hours per day)	P	Section 18.03.040(G)
Foster family home (4 or fewer children 24 hours per day)	P	
Foster family group home (5 to 6 children 24 hours per day)	P	
Family day care home (6 or fewer children less than 24 hours per day)	P	
Accessory Home Business Uses		
Home occupation	P	Section 18.03.040(L)

(Ord. 08-05 § 1 (part), 2008)

18.05.030 Location requirements.

- A. Access to any manufactured home park shall be to a major thoroughfare and not a local residential street. It is the intent to avoid higher-density traffic movements through existing or planned one-family developments. An emergency means of ingress and egress to a manufactured home park, not used for general access, may be permitted to other than a major thoroughfare.
- B. Manufactured home parks shall not be permitted on parcels of less than fifteen acres in area.

(Ord. 08-05 § 1 (part), 2008)

18.05.040 Required conditions.

- A. The proposed site plan for the manufactured home park shall be submitted to the planning commission for its review and approval. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the city. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the state manufactured home commission for their consideration in reviewing the proposed manufactured home park plans.
- B. All manufactured home park development shall further comply with Act 419 of the Public Acts of 1976, as adopted. Act 419 of the Public Acts of 1976 as amended shall supersede any requirements of the ordinance where this title may provide more restrictive standards.
- C. Manufactured home parks shall provide land for open space use by residents of the park. These areas shall be so located and arranged that they functionally serve the residents to be served and meet or exceed manufactured home commission rules, as adopted.

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- D. The outside storage of household effects, other than normal patio furniture, etc., is prohibited. The storage of recreational vehicles, e.g., boats, campers, trailers, motor homes, snowmobiles on manufactured home sites and/or required parking spaces for longer than forty-eight hours is also prohibited.
 - E. The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured home park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured home development is specifically prohibited except in a designated storage area. The storage area shall be screened by privacy fence six feet in height around its perimeter.
 - F. All utility connections shall comply with state and local codes.
 - G. The manufactured home park shall provide street trees at a rate of one tree per individual manufactured home site and the greenbelts and buffer zones required by Section 18.14.020.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.06 COMMERCIAL DISTRICTS

Sections:

18.06.010 Intent.

- A. B-1 Local Business District. The B-1 local business district is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The uses permitted in this district must be compatible with and not adversely affect nearby residential uses.
- B. B-2 Community Business District. The B-2 community business district is designed to cater to the needs of a larger consumer population than is served by the local business district, including nearby residential areas and other neighborhoods in the community. These uses are generally characterized by an integrated or planned cluster of establishments served by common parking areas and generating larger volumes of vehicular and pedestrian traffic.
- C. B-3 General Business District. The B-3 general business district is designed to cater to the needs of a larger consumer population, including the overall community, other surrounding communities and passerby traffic. The large size and variety of permitted commercial uses typically generates significant volumes of vehicular traffic. General business uses require a large area devoted to off-street parking and loading, and generally tend to create problems of congestion, noise and impact to surrounding uses. This district provides sites for more diversified business types and is often located so as to serve the passerby traffic. These uses need to be located in areas that have the transportation infrastructure to serve these intensive uses, with convenient access to regional transportation.
- D. FS Freeway Service District. The FS freeway service district is designed to provide for servicing the needs of automobile highway traffic at the intersections of arterial roads and at the I-96 interchange. The avoidance of undue congestion on arterial roads, the promotion of smooth traffic flow at the interchange area and on I-96, and the protection of adjacent properties in other zones from adverse influences are prime considerations in the application of this district.
- E. I-S Industrial Service District. The I-S industrial service district is designed to include uses which provide services to the city's industrial facilities and to provide services to employees at convenient locations along Wixom Road in close proximity to places of employment. It is not the intent of this district to provide for citywide shopping or service needs that are more suitably located in office or business districts. The I-S

district locations are to be in accordance with the city of Wixom master plan and are to be located central to the industrial complexes they are intended to serve.

(Ord. 08-05 § 1 (part), 2008)

18.06.020 Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this title. Land and/or buildings in the districts indicated at the top of Table 6.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Chapter 18.18, Special Land Use Review Requirements and Procedures and specific standards of Section 18.06.040 are met.

NP: Not Permitted: The use is not permitted in the district.

"Requirement" provides reference to additional requirements or conditions applicable to that specific use.

**Table 6.02
Schedule of Uses**

Use		B-1	B-2	B-3	FS	I-S	Requirement
Retail Businesses							
Retail businesses and shopping centers	Uses up to 60,000 square feet gross floor area	P	P	P	P	NP	
	Uses 60,000 square feet of gross floor area or more	NP	NP	SLU	SLU	NP	
Drive through service accessory to a permitted retail business, other than restaurants		SLU	SLU	SLU	SLU	NP	Section 18.06.040(A)
Outdoor display and sales accessory to a permitted retail business, such as nurseries and home improvement items		NP	SLU	P	NP	NP	Section 18.06.040(B)
Consignment shops		NP	NP	SLU	NP	NP	
Pawnshops		NP	NP	SLU	NP	NP	Chapter 18.10

Precious metal and gem dealers	NP	NP	SLU	NP	NP	Chapter 18.10
Restaurants and Bars						
Standard sit-down restaurants and taverns	P	P	P	P	SLU	
Restaurants and taverns with outdoor seating	SLU	SLU	P	P	NP	
Restaurants with open front windows	SLU	SLU	P	P	NP	
Carry-out restaurants	P	P	P	P	P	
Drive-in restaurants	NP	NP	P	P	NP	
Drive-through restaurants	NP	NP	P	P	P	Section 18.06.040(A)
Cocktail lounges/night clubs	NP	SLU	P	P	NP	
Banquet halls	NP	NP	P	P	NP	
Service Uses						
Dry cleaning establishments or pick-up stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited	P	P	P	NP	P	
Hotels and motels	NP	NP	SLU	P	NP	
Funeral homes and mortuary establishments	P	P	P	NP	NP	Section 18.06.040(C)
Personal service establishment including barber shops, beauty shops and health salons	P	P	P	NP	P	
Pet grooming and training with no boarding	NP	P	P	NP	NP	
Self-service laundry establishments	NP	NP	P	NP	NP	
Service establishments of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an	P	P	P	NP	NP	

establishment doing home appliance/electronic repair, photographic reproduction, and similar service establishments that require a retail adjunct						
Small engine and equipment repair for lawn mowers, snow blowers and other home maintenance equipment	NP	NP	SLU	NP	NP	Section 18.06.040(D)
Tattoo parlors	NP	NP	SLU	NP	NP	Section 18.06.040(F)
Tool and equipment rental, which may include outdoor storage, but excluding vehicle rentals	NP	NP	SLU	NP	NP	
Vehicle Related Uses						
Automobile washes	NP	NP	SLU	P	NP	Section 18.06.040(G)
Automobile rental	NP	NP	P	NP	P	
Automobile sales or showrooms	NP	NP	P	P	NP	
Gasoline service stations	NP	SLU	SLU	P	NP	Section 18.06.040(G)
Minor automotive repair businesses such as muffler shops, shock absorber replacement shops, tire stores and minor engine repair shops	NP	NP	SLU	SLU	NP	Section 18.06.040(I)
Motorcycle, snowmobile and ATV sales or showrooms	NP	NP	P	NP	NP	
Recreational vehicle, boat and mobile home sales	NP	NP	SLU	NP	NP	
Office, Financial, Medical and Human Care Uses						
Offices for executive, administrative, professional, accounting, brokerage, insurance, writing, clerical, drafting and sales uses	P	P	P	P	P	

Banks, credit unions, savings and loan associations with or without drive-through facilities as an accessory use only	P	P	P	NP	P	
Business services such as mailing, copying, data processing and retail office supplies	NP	P	P	NP	P	
Data processing and computer centers, including service and maintenance of electronic data processing equipment	NP	NP	P	NP	P	
24-hour emergency medical clinics	NP	P	P	P	P	
Hospitals	NP	NP	P	P	NP	
Medical offices and dental offices and clinics	P	P	P	NP	NP	
Nursing homes and convalescent homes	P	P	P	NP	NP	Section 18.06.040(J)
Day care centers for children or the elderly	P	P	P	NP	P	Section 18.06.040(E)
Veterinary clinics, not including animal boarding	NP	P	P	NP	NP	
Accessory retail uses customarily related to another permitted medical use, such as but not limited to: a pharmacy, stores limited to corrective garments or bandages, or optical services	P	P	P	P	NP	
Institutional, Governmental and Quasi-Public						
Business schools and colleges or private schools operated for profit	NP	NP	P	NP	P	
Churches and other places of worship, excluding "large-scale churches"	P	P	P	NP	NP	
Large-scale institutional uses,	SLU	SLU	SLU	NP	NP	Section 18.06.040(K)

churches and other places of worship with a seating capacity of 1,500 people or more or parking for 500 vehicles or more						
Publicly owned utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and water and sewage pumping stations (without storage yards)	P	P	P	P	P	
Recreational and Entertainment Uses						
Adult regulated uses/sexually oriented businesses	NP	NP	SLU	NP	NP	Chapter 18.10
Amusement arcades which provide space for patrons to engage in playing of mechanical amusement devices or similar activities	NP	NP	SLU	NP	NP	Section 18.06.040(L)
Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor soccer facilities, indoor skating rinks or similar forms of indoor commercial recreation	NP	SLU	P	NP	P	
Fortune tellers and palm readers	NP	NP	SLU	NP	NP	
Health clubs and related uses including gyms, martial arts instruction, gymnasiums	SLU	SLU	P	NP	SLU	
Social clubs	SLU	SLU	SLU	NP	SLU	Section 18.06.040(M)
Theaters, assembly halls, concert halls or similar places of assembly	NP	P	P	NP	SLU	Accessory Uses
Accessory structures and uses customarily incident to the above	P	P	P	P	P	

permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use						
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(Ord. 08-05 § 1 (part), 2008)

18.06.030 Requirements applicable to all uses.

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

- A. 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.
- B. 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.
- C. Site and Building Design. All sites and buildings shall comply with the building, landscaping and all other design requirements of Chapter 18.14, General Site Development Requirements. All uses shall comply with the parking, loading and access requirements of Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.

(Ord. 08-05 § 1 (part), 2008)

18.06.040 Standards applicable to specific uses.

Uses allowed in the commercial districts shall be subject to meeting the following specific requirements applicable to that use:

- A. Drive-Through. Drive-through business shall be subject to the following:
 - 1. The drive-through facility must be attached to the structure.
 - 2. The drive-through lane shall be a minimum of ten feet wide. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
 - 3. Each drive-through facility shall provide a bypass lane to allow other vehicles to pass those waiting to be served.
 - 4. There shall be a minimum of five stacking spaces, except drive-through restaurants shall provide a minimum of ten stacking spaces. Stacking spaces shall not include the space at the service window.
 - 5. The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from a public or private roadway. The drive-through window and menu board speaker shall not face an adjacent residential district.
- B. Outdoor Display and Sales. Outdoor display and sales uses shall be subject to the following:
 - 1. The outdoor display and sales shall be accessory to a principal permitted retail use with a building on the site.

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2. All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property. The planning commission may approve a gravel surface for all or part of the display or storage area for low intensity activities, such as landscaping sales, upon a finding that neighboring properties and the environment will not be negatively impacted.
 3. No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located.
 4. The planning commission may require additional landscaping, screening or ornamental fencing where necessary to screen views from the street or an adjacent residential area.
 5. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- C. Funeral Homes. Funeral homes and mortuary establishments shall be subject to the following:
1. Adequate off-street assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to any required off-street parking area.
 2. A caretaker's residence may be provided within the building of mortuary establishments.
- D. Engine and Equipment Repair. Small engine and equipment repair for lawn mowers, snow blowers and other home maintenance equipment shall be subject to the following:
1. Outdoor storage of parts or materials shall not be permitted.
 2. Areas for off-street parking required for customer use shall not be utilized for the storage of equipment awaiting repair.
 3. All vehicle or equipment servicing and repair shall be conducted within a building.
 4. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
 5. This use shall not involve the repair of motor vehicles, which is regulated separately.
- E. Day Care Centers. Day care centers for children shall be subject to the following:
1. The facility shall have received a state license to operate prior to seeking a special use permit under this title. A copy of the license must be filed with the building department as a condition of special land use approval.
 2. Not less than four hundred square feet of outdoor play area per child, (as authorized by the license issued to the applicant by the state of Michigan Department of Human Services,) shall be provided on the site.
 3. Screening and fencing of the outdoor play area shall be provided as required by the planning commission.
 4. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross streets or block traffic flow on the street.
- F. Tattoo Parlors. Tattoo parlors shall be subject to the following:
1. The site shall not be within three hundred feet of a residential district;
 2. The use shall not operate after ten p.m.
- G. Automobile Washes. Automobile washes shall be subject to the following:

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1. All buildings shall have a front yard setback of not less than fifty feet;
 2. All washing facilities shall be within a building;
 3. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than twenty feet from any residential district;
 4. All cars required to wait for access to the facilities shall be provided stacking space that is off the street right-of-way and does not conflict with required parking meeting the requirements of Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.
- H. Gasoline Service Stations. Gasoline service stations shall be subject to the following:
1. Driveway access shall be in accordance with Section 18.15.050.
 2. Gasoline pumps and overhead canopies may be located within a yard adjacent to a street, provided that the canopy has a minimum setback of ten feet.
 3. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise.
 4. All restroom doors shall be accessed from inside the building.
 5. The design and materials of the canopy and support columns shall be compatible with the main building. The canopy clearance shall be a minimum of fourteen feet and shall be noted on the site plan.
 6. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the planning commission and considered part of the maximum wall sign permitted.
 7. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property, and that lighting levels are in accordance with Section 18.14.040. Canopy lighting shall be recessed such that the light source cannot be seen from off site.
 8. The applicant shall submit a pollution incidence protection plan (PIPP) as part of the site plan. 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.
 9. Minor automobile repair must also meet the requirements of subsection H of this section.
- I. Minor Automotive Repair. Minor automotive repair businesses such as muffler shops, oil change, shock absorber replacement shops, tire stores, undercoating shops and minor engine repair shops shall be subject to the following:
1. Outdoor storage of parts or materials shall be prohibited.
 2. Vehicles shall not be allowed to be stored outside the building for more than forty-eight hours unless awaiting repair for which a work order, signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. The maximum number of vehicles stored outdoors for more than forty-eight hours shall be three vehicles for every one service bay. The area to be used for vehicle storage shall be shown on the site plan.
 3. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
 4. All vehicle servicing or repair shall be conducted within an enclosed building.

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5. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view. Used tire storage shall be limited to twenty-five tires and all tires shall be stored inside a building.
- J. Nursing Homes and Convalescent Homes. Nursing homes and convalescent homes shall be set back a minimum of forty feet from all lot lines.
- K. Large-Scale Institutional Uses, Churches and Other Places of Worship. Large-scale institutional uses, churches and other places of worship with a seating capacity of one thousand five hundred people or more or parking for five hundred vehicles or more shall be subject to the following:
1. The site shall have at least one hundred fifty feet of frontage on a major thoroughfare as designated on the master plan with an existing or planned right-of-way of not less than one hundred twenty feet. All access to the site shall be from major thoroughfares.
 2. All buildings shall have a setback a minimum of fifty feet from any lot line in an abutting one-family residential district, unless such abutting lot is occupied by an existing institutional use other than a dwelling unit.
 3. All structures and parking and loading areas shall be set back a minimum of twenty feet from a side or rear lot line when such lot line abuts a one-family residential district. The minimum setback area shall be landscaped as a greenbelt and shall include a five-foot high wall or berm.
 4. Adequate site space to allow for expansion shall be provided without causing an impact on the residential neighborhood.
 5. Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.
 6. There shall be no outside loudspeaker or amplified sound outside of a totally enclosed building. This restriction does not apply to church bells, call to prayer or other similar purpose.
 7. Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.
- L. Amusement Arcades. Amusement arcades which provide space for patrons to engage in playing of mechanical amusement devices or similar activities shall be subject to the following:
1. Locations for any such establishment shall be confined to county primary streets and shall have the entrance to both the business and parking area for such establishment on the county primary street. Access from a side or residential street shall be prohibited.
 2. The provisions of Chapter 5.16 of the Municipal Code shall be complied with and shall be reflected on the site for the proposed use.
- M. Social Clubs. Social clubs shall be subject to the following:
1. The facility shall be located no nearer than five hundred feet to any residence, park, public or private school, day care facility, convalescent/nursing home or church;
 2. The outdoor use of loudspeakers, sound amplifying systems or paging systems shall be prohibited;
 3. Appropriate licenses shall be required should alcoholic beverages be served.

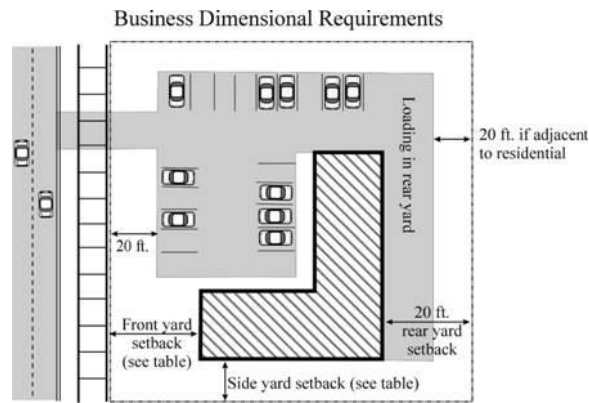
(Ord. 08-05 § 1 (part), 2008)

18.06.050 Height and placement requirements.

Table 6.05 delineates the height, bulk, and setback requirements pertaining to the zoning districts regulated by this chapter. Notes to the schedule of regulations follow:

**Table 6.05
Schedule of Commercial Regulations**

Zoning District	Maximum Height of Structure		Minimum Yard Setback (In Feet) (C, E, G, H)			Maximum % of Lot Area Covered by Impervious Surfaces (I)
	In Stories	In Feet	Front (A, B)	Each Side (C)	Rear (F)	
B-1 Local Business	2	30	20	15	20	75%
B-2 Community Business	2	30	20	(D)	20	75%
B-3 General Business	4	60	30	(D)	20	75%
FS Freeway Service	4	60	50 (J)	20	20	75%
I-S Industrial Service	2	30	30	(D)	20	75%



- A. **Corner Lot Front Yard Setback.** There shall be maintained a required front yard setback on each street side of a corner lot. No accessory building shall project beyond the front yard line on either street.
- B. **Off-Street Parking in the Front Yard.** Off-street parking may be permitted to occupy a portion of the required front yard provided that there is a minimum unobstructed and landscaped setback of twenty feet between the parking lot and the front lot line, exclusive of access driveways.
- C. **Off-Street Parking in the Side and Rear Yard.** Off-street parking and loading areas shall be set back a minimum of ten feet from the side or rear lot line, except where a greater landscape buffer is required by Section 18.14.020. Where shared access or service drive connections are provided between adjacent sites, the parking lot

setback can be reduced or waived. Where a lot borders on a residential district a minimum setback of twenty feet shall be provided on the side bordering the residential district.

- D. Side Yard Setbacks. No side yards are required along the interior side lot lines of the district adjoining another lot in the business district, with the provision of a fire rated wall as specified in the building code. If side walls of structures contain windows, doors or other openings, a minimum side yard of ten feet shall be provided.
- E. Building Setback from Residential. No building shall be closer than fifty feet to any adjacent residential district.
- F. Rear Yard Loading. Loading space shall be provided in the rear yard in accordance with Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements. Loading areas shall be set back a minimum of twenty feet from any adjacent residentially zoned lot.
- G. Freeway Setback. A minimum fifty-foot setback shall be provided from freeway rights-of-way. The setback shall be unoccupied except for earth berms, screening walls and landscaping. Landscaping shall be provided in accordance with Section 18.14.020 and shall be installed to provide an effective screening of outdoor sales areas and to screen any service or loading area of any building from the freeway.
- H. Stream Setback. All structures shall be a minimum of twenty feet from each side of Norton Creek and any other stream or established county drain unless a greater setback is required in this chapter.
- I. Lot Coverage. All site improvements, such as buildings, accessory structures, parking lots, drives, public streets and private roads, shall not cover more than seventy-five percent of the total lot area. Total lot area shall be the gross area, including wetland and woodland areas.
- J. South Wixom Road Setback. Minimum one hundred eighty-foot building and one-hundred-foot parking lot setbacks shall be provided from the centerline of Wixom Road on the east side of Wixom Road between Grand River Avenue and I-96. Minimum one-hundred-thirty-foot building and one-hundred-foot parking lot setbacks shall be provided from the centerline of Wixom Road on the west side of Wixom Road between Grand River Avenue and I-96.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.07 VILLAGE CENTER AREA DISTRICT

Sections:

18.07.010 Intent.

This district is intended to allow for the development of a fully integrated, mixed use, pedestrian-oriented village center area (VCA), as designated on the zoning map. The intent of the VCA district is to minimize traffic congestion, infrastructure costs and environmental degradation by promoting a compact, mixed use, pedestrian-friendly community following smart growth principles. Provisions for the VCA district support traditional neighborhood design principles, which are historically based on urban development from the early colonial times to the 1940s, including, but not limited to:

- A. Residential neighborhoods, which are interconnected to all development by roadways and pedestrian ways, with an emphasis on making the entire area a more walkable community.
- B. Housing types and uses that are mixed and developed in close proximity to one another.
- C. Civic buildings and civic squares, which provide places of assembly for social activities, in prominent locations that act as landmarks, symbols and focal points for community identity.

- D. Recreation and open space, which is provided throughout the VCA district, with neighborhood greens, landscaped streets, boulevards and parkways woven into roadway and block patterns for the purpose of providing adequate space for social activity, parks and visual enjoyment.
- E. The location of dwellings, shops and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel within the community.
- F. Preservation of open space and natural areas.

(Ord. 08-05 § 1 (part), 2008)

18.07.020 Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this title. Land and/or buildings in the district indicated at the top of Table 7.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Chapter 18.18, Special Land Use Review Requirements and Procedures and specific standards of Section 18.07.040 are met.

NP: Not Permitted: The use is not permitted in the district.

"Requirement." provides reference to additional requirements or conditions applicable to that specific use.

Table 7.02
Schedule of Uses

Use	VCA	Requirement
Residential		
One-family detached dwellings	P	
One-family attached dwellings or townhouses	P	
Two-family dwellings or duplexes	P	
Attached townhouse dwellings	P	
Multiple-family dwellings	P	
Senior apartments and senior independent living	P	Section 18.03.040(J)
Live-work units	P	
Dwellings within mixed-use buildings	P	Section 18.07.040(A)
Dwellings and workshop space above garages, provided use of workshop is limited to hobby or permitted home occupation.	P	
Home occupations	P	Section 18.03.040(L)
Retail Businesses		
Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware	Uses up to 60,000 square feet net floor area	P
	Uses 60,000 square feet of net floor area or more	SLU

Drive through service accessory to a permitted retail business, excluding restaurants	SLU	Section 18.07.040(B)
Open-air business, outdoor display and sales accessory to a permitted retail business, such as nurseries and home improvement items	SLU	Section 18.07.040(C)
Restaurants and Bars		
Standard sit-down restaurants and taverns without drive-through service	SLU	Section 18.07.040(D)
Restaurants and taverns with outdoor seating	SLU	Section 18.07.040(D) Section 18.07.040(E)
Restaurants with open front windows	SLU	Section 18.07.040(D)
Carry-out restaurants	SLU	Section 18.07.040(D)
Cocktail lounge/night club (not including adult regulated)	SLU	Section 18.07.040(D)
Banquet halls	SLU	Section 18.07.040(D)
Service Uses		
Service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing home appliance/electronic repair, photographic reproduction, and similar service establishments that require a retail adjunct	P	
Dry cleaning establishments or pick-up stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited	P	
Hotels	P	
Bed and breakfast Inns	P	Section 18.03.040(M)
Funeral homes and mortuary establishments	SLU	Section 18.07.040(F)
Personal service establishment including barber shops, beauty shops and health salons	P	
Pet grooming and training with no boarding	SLU	
Office, Financial, Medical and Human Care Uses		
Offices for executive, administrative, professional, accounting, brokerage, insurance, writing, clerical, drafting and sales uses	P	
Banks, credit unions, savings and loan associations with or without drive-through facilities as an accessory use only	P	
Business services such as mailing, copying, data processing and retail office supplies	P	
Conference and meeting facilities	P	
24-hour emergency medical clinics	SLU	
Medical office and dental offices and clinics	P	
Day care centers for children	SLU	Section 18.07.040(G)
Adult day care homes	SLU	Section 18.07.040(H)
Nursing homes and convalescent homes	SLU	Section 18.03.040(J)
Veterinary clinics, not including animal boarding	SLU	

Institutional, Governmental and Quasi-Public		
Public, parochial and other private secondary and elementary schools	P	
Business schools and colleges or other similar private schools operated for profit	P	
Churches and other places of worship and other facilities normally incidental thereto, excluding "large-scale churches"	P	
Civic buildings, libraries, parks and civic squares, which provide places of assembly for social activities, in prominent locations that act as landmarks, symbols and focal points for community identity	P	
Governmental offices or other governmental uses, post offices, public utility offices, exchanges and transformer stations	P	
Publicly owned utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and, water and sewage pumping stations (without storage yards)	P	
Recreational Uses		
Amusement arcades which provide space for patrons to engage in playing of mechanical amusement devices or similar activities	SLU	Section 18.07.040(I)
Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor soccer facilities, indoor skating rinks or similar forms of indoor commercial recreation up to 60,000 square feet gross floor area	P	
Health clubs and related uses including gyms, martial arts instruction, gymnasiums up to 60,000 square feet gross floor area	SLU	
Public or private noncommercial recreational areas, institutional or community recreation centers and swimming pool clubs	P	
Social clubs	SLU	Section 18.07.040(J)
Theaters, assembly halls, concert halls or similar places of assembly with seating capacity up to 1,500 people or parking for not more than 500 vehicles	P	

(Ord. 08-05 § 1 (part), 2008)

18.07.030 Requirements applicable to all uses.

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

- A. 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.

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- B. 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.

(Ord. 08-05 § 1 (part), 2008)

18.07.040 Standards applicable to specific uses.

Uses allowed in the VCA district shall be subject to meeting the following specific requirements applicable to that use:

- A. Dwellings Within Mixed-Use Buildings. Dwellings within mixed use buildings that also contain space for commercial or office shall be subject to the following conditions:
 - 1. No dwelling units shall occupy any portion of a commercial or office building at ground level or below ground level. A commercial or office business may occupy any number of the total floors.
 - 2. In those instances where a residential use is proposed to occupy the same floor as an office or commercial business, the planning commission shall review and approve the mixed-use floor based on findings related to the compatibility of the residential use and the office or commercial business. These findings may include, but are not limited to:
 - a. Compatible hours of operation;
 - b. Noise or odors of the operation or occupancy that would be detrimental to the office or commercial business operation, or vice versa;
 - c. Excessive foot traffic.
 - 3. Each dwelling unit shall have a minimum floor area of not less than six hundred square feet.
 - 4. Off-street parking shall be provided in accordance with Section 18.15.010 and shall be located in areas within one thousand feet of the dwelling unit for which parking is provided.
- B. Drive-Through. Drive-through business shall be subject to the following:
 - 1. The drive-through facility shall be located on and attached to the rear elevation of the building to minimize visibility from a public or private roadway.
 - 2. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
 - 3. Each drive-through facility shall provide a bypass lane to allow other vehicles to pass those waiting to be served.
 - 4. There shall be a minimum of five stacking spaces.
- C. Open-Air Business. Open-air business uses shall be subject to the following:
 - 1. The outdoor display and sales shall be accessory to a principal permitted retail use with a building on the site.
 - 2. All outdoor display and sales areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property.
 - 3. Any approved outdoor sales or display within a parking lot shall meet the required parking lot setback; provided the planning commission may require additional landscaping, screening or ornamental fencing.

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4. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- D. Restaurants. Restaurants shall be designed to minimize any impact from noise and odors on nearby residential uses. This may include limiting hours of operation, noise insulation, enclosed storage of waste receptacles and ventilation filters. Outdoor restaurants and cafes shall also be subject to the requirements of subsection E of this section.
- E. Outdoor Restaurants and Cafes. Outdoor restaurants and cafes shall be subject to the following requirements, in addition to subsection D of this section:
1. An outdoor restaurant or cafe may be set up and used during the months of April through October.
 2. A site drawing showing a detailed plan of the outdoor restaurant or cafe 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 cafe is immediately adjacent to the applicant restaurant, provided that the cafe 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 cafe allows a minimum pedestrian walkway of five feet.
 - c. Any tables, chairs, umbrellas or other equipment shall not extend into or over the five-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 cafe, 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.
 3. The outdoor restaurant or cafe 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.
 4. Liability insurance and property damage coverage, naming the city of Wixom as an insured party, in an amount approved by the city, must be provided before an outdoor restaurant or cafe may be set up.
 5. Final approval by the appropriate city department is required for any seating placed within the public right-of-way.
- F. Funeral Homes. Funeral homes and mortuary establishments shall be subject to the following:
1. Adequate off-street assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to any required off-street parking area.
 2. A caretaker's residence may be provided within the building of mortuary establishments.
- G. Day Care Centers. Day care centers for children shall be subject to the following:
1. The facility shall have received a state license to operate prior to seeking a special use permit under this title. A copy of the license must be filed with the building department as a condition of special land use approval.

2. Not less than four hundred square feet of outdoor play area per child, (as authorized by the license issued to the applicant by the Department of Human Services), shall be provided on the site.
 3. The outdoor play area shall not be located in the front yard.
 4. Screening and fencing of the outdoor play area shall be provided as required by the planning commission.
 5. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross streets.
- H. Adult Day Care Homes. Day care homes for elderly adults shall be subject to the following conditions:
1. No more than six persons, other than full-time occupants of the dwelling, may be cared for in any one dwelling.
 2. Certification shall be provided from the Michigan Association of Day Care Providers to ensure safety and quality of care.
 3. Day care facilities shall not provide nursing or medical care.
- I. Amusement Arcades. Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical amusement devices or similar activities shall be subject to the following:
1. Locations for any such establishment shall be confined to county primary streets and shall have the entrance to both the business and parking area for such establishment on the county primary street. Access from a side or residential street shall be prohibited.
 2. The provisions of Chapter 5.16 of the Municipal Code shall be complied with and shall be reflected on the site for the proposed use.
- J. Social Clubs. Social clubs shall be subject to the following:
1. The facility shall be located no nearer than five hundred feet to any residence, public or private school, day care facility or church;
 2. The outdoor use of loudspeakers, sound amplifying systems or paging systems shall be prohibited;
 3. Appropriate licenses shall be required should alcoholic beverages be served.

(Ord. 08-05 § 1 (part), 2008)

18.07.050 Height and placement requirements.

Table 7.05 delineates the height, bulk, and setback requirements pertaining to the type of building. Notes to the schedule of regulations follow.

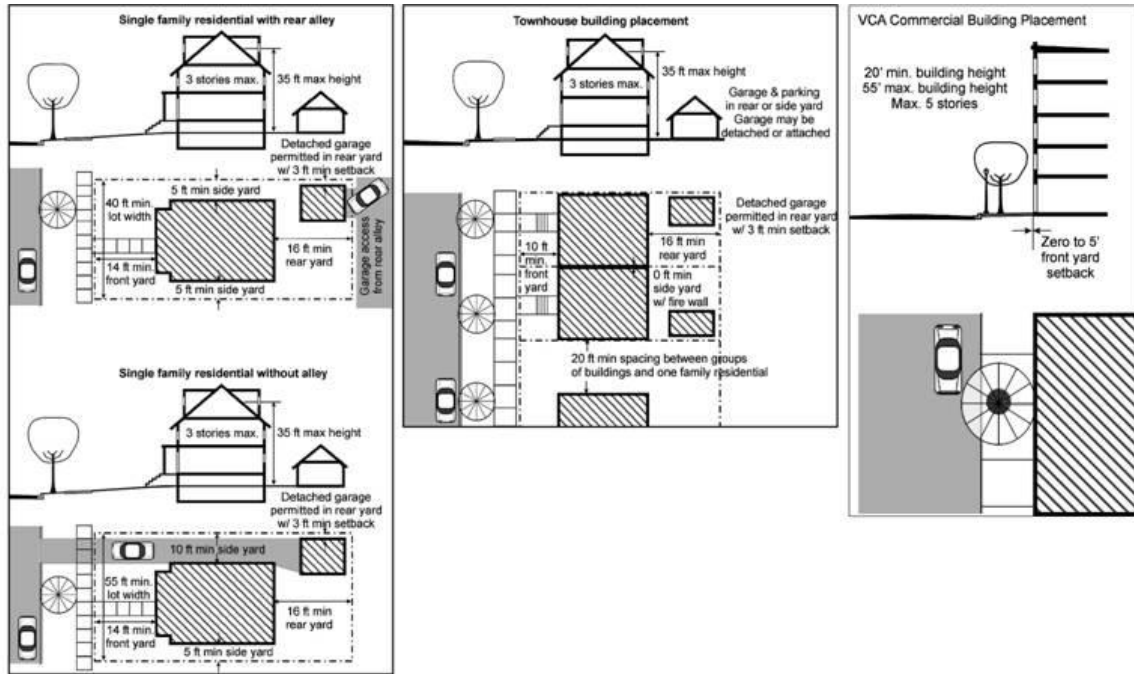
Table 7.05
Schedule of VCA Regulations

	One/Two-Family Residential Dwellings	Attached Townhouse Dwellings	Mixed-Use, Apartment and Nonresidential Buildings
Lot area	5,000 sq. ft. minimum lot area	3,600 sq. ft. min. for lots with rear alley	There is no required min. lot area

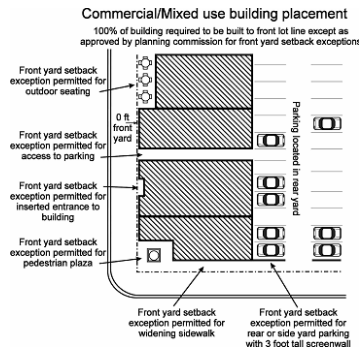
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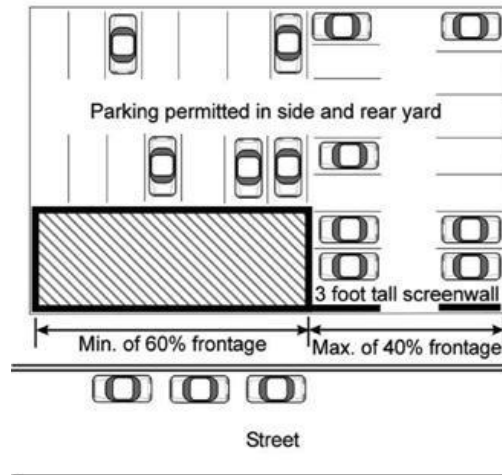
Lot width	55-ft. min. lot width; 36 ft. min. lot width for lots with driveway access to a rear alley	There is no required min. lot width Max. 250 ft. building length	There is no required min. lot width
Residential density	10 units/acre max.	25 units/acre max.	Apartment (residential only) 25 units/acre max. Dwellings above the first floor in commercial/mixed-use buildings: 30 units/acre max.
Front yard and building frontage requirements	14-ft. min. front yard setback. Corner lots shall provide front yard setbacks from both frontages.	10-ft. min. front yard setback. Corner lots shall provide front yard setbacks from both frontages.	Zero front yard setback; 5-ft. max. front yard. The building facade shall be built to within 5 ft. of the front lot line for a min. of 60% of the street frontage length. (A, B, C)
Wixom Road setback	80-ft. min. from centerline of Wixom Road	80-ft. min. from centerline of Wixom Road	60-ft. min. and 70-ft. max. from centerline of Wixom Road
Side yard	5-ft. min. side yard setback with a total of 12 ft. on both sides; a total of 10 ft. on both sides where garage access is from a rear alley	No side yard between units 20-ft. min. setback from one-family lot and 20 ft. spacing between groups of buildings	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a min. of 10 ft.
Rear yard	16-ft. min. rear yard setback for principal buildings	16-ft. min. rear yard setback for principal buildings	16-ft. min. rear yard setback.
Building height	2 stories min. 3 stories max. 35-ft. max. building height	2 stories min. 3 stories max. 35-ft. max. building height	20-ft. min. building height 55-ft./5 stories max. building height The first story shall be a min. of 14 ft. in height



A. Mixed Use, Apartment and Nonresidential Buildings Front Yard Building Setback Exceptions. All mixed use, apartment and nonresidential buildings shall have sixty percent of the length of the ground level street-facing building facade built within five feet of the front lot line. Exceptions are permitted to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below:



B. Parking. Parking lots shall meet the following requirements:



C. Civic Uses. Sites developed with civic uses such as schools, churches, libraries, government offices and parks require specific architectural treatment and design that is unique from other uses. The planning commission may permit modifications to the dimensional and building height requirements as part of the site plan review. In considering the modifications, the planning commission shall determine that the design of the building, location of the building and parking, and the relationship of the site design to the streetscape and adjacent buildings are in keeping with the intended character of the Wixom village center area.

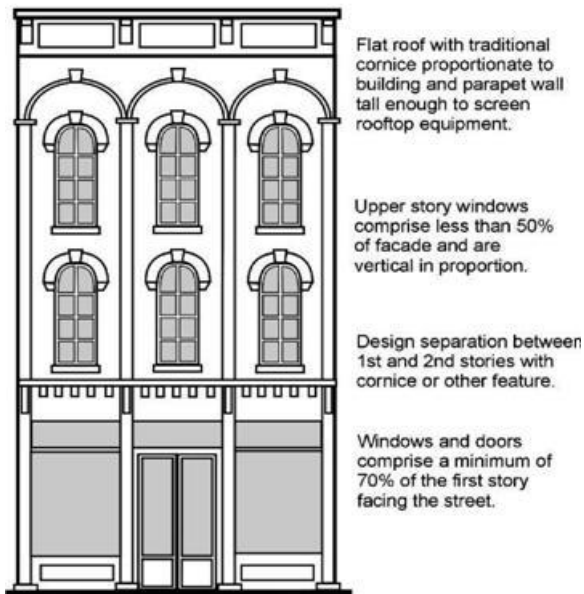
(Ord. 08-05 § 1 (part), 2008)

18.07.060 Commercial architectural requirements.

Nonresidential buildings and mixed use buildings (with residential in upper floors) shall meet the following architectural design requirements:

- A. Building Types Permitted. Nonresidential and mixed use buildings shall be designed with traditional styles of architecture characteristic of a Midwestern small town as outlined in the city of Wixom design guidelines. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts, and contain varying materials and appearances.
- B. Front Facade Requirements. Walls that face a public street shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
 1. Blank walls shall not face a public street;
 2. Entrances.
 - a. All buildings shall have a main entrance that is located on at least one street front.
 - b. The entrance to the sidewalk shall be usable and all retail and service uses shall maintain a customer entrance to the sidewalk.
 - c. Entrances for upper story offices or residential units shall be to the sidewalk.
 - d. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.

- e. For buildings longer than one hundred feet, there shall be a minimum of one usable entrance every full fifty feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up.
- f. For office service uses, entrance must be on the first floor of the building.



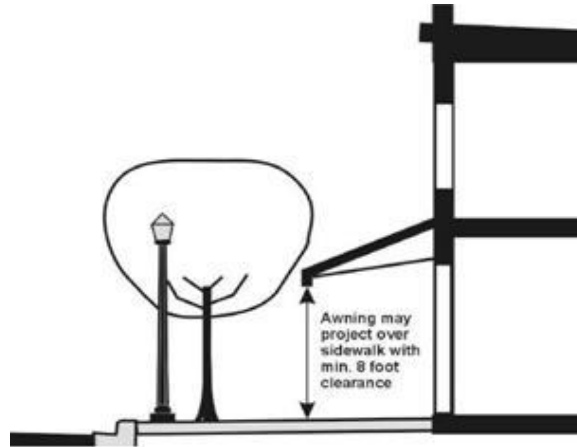
C. **Corner Buildings.** Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within twenty-five feet of the corner.

D. **Building Materials.** The following exterior finish materials are required on the front facade and any facade facing a street or parking area. These requirements do not include areas devoted to windows and doors.

E. **Windows and Doors.**

F. **Roof Design.**

G. **Awnings.** Storefronts may be supplemented by awnings, which give shade and shelter or add color and visual interest to the entry or display window of the storefront, provided that the following conditions are met:



H. Converted Dwellings. Where buildings that were originally constructed for one-family residential purposes have been converted to nonresidential uses, the building design requirements of this subsection may be modified by the city where consistent with the historic character of the building. Such modifications may include allowing the use of siding in lieu of masonry materials and residential fenestration (windows) in lieu of the requirement for storefront windows on the first floor. The building shall be brought into compliance with the building code.

(Ord. 08-05 § 1 (part), 2008)

18.07.070 Residential architectural requirements.

Townhouses and one/two-family residential dwellings shall meet the following architectural design requirements:

- A. Building Design. Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts and Crafts, Colonial, Gothic Revival, Italianate, Tudor, Victorian and other traditional styles characteristic of the Midwestern United States.
- B. Building Elevations. As part of a subdivision, condominium or multiple-family site plan application, typical elevations shall be approved by the planning commission as part of the development's design guidelines or pattern book.
- C. Front Facade. All residential units shall provide a pedestrian door facing the front lot line.
 1. All dwellings shall include a front porch with steps. The porch shall have a minimum depth of six feet and a minimum area of seventy-two square feet. A stoop or porch (plus steps) shall not extend any nearer than three feet to the sidewalk in front of the lot.
 2. The first floor elevation shall be no less than twenty-four inches above the exterior sidewalk elevation in front of the building. Ramps for accessibility are permitted to encroach into the front yard setback.
 3. The front facade of all residential units shall be at least fifteen percent windows or doors.

Townhouses with traditional architectural style.

Pedestrian orientation towards street with front porch or front stoop.

Garages located to rear or side not visible from street frontage.



D. Building Material. All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood, and fiber cement siding. Vinyl siding may be permitted only above the first floor.

E. Accessory Buildings. Detached garages shall be located in the rear yard and may be accessed by a rear alley or in one-family dwellings by a driveway that runs from the front yard to the rear along the side of the dwelling. Detached garages and other accessory buildings located in the rear yard shall be set back a minimum of three feet from the rear and side lot lines and ten feet from the main building. Accessory buildings and structures shall be subject to the regulations of Section 18.13.010; except accessory buildings may be up to two stories, and twenty feet in height. If an accessory apartment is proposed within an accessory building, a permit shall be required from the city for the installation of a bathroom or kitchen.

F. Attached Garages. Attached garages may only be permitted on the rear side of the building where the garage is accessed from a rear alley.

(Ord. 08-05 § 1 (part), 2008)

18.07.080 Modifications to architectural requirements.

The planning commission may approve deviations to the architectural requirements of Sections 18.07.060 and 18.07.070 in order to allow for creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block and adjacent blocks in both directions showing the relation of the proposed building design to other buildings along the street, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

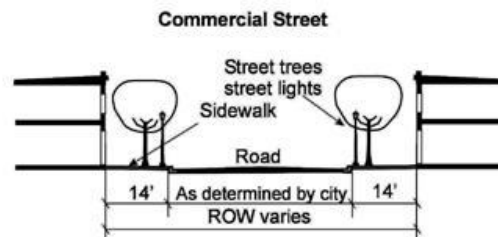
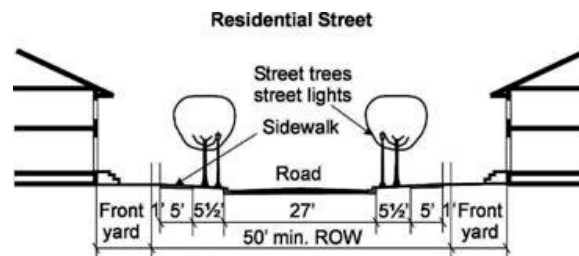
A. Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the village center area, as articulated in the city of Wixom master plan and the city of Wixom VCA design guidelines.

- B. The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
- C. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- D. The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the village center area.
- E. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape, and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

(Ord. 08-05 § 1 (part), 2008)

18.07.090 Streetscape design requirements.

- A. Street Design Standards. All streets shall be constructed to meet the requirements of the city of Wixom, including the city engineering design standards and the VCA design guidelines, except as provided for in this section.
 1. Streets shall meet city requirements for roadway width, except bump-outs may be permitted at intersections, crosswalks and at intermediate points along long blocks to enhance pedestrian safety.
 2. New residential streets shall have a minimum width of twenty-seven feet, measured back of curb to back of curb.
 3. The width of new streets serving retail, commercial services and office uses shall be determined by the city based upon traffic volumes, number of lanes and demand for on-street parking.



- B. Traffic Calming. The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures. Whenever a conflict exists between design priority for pedestrian usage and vehicular level of service, the conflict shall be resolved in favor of the pedestrian; provided the design results in the safest possible design for both vehicles and pedestrians.

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- C. Sidewalks.
1. Sidewalks along the frontage of nonresidential buildings shall be a minimum of fourteen feet wide concrete or brick pavers and provided consistently on both sides of the street. The planning commission may allow the sidewalk width to be reduced to not less than eight feet for frontages that will not be occupied by uses having sidewalk cafes.
 2. Sidewalks along the frontage of residential buildings shall be a minimum of five feet wide concrete and provided on both sides of the street.
 3. Sidewalks shall be seven feet wide where abutting a parking space or a road curb.
- D. Street Trees. One canopy tree shall be provided for every forty feet of frontage, planted within planters, tree grates within the sidewalk, or within a five-foot wide green planting strip located between the curb and sidewalk.
- E. Street Lights. Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks and parking areas and shall be designed to promote the traditional neighborhood character of the area.
1. Light fixtures shall meet the specification in the city of Wixom VCA design guidelines.
 2. Pedestrian level lighting fixtures shall not exceed sixteen feet in height and shall be placed along the sidewalks and parking areas in accordance with the city engineering standards. Eighteen-foot tall double arm light fixtures may be permitted adjacent to intersections.
 3. Street lighting for vehicular traffic, in addition to, or in combination with, pedestrian level lighting may be required. In the event that vehicular traffic street lighting is required, such lighting shall be installed in accordance with the city engineering standards.
 4. Building wall and freestanding exterior lighting shall be directed downward in order to reduce the glare onto adjacent properties and streets.
- F. Alleys. Alleys shall be permitted in all areas of the village center area and shall be required where necessary to provide access to parking lots, loading areas and garages on the rear of dwelling units.
1. Alleys serving as access to residential garages shall have a minimum pavement width of eighteen feet and be located within a twenty-five-foot wide easement.
 2. Alleys accessing commercial parking lots and loading areas shall have a minimum width of twenty-four feet.
- G. Maximum Block Size. The maximum length of any block shall be nine hundred feet and the maximum perimeter of any block shall be two thousand six hundred forty feet. Larger blocks may be allowed by the planning commission where there is recreational land or natural features that make road crossings impractical and where the police and fire departments determine that street connectivity will still provide for adequate emergency response.
- H. Street Connections. The village center area shall be developed as an integrated area with an interconnected street network. Street connections shall be provided to all adjacent parcels. The use of cul-de-sacs and dead-end streets shall be prohibited. In locations where it is not possible to provide a through street, the planning commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least twenty feet wide, measured face to face of curb. The green shall be no less than forty feet at its narrowest dimension.
- I. Street Furniture. Benches and trash receptacles shall be provided in park and plaza areas and along sidewalks where the planning commission determines that pedestrian activity will benefit from these facilities in accordance with the VCA design standards.

J. Bicycle Facilities. Developments shall be designed to accommodate bicycle travel, including the provision of bike paths and bike racks at destination points such as shopping and recreational facilities.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.08 OFFICE AND RESEARCH DISTRICTS

Sections:

18.08.010 Intent.

- A. OS-1 Office Service District. The OS-1 office service district is designed to accommodate uses such as offices, banks and personal services that can serve as transitional areas between residential and commercial districts, and to provide a transition between major thoroughfares and residential districts.
- B. IRO Industrial Research Office District. The IRO industrial research office district is designed to provide for uses that are office or research type or industrial uses that have limited impact outside of the industrial building. The IRO district is designed to accommodate large-scale office and research and development parks. The district is intended to encourage uses that have a high value per acre of land which will supplement the city's tax base. Certain businesses are permitted within office buildings as secondary uses.

(Ord. 08-05 § 1 (part), 2008)

18.08.020 Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this title. Land and/or buildings in the districts indicated at the top of Table 8.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Chapter 18.18, Special Land Use Review Requirements and Procedures and specific standards of Section 18.08.040 are met.

NP: Not Permitted: The use is not permitted in the district.

"Requirement" provides reference to additional requirements or conditions applicable to that specific use.

**Table 8.02
Schedule of Uses**

Use	OS-1	IRO	Requirement
Office Uses			
Conference centers, convention and meeting facilities, and banquet halls	P	P	
Data processing and computer centers, including service and	P	P	

maintenance of electronic data processing equipment			
Design and development of computer hardware and software, data communications, information technology, data processing and other computer related services.	P	P	
Offices for executive, administrative, professional, accounting, brokerage, insurance, writing, clerical, drafting and sales uses	P	P	
Research, design, engineering, testing, diagnostics and pilot or experimental product development, including automotive, electronic device, manufacturing, materials and alternative energy technologies	SLU	P	
Medical and Human Care Uses			
Adult day care homes	SLU	P	Section 18.03.040(I)
Day care centers	SLU	P	Section 18.08.040(A)
Funeral homes and mortuary establishments	SLU	NP	Section 18.08.040(B)
24-hour emergency medical clinics	SLU	P	
Hospitals	SLU	P	
Medical laboratories	SLU	P	
Medical office and dental offices and clinics	P	P	
Nursing homes and convalescent homes	SLU	NP	Section 18.08.040(C)
Veterinary clinics, provided there shall be no animal boarding in OS-1	P	P	
Commercial, Retail and Service Uses			
Banks, credit unions, savings and loan associations with or	P	P	

without drive-through facilities as an accessory use only			
Business services such as mailing, copying, data processing and retail office supplies	SLU	P	
Health clubs and related uses including gyms, martial arts instruction, gymnasiums	SLU	P	
Motels or hotels	NP	P	
Restaurants, taverns or other places serving food or beverage but not including outdoor seating, drive-in/fast food, carry-out or drive-through restaurants	SLU	SLU	Section 18.08.040(D)
Retail businesses within an office building	SLU	SLU	Section 18.08.040(E)
Social clubs	SLU	NP	Section 18.08.040(F)
Governmental, Educational and Quasi-Public			
Governmental offices or other governmental uses, post offices, public utility offices, exchanges and transformer stations	P	P	
Publicly owned utility buildings, telephone exchange buildings, electric transformer stations and substations gas regulator stations with service yards but without storage yards, and water and sewage pumping stations (without storage yards)	P	P	
Vocational, business, trade or industrial training schools and other types of technical training facilities	P	P	
Manufacturing Uses			
The manufacture, processing,	NP	P	

compounding, assembling, packaging or treatment of finished or semi-finished products from previously prepared materials			
Printing and publishing	NP	P	
Transportation, Warehouse, Storage and Waste Handling Uses			
Uses of an office warehouse nature provided a minimum of 25% of the floor area shall be devoted to office space	NP	P	
Accessory Uses			
Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use	P	P	

(Ord. 08-05 § 1 (part), 2008)

18.08.030 Requirements applicable to all uses.

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

- A. 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. There shall be no outside storage of materials or supplies.
- B. Storage and Loading.
 - 1. The outdoor storage of goods or material is prohibited.
 - 2. In the OS-1 district, warehousing or indoor storage of goods or material, beyond that normally incidental to the uses permitted, shall be prohibited.
 - 3. In the IRO district the outdoor loading and unloading of trucks or vehicles at truck bays is allowed; however, loading and unloading shall not require the outdoor parking of trucks or trailers for periods of longer than twenty-four hours. Outdoor parking of trucks or trailers for periods longer than twenty-four hours shall be considered storage.
 - 4. In the OS-1 district the outdoor loading and unloading of trucks or trailers is allowed only for deliveries to uses. There shall be no truck parking beyond the time necessary to make deliveries.

-
- C. Site and Building Design. All sites and buildings shall comply with the building, landscaping and all other design requirements of Chapter 18.14, General Site Development Requirements. All uses shall comply with the parking, loading and access requirements of Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.

(Ord. 08-05 § 1 (part), 2008)

18.08.040 Standards applicable to specific uses.

Uses allowed in the office and research districts shall be subject to meeting the following specific requirements applicable to that use:

- A. Day Care Centers. Day care centers for children shall be subject to the following:
 - 1. The facility shall have received a state license to operate prior to seeking a special use permit under this title. A copy of the license must be filed with the building department as a condition of special land use approval.
 - 2. Not less than four hundred square feet of outdoor play area per child, (as authorized by the license issued to the applicant by the Department of Human Services), shall be provided on the site.
 - 3. The outdoor play area shall not be located in the front yard.
 - 4. Screening and fencing of outdoor play area shall be provided as required by the planning commission.
 - 5. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets or block traffic flow on the street.
- B. Funeral Homes. Funeral homes and mortuary establishments shall be subject to the following:
 - 1. Adequate off-street assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to any required off-street parking area.
 - 2. A caretaker's residence may be provided within the building of mortuary establishments.
- C. Nursing Homes and Convalescent Homes. Nursing homes and convalescent homes shall be set back a minimum of forty feet from all lot lines.
- D. Restaurants. Restaurants or other places serving food or beverage shall be subject to the following:
 - 1. The restaurant shall be located within an office structure or motel building. The total area devoted to retail, services and restaurants shall not exceed twenty-five percent of the total floor area of the building.
 - 2. In the IRO district a restaurant may be located in a freestanding building as part of an overall industrial or office park subject to the following:
 - a. The restaurant shall be planned as a part of an overall plan for development of not less than thirty acres and shall be part of a service establishment complex for the development.
 - b. The restaurant shall comprise not more than twenty percent of the land area of an overall office park.
 - c. The location of the restaurant shall be established at the time of site plan review and approval for the total office park complex.

- d. There shall be no more than one restaurant in a freestanding building per office park.
- 3. Drive-in or drive-through restaurants shall be prohibited.
- E. Retail Establishments Within an Office Building. Retail uses shall be permitted in buildings that exceed one story in height as secondary uses to the principal permitted office uses, and shall be subject to the following:
 - 1. Such uses shall not be permitted in a one-story building or in a building separate from a permitted principal use unless otherwise provided herein.
 - 2. The total area devoted to retail, services and restaurants shall not exceed twenty-five percent of the total floor area of the building.
 - 3. All uses shall have customer entrances from the interior of the principal building in which they are located.
 - 4. In the OS-1 district, accessory retail use shall be limited to retail uses that are customarily related to a permitted medical use, such as but not limited to: a pharmacy, stores limited to corrective garments or bandages, or optical services.
- F. Social Clubs. Social clubs shall be subject to the following:
 - 1. The facility shall be located no nearer than five hundred feet to any residence, park, public or private school, day care facility, convalescent/nursing home or church.
 - 2. The outdoor use of loudspeakers, sound amplifying systems or paging systems shall be prohibited.
 - 3. Appropriate licenses shall be required should alcoholic beverages be served.

(Ord. 08-05 § 1 (part), 2008)

18.08.050 Height and placement requirements.

Table 8.05 delineates the height, bulk, and setback requirements pertaining to the zoning districts regulated by this chapter. Notes to the schedule of regulations follow.

**Table 8.05
Schedule of Commercial Regulations**

Zoning District	Maximum Height of Structure		Minimum Yard Setback (In Feet) (C, D, F, G)			Maximum % of Lot Area Covered by Impervious Surfaces (I)
	In Stories	In Feet	Front (A, B)	Each Side (C)	Rear (E)	
OS-1 Office Service	2	30	20	15	20	75%
IRO Industrial Research Office	—	50 (H)	50	20	40	75%

- A. Corner Lot Front Yard Setback. There shall be maintained a required front yard setback on each street side of a corner lot. No accessory building shall project beyond the front yard line on either street.

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- B. Off-Street Parking in the Front Yard. Off-street parking may be permitted to occupy a portion of the required front yard provided that there is a minimum unobstructed and landscaped setback of twenty feet between the parking lot and the front lot line, exclusive of access driveways. No more than fifty percent of the front yard area shall be occupied by parking.
 - C. Off-Street Parking in the Side and Rear Yard. Off-street parking shall be set back a minimum of ten feet from the side or rear lot line, except where a greater landscape buffer is required by Section 18.14.020. Where shared access or service drive connections are provided between adjacent sites, the parking lot setback can be reduced or waived. Where a lot borders on a residential district a minimum setback of twenty feet shall be provided on the side bordering the residential district.
 - D. Building Setback from Residential. No building shall be closer than fifty feet to any adjacent residential district.
 - E. Rear Yard Loading. Loading space shall be provided in the rear yard in accordance with Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements. In the OS-1 district loading may take place in undesignated places in parking lots provided such loading is of a short-term nature. Loading areas shall be set back a minimum of twenty feet from any adjacent residentially zoned lot.
 - F. Freeway Setback. A minimum fifty-foot setback shall be provided from freeway rights-of-way. The setback shall be unoccupied except for earth berms, screening walls and landscaping. Landscaping shall be provided in accordance with Section 18.14.020 and shall be installed to provide an effective screening of outdoor sales and storage areas and to screen any service or loading area of any building from the freeway.
 - G. Stream Setback. All structures shall be a minimum of twenty feet from each side of Norton Creek and any other stream or established county drain unless a greater setback is required in this chapter.
 - H. IRO Building Height. The maximum building height in the IRO district may be increased to one hundred fifteen feet with the provision of additional setbacks as follows. For buildings or portions of buildings that are taller than fifty feet, the minimum required building setbacks from the front, side and rear lot lines shall be increased by one foot for every one foot of building height above fifty feet. For a building or complex of multiple buildings that have variable building heights, the additional setback requirements shall only apply to those buildings or portions of a building taller than fifty feet; allowing for taller portions of buildings to be stepped-back.
 - I. Lot Coverage. All site improvements, such as buildings, accessory structures, parking lots, drives, public streets and private roads, shall not cover more than seventy-five percent of the total lot area. Total lot area shall be the gross area, including wetland and woodland areas.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.09 INDUSTRIAL DISTRICTS

Sections:

18.09.010 Intent.

- A. The general intent of the industrial districts is to provide for a range of industrial and office development divided into two districts that are appropriately located in the city for the following specific purposes:
 - 1. To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for certain types of research, office, industrial, warehouse, manufacturing and related uses;

2. To protect abutting residential districts by separating them from manufacturing, warehousing and related activities, and by prohibiting the use of such industrial areas for new residential development;
 3. To promote research, office and light industrial development that is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards and from offensive noise, vibration, smoke, odor and other objectionable influences;
 4. To protect the most desirable use of land in accordance with the city of Wixom master plan while protecting the character and established pattern of adjacent development, and in each area conserving the value of land and buildings and other structures to protect the municipality's tax revenue base.
- B. M-1 Light Industrial District. The M-1 light industrial district is designed primarily to accommodate research and development, corporate office and light industrial uses, including 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 M-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material or shipment in bulk form, to be used in an industrial operation at another location, not be permitted.
- C. M-2 General Industrial District. The M-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 M-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.

(Ord. 08-05 § 1 (part), 2008)

18.09.020 Schedule of uses.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this title. Land and/or buildings in the districts indicated at the top of Table 9.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in Chapter 18.18, Special Land Use Review Requirements and Procedures and specific standards of Section 18.09.040 are met.

NP: Not Permitted: The use is not permitted in the district.

"Requirement" provides reference to additional requirements or conditions applicable to that specific use.

**Table 9.02
Schedule of Uses**

Use	M-1	M-2	Requirement
Manufacturing Uses			
The manufacture, processing, compounding, assembling, packaging or treatment of finished or	P	P	

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semi-finished products from previously prepared materials			
Heavy industrial uses such as blast furnaces, steel furnaces, blooming or rolling mills, smelting of copper, iron, or zinc ore, chemicals, and allied products manufacturing, lumber, and planing mills, manufacture of corrosive acid, or alkali, cement, lime, gypsum, or plaster of Paris and petroleum, or other flammable liquids, production, refining, or storage	SLU	SLU	Section 18.09.040(A)
Printing and publishing	P	P	
Transportation, Warehouse, Storage and Waste Handling Uses			
Airports	SLU	SLU	Section 18.09.040(B)
Commercial composting facilities	NP	SLU	Section 18.09.040(C)
Garbage, refuse and rubbish transfer stations and incineration of garbage or refuse	NP	SLU	Section 18.09.040(D)
Mini warehouses and storage buildings for lease to the public including the office and dwelling of a caretaker	SLU	P	Section 18.09.040(E)
Outdoor storage of trucks, trailers, equipment, supplies, materials, finished and semi-finished products, building materials, sand, gravel, stone, lumber, contractor's equipment, and supplies and recreational equipment	SLU	SLU	Section 18.09.040(F)
Uses of an office warehouse nature	P	P	
Warehouse, distribution and wholesale establishments	P	P	
Office and R&D Uses			

Design and development of computer hardware and software, data communications, information technology, data processing and other computer-related services.	P	P	
Hospitals, medical clinics and medical offices	SLU	NP	
Laboratories	P	P	
Office buildings for executive, administrative, clerical, drafting and sales	P	P	
Research, design, engineering, testing, diagnostics and pilot or experimental product development, including automotive, electronic device, manufacturing, materials and alternative energy technologies	P	P	
Veterinary clinics, including animal boarding	P	P	
Commercial Retail and Service Uses			
Banks, credit unions, savings and loan associations with or without drive-through facilities as an accessory use only	SLU	NP	
Central dry cleaning plants or laundries, provided that such plants shall not deal directly with retail customers	P	P	
Commercial kennels	P	P	
Commercial recreation establishments, arenas and stadiums	SLU	NP	Section 18.09.040(J)
Greenhouses and garden/landscape supplies wholesale and retail sales	P	P	
Major automotive repair businesses such as engine rebuilding, paint and body shops,	SLU	SLU	Section 18.09.040(G)

undercoating, rebuilding or reconditioning of motor vehicles and collision service			
Retail sales of: building/lumber/home improvement supply, stone, farm implements, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, trucks, construction equipment and similar materials, including accessory outdoor sales and display	SLU	NP	Section 18.09.040(H)
Personal service establishments, such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, laundries or dry cleaners, printing or photographic reproductions, photographic, art or interior decorating studios	NP	NP	
Race tracks (including midget auto and karting tracks) and courses for motorcycles and off-road vehicles	SLU	NP	Section 18.09.040(I)
Truck, automobile and equipment sales, rentals, storage, repair and towing services	SLU	NP	
Truck stops	NP	SLU	Section 18.09.040(K)
Public and Institutional Uses			
Commercial television and radio towers and public utility microwaves, and public utility TV transmitting towers	P	P	Section 18.09.040(L)
Conference centers, convention and meeting facilities and banquet halls	P	P	

Day care centers for children	P	P	
Heating and electric power generating plants	SLU	P	
Municipal buildings and uses; and public utility buildings, structures and uses including the following:	P	P	
1. Telephone exchange buildings			
2. Electrical transformer stations and substations			
3. Gas regulator stations			
4. Water treatment plants, reservoirs, sewage treatment and disposal plants			
5. Water supply and gas tank holders			
Vocational, business, trade or industrial training schools and other types of technical training facilities	P	P	
Accessory Uses			
Retail uses accessory to wholesale and manufacturing establishments	P	P	Section 18.09.040(M)
Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use	P	P	

(Ord. 08-05 § 1 (part), 2008)

18.09.030 Requirements applicable to all uses.

- A. Uses Within Buildings. All industrial uses shall be conducted wholly within a completely enclosed building, except for outdoor storage as permitted and approved under this chapter.
- B. Performance Standards. All uses shall be operated so as to comply with the performance standards set forth in Section 18.12.130.

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- C. Site Plan Approval. All uses shall receive site plan approval by the planning commission prior to the issuance of any building permit.
 - D. Building Materials. All buildings visible from public streets and adjacent residential and commercial districts and uses shall be in accordance with Section 18.14.010.
 - E. Truck Storage in M-1 District. A maximum of one truck or trailer per loading dock or overhead door may be permitted in the M-1 district when accessory to the principal use of the building. Such vehicles must be stored in the rear or interior side yard and screened from streets and adjoining property in accordance with Section 18.14.020.

(Ord. 08-05 § 1 (part), 2008)

18.09.040 Standards applicable to specific uses.

Uses allowed in the industrial districts shall be subject to the following specific requirements applicable to that use. Uses shall require approval by the planning commission except for certain uses requiring city council approval as specified below:

- A. Heavy Industrial Uses. Chemicals and allied products manufacturing, lumber and planing mills, primary metal industries including blast furnaces, steel furnaces, blooming, rolling mills, smelting of copper, iron, or zinc ore, manufacture of corrosive acid, or alkali, cement, lime, gypsum, or plaster of paris and petroleum, or other flammable liquids, production, refining, or storage shall be subject to the following:
 - 1. The site shall be located in the M-2 district or on an M-1 site that abuts the M-2 districts, but does not adjoin a nonindustrial district.
 - 2. The site shall be located a minimum of eight hundred feet from any residential district and three hundred feet from any other nonindustrial district.
 - 3. The operation shall be subject to appropriate measures to control the type of processes to prevent noxious results or nuisances, in accordance with section 18.12.130.
- B. Airports. Airports and heliports may be allowed with approval by the city council, after recommendation of the planning commission, subject to the following:
 - 1. An airport shall not be located at the edge of an industrial district where it would abut land zoned or planned for residential use.
 - 2. The use shall provide maximum compatibility to abutting uses and to the planned future uses as designated in the city of Wixom master plan for the immediate area.
 - 3. Runway location and/or extension shall be reviewed relative to effects on residential areas.
 - 4. Buildings and structures shall comply with all setback requirements of the M-1 district and shall be set back from all runways in accord with all Federal Aviation Administration regulations.
 - 5. Traffic and parking for the proposed use shall be reviewed by the city engineer to ensure the adequacy of facilities. Parking locations for visitors will be required off the public right-of-way.
- C. Commercial Composting Facilities. Commercial composting facilities shall be subject to the following:
 - 1. The site shall have a minimum area of twenty acres;
 - 2. Access to the facility shall be directly to a major thoroughfare with a planned right-of-way of one hundred twenty feet;

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3. Stacking area for a minimum of five vehicles must be provided on site. Any area used for parking or unloading packaged compostable materials must be screened with a six-foot enclosure to prevent plastic or paper bagging materials from leaving the unloading area;
 4. Active composting operations and storage of compostable and composted materials shall not take place closer than one hundred fifty feet from any boundary of the facility site. The setback from active composting and storage of compostable and composted materials shall be increased to five hundred feet from the boundary of any land zoned or used for residential purposes;
 5. Individual windrows within the composting facility may not exceed six feet in height and ten feet in width as measured from the base. No portion of the composting mound shall be clearly visible from adjacent road rights-of-way;
 6. Any composting facility operation shall be conducted in accordance with current standards established by the United States Environmental Protection Agency, the United States Department of Agriculture, the Michigan Department of Environmental Quality and other applicable government regulatory agencies. A composting facility designed for anaerobic composting shall not be permitted. Storing, discharging or depositing sewage, human wastes, wash water, garbage or other wastes shall be done in a manner which does not transmit disease. Depositing, storing or disposing of garbage, manure or any other wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent properties;
 7. Storing or disposing of composting or compostable materials of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the Oakland County Health Division, Environmental Health Department;
 8. The city may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the composting facility.
- D. Garbage, Refuse and Rubbish Transfer Stations or Incineration of Garbage or Refuse. Garbage, refuse and rubbish transfer stations or incineration of garbage or refuse may be allowed with approval by the city council, after recommendation of the planning commission, subject to the following:
1. The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.
 2. The location, size, intensity, site layout and periods of operation must be designated to eliminate any possible nuisance that might be noxious to the occupants of any other nearby permitted uses, whether by reason of odor, dust, noise, fumes, vibration, smoke or lights.
 3. Stacking area for a minimum of five vehicles must be provided on site. Any area used for parking or unloading packaged compostable materials must be screened with a six-foot enclosure to prevent materials from leaving the unloading area.
 4. Overnight storage of any refuse material in the building shall be prohibited and the dumping or storage of any material on the site outside the building at any time shall be prohibited.
 5. Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the

requirements of the Oakland County Health Division, Environmental Health Department. All storage, processing and disposal areas shall be a minimum of one hundred feet from any wetland, drain or body of water.

6. Depositing, storing or disposing of garbage or wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent properties.
 7. The city may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of such transfer station.
- E. Mini Warehouses and Storage Buildings for Lease. Mini warehouses and storage buildings for lease to the public shall be subject to the following:
1. Side and rear yard building setbacks of not less than forty feet shall be provided. Ten feet of width of such yard shall be planted in materials sufficient to screen such yards from abutting uses. Side and rear yards may be reduced to thirty feet of width in those instances where a completely obscuring reinforced masonry wall not less than six feet high is provided along the entire side and rear yards;
 2. Buildings shall be spaced not less than thirty feet apart;
 3. Exterior building walls visible from a public right-of-way or nonindustrial district shall be finished with brick or other high-quality masonry material;
 4. Adequate maneuvering space for fire safety vehicles shall be provided;
 5. The office and dwelling of a caretaker may be included on-site.
- F. Outdoor Storage. Outdoor storage of trucks, trailers, equipment, supplies, materials, finished and semi-finished products, building materials, sand, gravel, stone, lumber, contractor's equipment, and supplies and recreational equipment shall be subject to the following:
1. All outdoor storage uses shall be located within the rear yard or side yard.
 2. Outdoor storage areas shall be located no closer than one hundred fifty feet from any street right-of-way. Outdoor storage areas shall comply with building setbacks of the district for all other yards.
 3. The height of any item stored outdoors shall not exceed twelve feet. The planning commission may increase this standard if the storage area will not have a negative impact on surrounding properties and all storage is in accordance with the fire code requirements.
 4. All storage facilities shall be enclosed within a building or within an obscuring wall on those sides abutting all residential, office or business districts, and on any yard abutting a public street. The extent of the wall may be determined by the planning commission on the basis of usage. The wall shall not be less than six feet in height, and may, depending on land usage, be required to be eight feet in height.
 5. Landscaping shall be provided around the exterior boundary of the storage area. All planting plans shall meet the requirements of Section 18.14.020 and shall be subject to the approval of the planning commission.
 6. All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property; the planning commission may approve a gravel surface for all or part of the storage

area for low intensity activities, such as landscape materials, upon a finding that neighboring properties and the environment will not be negatively impacted.

7. A dedicated fire lane through the storage yard shall be provided for emergency services.
- G. Major Automotive Repair. Major automotive repair businesses such as engine rebuilding, paint and body shops, rebuilding or reconditioning of motor vehicles and collision service shall be subject to the following:
1. Outdoor storage of parts or materials shall be prohibited.
 2. Vehicles shall not be allowed to be stored outside the building for more than forty-eight hours unless awaiting repair for which a work order, signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. The area to be used for vehicle storage shall be shown on the site plan.
 3. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
 4. All vehicle servicing or repair shall be conducted within an enclosed building.
 5. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view. Used tire storage shall be limited to twenty-five tires and all tires shall be stored inside a building.
- H. Outdoor Sales and Display. Outdoor sales and display (as a principal or accessory use) of: building/lumber supply, stone, farm implements, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, trucks, construction equipment and similar materials or equipment shall be subject to the following:
1. Outdoor sales and display areas shall comply with building setbacks of the district.
 2. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
 3. The planning commission may require additional landscaping, screening or ornamental fencing as appropriate to obscure the use from adjacent properties and the street.
 4. All outdoor sales and display areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property. The planning commission may approve a gravel surface for all or part of the display or sales area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.
- I. Race Tracks (including Midget Auto and Karting Tracks) and Courses for Motorcycles and Off-Road Vehicles. Race tracks and courses for motorcycles and off-road vehicles may be allowed with approval by the city council, after recommendation of the planning commission, subject to the following:
1. Race tracks shall be located on a parcel of land that is abutting land zoned for industrial purposes on all sides of the parcel in question and shall be adjacent to a major thoroughfare (with a right-of-way of one hundred twenty feet wide or greater). The boundaries of the site shall be located a minimum of three hundred feet from any residentially used or zoned property.
 2. All access to the parking areas shall be provided from streets that have a right-of-way of no less than one hundred twenty feet in width.
 3. All parking shall be provided as off-street parking within the boundaries of the development.

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4. All sides of the development not abutting a major thoroughfare shall be provided with a twenty-foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. The planting shall be in accordance with Section 18.14.020.
 5. Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property, they shall be subject to all other controls the planning commission deems necessary based upon the special land use standards of Chapter 18.18.
- J. Commercial Recreation Establishments. Commercial recreation establishments, including both indoor and outdoor uses such as but not limited to: batting cages, bowling alleys, courts and fields for activities including football, baseball, soccer, tennis, basketball; driving ranges; indoor archery and shooting ranges; skating rinks and arenas; swimming pools, outdoor splat ball, simulated war games and similar activities, may be allowed with approval by the city council, after recommendation of the planning commission, subject to the following:
1. Because it is of primary concern to the city to preserve large areas of industrial property for industrial uses, the city, when considering approval of such a use shall take into account the compatibility of the lighted outdoor commercial sports center with existing and future industrial development.
 2. The use must be located within eight hundred feet of a major thoroughfare to maintain integrity of industrial parks.
 3. The front, side and rear yard minimum building setbacks shall be fifty feet, which shall apply to all buildings, recreation activity areas, spectator seating and any other structural appurtenances.
 4. Parking shall be either on the same lot or on lots under the same ownership and control within three hundred feet of the building or activity area 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 area.
 5. In determining the number of parking spaces required to accommodate the recreation use, the city may take into account the hours of operation and types of activities conducted upon the site. The planning commission may require that a parking demand study be provided by the applicant.
 6. The use and parking area shall be screened from adjacent major thoroughfares with berms and other approved landscaping. Internal landscape shall be provided as determined by the planning commission to define circulation routes, provide shade and to buffer and screen adjacent uses from noise, lights and other visual obstructions.
 7. Devices for the transmission of broadcasting of voices or music shall be so directed as to prevent said sound from being audible beyond the lot lines of the site.
 8. Whenever any such use abuts a residential district or use, a transitional buffer area shall be provided between all operations, buildings and structures, including fences, and the residential property. Landscaping, walls and/or fences shall be required as part of this buffer as determined by the planning commission. The width of buffer shall be as determined by the planning commission based upon the nature of the use and the noise impact that the use may have on surrounding uses.
 9. Storage buildings, restroom facilities, facilities for the sale and consumption of food, beverages and refreshments and other similar accessory uses shall comply with all standards of the city and other affected governmental agencies. The accessory facilities shall operate only during the hours of operation of the principal use of the property.
 10. Any fencing proposed to enclose an activity must be vinyl-coated where visible from road right-of-way.

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11. Provisions shall be taken to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.
 12. Lighted outdoor commercial sports centers shall only be permitted on parcels of land zoned M-1 or M-2 that are surrounded by similarly zoned property on all sides, except a side abutting a major thoroughfare of one hundred twenty feet of right-of-way or greater. All lighting used to illuminate the area shall be installed so as to be confined within and directed onto the site.
 13. Outdoor splat ball, simulated war games and similar activities shall not be located within two hundred feet of any residential dwelling or residential district. A setback of fifty feet for all activity areas on the site shall be provided.
- K. Truck Stops. Truck stops shall be subject to the following:
1. Truck stops shall have all driveways to a major business street. Access from a side or residential street shall be prohibited.
 2. Gasoline pumps and overhead canopies may be located within a yard adjacent to a street, provided that the canopy has a minimum setback of ten feet.
 3. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise.
 4. All restroom doors shall be accessed from inside the building.
 5. The design and materials of the canopy and support columns shall be compatible with the main building. The canopy clearance shall be a minimum of fourteen feet and shall be noted on the site plan.
 6. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the planning commission and considered part of the maximum wall sign permitted.
 7. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property, and that lighting levels are in accordance with Section 18.14.040. Canopy lighting shall be recessed such that the light source cannot be seen from off site.
 8. The applicant shall submit a pollution incidence protection plan (PIPP) as part of the site plan. 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.
 9. Vehicle repair must also meet the requirements of subsection G of this section.
- L. Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility TV Transmitting Towers. Radio and television towers, public utility microwaves and public utility TV towers may be allowed with approval by the city council, after recommendation of the planning commission. The towers shall be centrally located on a continuous parcel that is of sufficient size that the tower will be setback from all lot lines a distance equal to one-half the height of the tower unless the tower is certified to collapse in place. This provision does not apply to wireless communication towers, which are subject to Section 18.12.110.
- M. Retail Uses Accessory to Wholesale and Manufacturing Establishments. Wholesale and manufacturing establishments with limited retail uses shall be subject to the following:
1. Products retailed shall be a minor part of the principal use activity and shall not exceed ten percent of the gross floor area of the ground floor of the building.
 2. No outdoor advertising of retail sales shall be permitted.

(Ord. 08-05 § 1 (part), 2008)

18.09.050 Height and placement requirements.

Table 9.05 delineates the height, bulk, and setback requirements pertaining to the zoning districts regulated by this chapter. Notes to the schedule of regulations follow.

**Table 9.05
Schedule of Industrial Regulations**

Zoning District	Maximum Height of Structure in Feet	Minimum Yard Setback in Feet (D, E)			Maximum % of Lot Area Covered by Impervious Surfaces (J)
		Front (A, B, C)	Each Side	Rear (F, G, H, I,)	
M-1 Light Industrial	40	50	20	20	75%
M-2 General Industrial	60	70	30	20	75%

- A. Corner Lot Front Yard Setback. There shall be maintained a required front yard setback on each street side of a corner lot for all buildings and parking lots. No accessory building shall project beyond the front yard line on either street.
- B. Front Yards Setbacks. Setbacks from the center lines of streets for industrial uses shall be provided as shown in Table 9.05.B.

**Table 9.05.B
Front Yard Setback Regulations**

Roadway	Setback From Centerline	
	Buildings	Parking Lot
Wixom Road	175 feet	145 feet
I-96 Expressway	250 feet	220 feet
Grand River	160 feet	130 feet
Pontiac Trail	160 feet	130 feet
West Road	120 feet	90 feet
Beck Road	120 feet	90 feet
All other dedicated roads	80 feet	50 feet

- C. Off-Street Parking in the Front Yard. Off-street parking may be permitted within the required front yard, provided that there is a minimum twenty-foot deep greenbelt between the parking and the front lot line. No more than fifty percent of the front yard area shall be occupied by parking.
- D. Off-Street Parking in the Side and Rear Yard. Off-street parking and loading shall be set back a minimum of ten feet from the side or rear lot line, except where a greater landscape buffer is required by Section 18.14.020. Where shared access or service drive connections are provided between adjacent sites, the parking lot setback can be reduced or waived.

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- E. Setback from Residential. All buildings, off-street parking, loading and storage areas shall be a minimum of fifty feet from any adjacent residential district.
 - F. Loading Area. Loading space shall be provided in accordance with Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements. No truck well, loading dock or overhead door shall be permitted within fifty feet of a residential district or use. Site circulation must be designed so as to discourage truck traffic access adjacent to the residential district or use.
 - G. Storage. All storage shall be in the rear yard or side yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a black vinyl coated chain-link type fence and a greenbelt planting so as to obscure all view from any adjacent property or public street. Open storage shall be completely screened from view from all public streets.
 - H. Freeway Setback. A minimum fifty-foot setback shall be provided from freeway rights-of-way. The setback shall be unoccupied except for earth berms, screening walls and landscaping. Landscaping shall be provided in accordance with Section 18.14.020 and shall be installed to provide an effective screening of outdoor storage areas and to screen any service or loading area of any building from the freeway.
 - I. Stream Setback. All structures shall be a minimum of twenty feet from each side of Norton Creek and any other stream or established county drain unless a greater setback is required in this chapter.
 - J. Lot Coverage. All site improvements, such as buildings, accessory structures, parking lots, drives, and public and private roads shall not cover more than seventy-five percent of the total lot area. Total lot area shall be the gross area, including wetland and woodland areas.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.10 REGULATED USES

Sections:

18.10.010 General requirements for regulated uses.

- A. Intent. 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 chapter. Prior to adopting these regulations, the city reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law. Based on evidence of the adverse effects of adult uses presented in hearings and in reports made available to the city council, and on findings incorporated in the cases of *Pap's AM v. City of Erie*, 529 US 277 (2000); *Deja Vu of Nashville v. Metropolitan Government of Nashville and Davidson County*, 466 G3d 391 (6th Cir. 2006); *Sensations, Inc. v. City of Grand Rapids*, 2006 WL 2504388 (WD MI 2006); *Van Buren Township v. Garter Belt*, 258 Mich. App. 594; 673 NW2d 111 (2003); *Bronco's Entertainment v. Charter Township of Van Buren*, 421 F3d 440 (6th Cir. 2005), *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 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 (E.D. Tenn. 1986); *Bright Lights Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F3d 435 (6th Cir. 1998); *Richland Bookmart v. Nichols*, 278 F3d 570 (6th

Cir. 2002); *Deja vu of Cincinnati v. Union Township Board of Trustees*, 411 F3d 777 (6th Cir. 2005); *Deja vu of Nashville v. Metropolitan Government of Nashville*, 274 F3d 377 (6th Cir. 2001); *Bamon Corp. v. City of Dayton*, 7923 F2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *JL Spoons Inc. v. City of Brunswick*, 49 F. Supp. 2d 1032 (N.D. Ohio 1999); *Triplett Grille Inc. v. City of Akron*, 40 F3d 129 (6th Cir. 1994); *Nightclubs Inc. v. City of Paducah*, 202 F3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F2d 1210 (10th Cir. 1990); *Deja Vu of Nashville Inc. et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 USA App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *ZJ Gifts D-2 LLC v. City of Aurora*, 136 F3d 683 (10th Cir. 1998); *Connection Distribution Co. v. Reno*, 154 F3d 281 (6th Cir. 1998); *Sundance Associates v. Reno*, 139 F3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F3d 78 (D.C. 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 U.S. Dist. LEXIS 1896 (D. Md. Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (3rd Cir. Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square 1993; Bellevue, Washington, - 1998; Newport news, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the city council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Wixom 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 of these regulations that these uses only be permitted as special land uses. Uses (collectively "Regulated Uses") subject to these controls are as follows:

1. Sexually oriented businesses;
 2. Tattoo establishments;
 3. Pawnshops;
 4. Precious metal and gem dealers;
 5. Adult massage parlors.
- B. Locational Requirements for Regulated Uses. The planning commission must find that there is not presently more than one such regulated use within one thousand 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 title. The planning commission may waive this locational provision for tattoo establishments, pawnshops, and precious metal, and gem dealers, 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 chapter 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.

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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 of Wixom master plan.
 4. That all applicable regulations of this title will be observed.
- C. 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 Chapter 18.18 of this title, be necessary for the protection of the public health, safety, welfare and interest, except that any conditions imposed on a sexually oriented business as defined in this chapter shall be limited to those conditions necessary to assure compliance with the standards and requirements in Section 18.10.030. 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.
- D. 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 use approval of a regulated use, with the exception of 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 land use approval of a sexually oriented business as defined by Section 18.10.030(B).
1. The planning commission will publish notice and hold a public hearing as required for special land use review within sixty days of receiving a technically complete special land use and site plan application as required by Chapters 18.17, Site Plan Review Requirements and Procedures and 18.18, Special Land Use Review Requirements and Procedures for a sexually oriented business as defined in Section 18.10.030(B).
 2. The planning commission will make its recommendation regarding the special land use 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. 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 fifteen days prior to the meeting.
 3. The recommendation of the planning commission will be forwarded to the city council within sixty days of the meeting at which planning commission issues its recommendation. The city council will render its decision to grant or deny special land use of the sexually oriented business or to grant approval with conditions, as stipulated by this chapter, at this meeting.
 4. Failure of the city to act within the above specified time limits shall not be deemed to constitute the grant of special land use to the sexually oriented business.
- E. 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.
- F. 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.
- G. Reconstruction of Damaged Regulated Uses. Nothing in this chapter 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 chapter, which is damaged by fire, collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed sixty 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 reestablishment of the use shall be subject to all provisions of this chapter and further provided, that the reestablished use complies with the requirements of Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.

(Ord. 08-05 § 1 (part), 2008)

18.10.020 Requirements for precious metal and gem dealer.

In addition to the requirements of Section 18.10.010 of this chapter, a precious metal and gem dealer shall also be subject to all of the requirements of the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as amended, and the following requirements:

- A. Certificate of Registration. A dealer shall be required to obtain a certificate of registration from the city police department and pay a fee of fifty dollars to cover the cost of processing and issuing the certificate of registration. The application shall include all information required by Public Act 95 of 1981 and the city police department. Upon receipt of the certificate of registration from the city police department, the dealer shall post it in a conspicuous place in the dealer's place of business. Not less than ten days before a dealer changes the name or address under which the dealer does business, the dealer shall notify the city police department of the change.
- B. Record of Transactions. A dealer shall maintain a permanent record of each transaction, on record of transaction forms meeting requirements of Public Act 95 of 1981 and the city police department. Each record of transaction form shall be filled out in quadruplicate by the dealer or agent or employee of the dealer. One copy of the form shall go to the city police department, one copy shall go to the customer and one copy shall be retained by the dealer.
 1. At the time a dealer receives or purchases a precious item, the dealer or the agent or employee of the dealer shall ensure that the following information is recorded accurately on a record of transaction form:
 - a. The dealer certificate of registration number;
 - b. A photograph and general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description;
 - c. The date of the transaction;
 - d. The name of the person conducting the transaction;
 - e. The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the customer, together with a photograph of the customer and a thumbprint or fingerprint of the customer. The photograph and thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer, but made available to the police department upon request in accordance with Public Act 95 of 1981;
 - f. The price to be paid by the dealer for the precious item or precious items;
 - g. The form of payment made to the customer; check, money order, bank draft, or cash. If the payment is by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft;

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- h. The customer's signature.
 - 2. The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year.
 - 3. Within forty-eight hours after receiving or purchasing a precious item, the dealer shall send a copy of the record of transaction form to the city police department and, if the record of transaction form indicates that the customer resides outside the city, the dealer shall send a copy of the record of transaction form to the police agency of the community in which the customer resides.
 - 4. The record of transaction forms of a dealer and each precious item received shall be open to inspection by the county prosecuting attorney and the city police department in accordance with Public Act 95 of 1981.
 - 5. Each record of a transaction shall be retained by the dealer for not less than one year after the transaction.
- C. Retaining Precious Item Prior to Alteration. A precious item received by a dealer shall be retained by the dealer for at least nine calendar days after it was received, without any form of alteration other than that required to make an accurate appraisal of its value.

(Ord. 08-05 § 1 (part), 2008)

18.10.030 Requirements for sexually oriented businesses.

- A. Purpose and Intent. It is the purpose of this chapter to regulate sexually oriented businesses to promote and protect the health, safety, morals and general welfare of the citizens of the city of Wixom 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 chapter 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 chapter 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 title to legitimize activities which are prohibited by city ordinance or state or federal law.
- B. Definitions. Sexually oriented businesses, as defined in Chapter 18.24 shall be subject to the regulations of this chapter.
- C. Classification. Sexually oriented businesses are classified as follows:
- 1. Adult arcades;
 - 2. Adult bookstores or adult video stores;
 - 3. Adult cabarets;
 - 4. Adult massage parlors;
 - 5. Adult motels;
 - 6. Adult motion picture theaters;
 - 7. Adult theaters;
 - 8. Adult nudity or retail stores;

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9. Escort and escort agencies;
 10. Nude model studios;
 11. Sexual encounter centers.

D. Location of Sexually Oriented Business.

1. A sexually oriented business shall not be located closer than one thousand feet to the property line of any of the following:
 - a. Church, religious institution, or building used primarily for religious worship and related religious activities;
 - b. Public or private elementary or secondary school, vocational school, special education school, junior college or university;
 - c. Any one-family zoning district, multiple-family zoning district or village center area zoning district;
 - d. Lot or parcel in residential use;
 - e. Public park;
 - f. Existing sexually oriented business;
 - g. Child care facility, nursery or preschool.
2. A sexually oriented business site shall only be located within a zoning district where it is listed as an allowable use.
3. 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 (D)(1) of this section. 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.
4. A person is in violation of this title if he/she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand feet of another sexually oriented business.
5. A person is in violation of this title if 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.
6. All off-street parking areas and entry door areas of a sexually oriented business shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on all parking surfaces and/or walkways. 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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7. Any business now classified as a sexually oriented business lawfully operating on the date of adoption of the ordinance codified in this title that is in violation of Section 18.10.010, 18.10.020 or 18.10.030 shall be deemed a nonconforming use.
- E. Nude Entertainment Prohibited in Alcoholic Commercial Establishment. It shall be unlawful for any person to perform in any alcoholic commercial establishment, to knowingly permit or allow to be performed therein, any of the following acts or conduct:
1. The public performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellations, or any sexual acts which are prohibited by law;
 2. The actual or simulated touching, caressing or fondling on the breasts, buttocks, anus or genitals in public; or
 3. The actual or simulated public displaying of the pubic hair, anus, vulva or genitals.
- It is unlawful for the owner, operator, agent or employee of an alcoholic commercial establishment to allow any female to appear in an alcoholic commercial establishment so costumed or dressed that one or both breasts are wholly or substantially exposed to public view. Topless or bottomless or totally uncovered waitresses, bartenders or barmaids, entertainers including dancers, impersonators, lingerie shows, or any other form for the attraction or entertainment of customers, is strictly prohibited. "Wholly or substantially exposed to public view" as it pertains to breasts shall mean the showing of the female breast in an alcoholic commercial establishment with less than a fully opaque covering of all portions of the areola and nipple, and the prohibition shall also extend to such events similar to wet t-shirt contests, lingerie shows or bikini shows.
- F. Exterior Display and Signs. A sexually oriented business is in violation of this chapter if:
1. The merchandise or activities of the establishment are visible from any point outside the establishment;
 2. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this title; or
 3. Neon or flashing lights.
- G. License Required to Operate a Sexually Oriented Business. Special land use and site plan approval shall be granted on the condition that the operator or owner of a sexually oriented business obtains a license to operate the business as required by Title 5 of the city code.
- H. Enforcement. A violation of the provisions of this chapter shall result, in addition to the remedies provided herein, possible criminal violations consisting of a fine of five hundred dollars or a jail term of ninety days, or both.
- I. Injunction. In addition to the provisions of this chapter, the city, at its option, may commence proceedings in the circuit court under the appropriate court rule or statute to enjoin any activity conducted by a sexually oriented business that is deemed to be in violation of these provisions.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.11 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Sections:

18.11.010 Intent.

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 Chapters 18.03, Residential Districts, 18.05, Manufactured Home Park District, 18.06, Commercial Districts, 18.07, VCA District, 18.08, Office and Research Districts, and 18.09, Industrial Districts.

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.

The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the city of Wixom 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.

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.

(Ord. 08-05 § 1 (part), 2008)

18.11.020 Permitted uses.

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

- A. R-1, R-2, R-3 and R-4. 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.
- B. RM-1 and RM-2. 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 twenty 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.

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- C. VCA. All business, service, professional office, and other commercial uses, or any combination of these uses, listed as permitted uses in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the planning commission to be similar to other uses in the surrounding area.
 - D. OS-1, B-1, B-2, B-3, FS and I-S. 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.
 - E. IRO, M-1 and M-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.

(Ord. 08-05 § 1 (part), 2008)

18.11.030 Special land uses.

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

(Ord. 08-05 § 1 (part), 2008)

18.11.040 Qualifying conditions.

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

- A. Demonstrated Benefit. The PUD shall provide two or more of the following benefits not possible under the requirements of another zoning district, as determined by the planning commission:
 - 1. Preservation of significant natural or historic features;
 - 2. A complementary mixture of uses or a variety of housing types that provides a benefit to the city over conventional development;
 - 3. Creative design that cannot be achieved by underlying district standards;
 - 4. Common open space for passive or active recreational use;
 - 5. Mitigation to offset community impacts;
 - 6. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- B. 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.
- C. Compatibility with the Master Plan. The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the city of Wixom master plan.
- D. Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the intent of this chapter and spirit of this title.

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- E. Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this title.

(Ord. 08-05 § 1 (part), 2008)

18.11.050 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 chapter.
- 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 zoning board of appeals. No part of a PUD plan may be appealed to the zoning board of appeals. 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 chapter.
- 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.

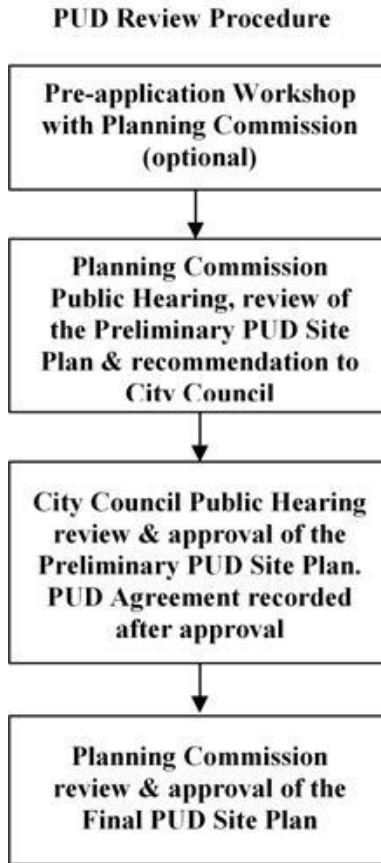
(Ord. 08-05 § 1 (part), 2008)

18.11.060 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.

- A. 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.
- B. The applicant shall submit the preliminary PUD site plan, meeting the requirements of Section 18.11.070, at least thirty days prior to the meeting at which the planning commission shall first review the request; twenty-one days for an applicant who has had a pre-application workshop on the proposal within sixty days of the preliminary PUD site plan submittal.

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- C. The planning commission shall review the preliminary PUD site plan, and shall conduct a public hearing in accordance with Section 18.21.110. 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 18.11.080. 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.
 - D. Following receipt of the planning commission recommendations, the city council shall conduct a public hearing in accordance with Section 18.21.110 on the preliminary PUD site plan. The city council shall take final action on the preliminary PUD site plan.
 - E. 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.
 - F. 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.
 - G. 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 chapter.
 - H. The applicant shall submit the final PUD site plan, as described in Section 18.11.090, for all, or any phase of, the approved preliminary PUD site plan at least thirty days prior to the planning commission meeting at which the planning commission shall first review the request.
 - I. Upon submission of all required materials and fees, the planning commission shall review 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.
 - J. 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.



(Ord. 08-05 § 1 (part), 2008)

18.11.070 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:

- A. 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.
- B. Written Documentation. Written documentation that the preliminary PUD site plan meets the standards of Section 18.11.040.
- C. 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.
- D. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four inches by thirty-six inches, with graphics at an engineer's scale of one inch equals twenty feet for sites of twenty acres or less; and one inch equals one hundred feet or less (i.e., one inch equals twenty to one hundred feet) for sites over twenty acres.
- E. Cover Sheet. Cover sheet providing:

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1. Applicant's name;
 2. Name of the development;
 3. Preparer's name and professional seal of architect, engineer, surveyor, and landscape architect as applicable indicating license in the state of Michigan;
 4. Date of preparation and any revisions;
 5. Complete and current legal description and size of property in acres;
 6. Small location sketch of the subject site and area within one-half mile, and scale;
 7. 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.
- F. PUD Site Plan. A site plan sheet indicating:
1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ 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;
 2. Existing and proposed topography at five-foot contour intervals, and a general description of grades within one hundred feet of the site;
 3. 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;
 4. 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;
 5. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed;
 6. 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;
 7. General engineering information for utilities and drainage;
 8. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
 9. Size, type, and location of proposed identification signs;
 10. North arrow;
 11. Property lines and dimensions;
 12. Lot lines and all structures on the property and within one hundred feet of the PUD property lines;
 13. Location of any vehicle access points on both sides of the street within one hundred feet of the PUD site along streets where vehicle access to the PUD is proposed.
- G. 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:

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1. A survey of the acreage comprising the proposed development;
 2. The manner of ownership of the developed land;
 3. The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space;
 4. Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks and other dimensional standards;
 5. Description of improvements to common areas, recreational facilities and nonmotorized pathways;
 6. 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;
 7. 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;
 8. 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;
 9. Provisions to ensure adequate protection of natural features;
 10. Financial assurances to guaranty the completion of all improvements;
 11. 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;
 12. The preliminary PUD site plan shall be incorporated by reference and attached as an exhibit.
- H. 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.
- I. 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.

(Ord. 08-05 § 1 (part), 2008)

18.11.080 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.

- A. The PUD shall meet the qualifying conditions of Section 18.11.040.

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- B. The PUD must be consistent with the city of Wixom master plan.
 - C. 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.
 - D. 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.
 - E. 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.
 - F. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements. 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 Section 18.15.010(G).
 - G. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of city ordinances, unless modified by city council.
 - H. 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.
 - I. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall be consistent with or exceeding the standards of Section 18.14.020.
 - J. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and nonregulated wetlands.
 - K. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
 - L. Building design shall be of a high quality, be consistent with or exceeding the standards of Section 18.14.010.

(Ord. 08-05 § 1 (part), 2008)

18.11.090 Final PUD site plan submittal requirements.

The final PUD site plan shall include all the following information, unless the building official determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- A. All information required for site plan submittal in accordance with Section 18.17.030.
- B. 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.

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- C. 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.

(Ord. 08-05 § 1 (part), 2008)

18.11.100 Final PUD site plan standards for approval.

The planning commission shall use the standards for approval of Section 18.17.040, and any design requirements developed specifically for the PUD by the city council, in reviewing the final PUD site plan.

(Ord. 08-05 § 1 (part), 2008)

18.11.110 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 18.17.090.
- 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 chapter and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

(Ord. 08-05 § 1 (part), 2008)

18.11.120 Appeals and variances.

Appeals and variances related to a PUD cannot be taken to the zoning board of appeals. 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 18.11.010.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.12 GENERAL PROVISIONS

Sections:

18.12.010 Uses per lot.

- A. Except as otherwise specifically provided in this title, no lot may contain more than one principal building, structure, or use.
- B. Groups of multiple-family buildings, site condominiums, retail business buildings, multi-tenant offices, leased industrial space, or other groups of buildings contained within a single integrated complex are deemed to be

a principal use collectively. To be considered as an integrated complex, the site shall share parking, signs, access, or other similar features, which together form a unified function and appearance.

- C. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts.
- D. Wireless communication facilities may be located on a lot that contains another use, except one-family and two-family dwellings.

(Ord. 08-05 § 1 (part), 2008)

18.12.020 Lot area allocation.

- A. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this title. If already less than the minimum requirements of this title, 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 title. Lots or yards created after the effective date of the ordinance codified in this chapter shall comply with the requirements of this title.

(Ord. 08-05 § 1 (part), 2008)

18.12.030 Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this title, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. 08-05 § 1 (part), 2008)

18.12.040 Voting place.

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

(Ord. 08-05 § 1 (part), 2008)

18.12.050 Height limit.

The building height restrictions of all zoning districts shall not apply to the following:

- A. Parapet walls and cornices not exceeding four feet in height.
- B. Chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

(Ord. 08-05 § 1 (part), 2008)

18.12.060 Projections into required yards.

Certain architectural features may project the following distance into the required yard setbacks as follows:

Table 12.06

Permitted Projections Into Required Yards

Projection	Front Yard	Rear Yard	Interior Side Yard	Corner Side Yard
Arbors and trellises	Permitted up to 3 feet from any lot line			
Awnings and canopies	3 ft.	5 ft.	3 ft.	3 ft.
Architectural features	3 ft.	3 ft.	2 inches per foot of setback	
Barrier-free ramps and other facilities integrated into landscape design	3 ft.	3 ft.	3 ft.	3 ft.
Bay windows	3 ft.	5 ft.	3 ft.	3 ft.
Decks, open or enclosed	See Section 18.13.030 Porches and Decks			
Eaves, overhanging	3 ft.	5 ft.	3 ft.	3 ft.
Fences and walls	See Section 18.13.050			
Flagpoles	Permitted no closer than 3 feet from any lot line			
Gardens and landscaping	Permitted in all yards			
Gutters	3 ft.	5 ft.	3 ft.	3 ft.
Laundry drying equipment	—	5 ft.	3 ft.	—
Light standard, ornamental	Permitted in any yard			
Mechanical equipment such as HVAC	—	5 ft.	A	—
Paved terraces	Permitted no closer than 3 feet from any lot line			
Unroofed porches, stoops, stairways and steps	10 ft.	10 ft.	3 ft.	3 ft.
Approved signs	See Chapter 18.16			
Window air conditioning units	—	3 ft.	3 ft.	—

- A. Central air conditioning, heating and water filtration equipment installed outside of one-family or two-family dwellings and their attached structures shall be located to the rear of the principal building, not less than three feet in from the extreme sides of the principal structure and in no cases less than fifteen feet from adjoining one-family and two-family dwellings.
- The building official may allow an alternate location and may reduce distance spacing in those instances where such alternate location does not adversely impact an abutting dwelling.

- 2. Screening of the equipment with appropriate landscaping or other solid material to reasonably conceal the equipment from view is required.

B. Open patios shall not be considered a portion of the structure.

(Ord. 08-05 § 1 (part), 2008)

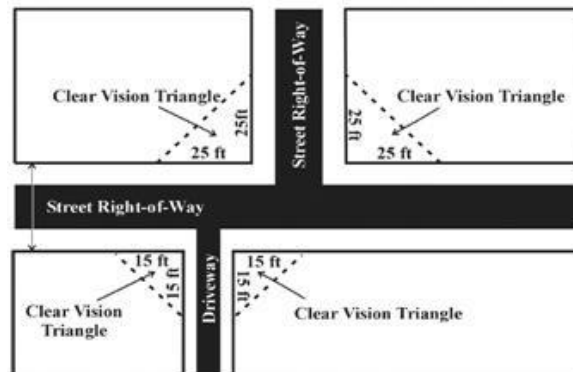
18.12.070 Frontage on a public street.

- A. No lot shall be used for any purpose permitted by this title unless such lot abuts a public street, unless otherwise provided for in this title or in Ordinance 80, codified in Title 16 of the Wixom Municipal Code.
- B. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- 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. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted, except as approved.
- D. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

(Ord. 08-05 § 1 (part), 2008)

18.12.080 Corner clearance.

- A. No fence, wall, structure, or planting shall be erected, established, or maintained on any lot that will obstruct the view of drivers in vehicles approaching the intersection adjacent to a corner lot or a driveway on any lot.
- B. Fences, walls, structures, or plantings located in the clear vision triangle, as depicted below, shall not be permitted to exceed a height of twenty-four inches above the lowest point of the intersecting street(s). The unobstructed triangular area is described as follows:
 - 1. The area formed at the corner intersection of two street right-of-way or easement lines, the two sides of the clear vision triangle being twenty-five feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two sides; or
 - 2. The area formed at the corner intersection of a street right-of-way, easement, or alley and a driveway, the two sides of the triangular area being fifteen feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.



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(Ord. 08-05 § 1 (part), 2008)

18.12.090 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 of surface water onto adjacent properties.

(Ord. 08-05 § 1 (part), 2008)

18.12.100 Essential services.

- A. Essential services, as defined in Chapter 18.24, Definitions, shall be permitted as authorized under any franchise in effect within the city, subject to regulation as provided in any law of the state of Michigan or in any ordinance of the city.
- B. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this title wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, legislation or other city ordinance. In the absence of such conflict, the zoning ordinance shall prevail.
- C. Wireless communication facilities shall be subject to the requirements of Section 18.12.110.

(Ord. 08-05 § 1 (part), 2008)

18.12.110 Wireless communication facilities and services.

- A. Purpose and Intent. The regulations of this section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the city of Wixom.
 - 1. It is the city's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city.
 - 2. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the city that all users should colocate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.
 - 3. In recognition of the city's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
 - 4. These regulations do not apply to accessory antennas addressed in Section 18.13.090.
- B. Zoning Districts and Approval Process for Wireless Communication Facilities. Wireless communication facilities may be located within the city as follows:

Table 12.11

Wireless Communication Facilities

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
Attached Wireless Communication Facilities on Existing Structures		
Attached to an existing building or structure that will not be materially altered or changed in appearance	All districts, except on lots occupied by a one-family residential use	Administrative site plan
Attached to an existing utility structure that will not be modified or materially alter the structure, impair sight lines, or compromise safety	All nonresidential districts	Administrative site plan, provided letter of acceptance is provided by the utility company
Collocation upon an existing wireless communication facility	All districts	Administrative site plan
New Wireless Communication Tower		
Monopole any height	M-1, M-2 districts or located on a municipally owned site, or public park in any district	Special land use and site plan by the city council after recommendation by the planning commission in accordance with Chapters 18.17 and 18.18
Lattice tower where it can be demonstrated that a monopole is not feasible	M-1, M-2 districts	Special land use and site plan by the city council after recommendation by the planning commission in accordance with Chapters 18.17 and 18.18

- C. Application Requirements—Collocation. The following information shall be provided with the application, in addition to other administrative site plan submittal requirements, as required in Chapter 18.17, Site Plan Review Requirements and Procedures, for an attached wireless communication facility collocated on an existing structure:
1. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises;
 2. The owner and/or operator of the existing tower or structure;
 3. Legal description of the parent tract and leased parcel (if applicable);
 4. Elevation drawings and construction details of all existing and proposed wireless communication facilities including accessory structures and equipment shelters;
 5. The reason or purpose for the wireless communication facility with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives;
 6. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city and within one mile of the city;
 7. The structural capacity and whether it can accommodate the facility, as proposed or modified;
 8. Limits and type of fencing, the method of screening and illumination;
 9. A description of compliance with this section and all applicable federal, state or local laws;

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10. A description of performance guarantee to be posted upon issuance of a building permit to ensure removal of the facility if it is abandoned or is no longer needed. This amount shall be a minimum of five thousand dollars or as determined upon resolution by the city council.
- D. Application Requirements for New Wireless Communication Tower. The following information shall be provided with the application to construct any new wireless communication tower, in addition to the submittal requirements in subsection C of this section and the items required in Chapter 18.18, Special Land Use Review Requirements and Procedures:
1. A description of the guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the city for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the city's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.

The guarantee shall meet the requirements of Section 18.21.100. An agreement establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance shall be submitted with the application and upon approval recorded at the office of the Oakland County Register of Deeds in a form approved by the city attorney. The written agreement would include the ability of the city to assess the costs as a lien against the property if not paid. The applicant, owner or successor shall be responsible for payment of any costs or attorney fees incurred by the city in securing removal.
 2. Inventory all existing towers, antennas, or sites approved for towers that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
 3. In recognition of the city's policy to promote collocation, a written agreement between the applicant and the city, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation. Any tower one hundred fifty feet or more in height must be made available for a minimum of four carriers.
 4. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide services through the use of the proposed new tower.
 5. Prior to issuing a building permit, a signed certification by a professional engineer licensed by the state of Michigan shall be provided to the city that describes the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e., "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- E. Design Standards Applicable to All Facilities. All wireless communication facilities shall be constructed and maintained in accordance with the following standards:
1. Facilities shall be located and designed to be harmonious with the surrounding areas.
 2. Fencing shall be provided for protection of the tower and associated equipment and security from children and other persons who may otherwise access the facilities. All fencing shall be black vinyl-coated chain link fencing or a brick wall.
 3. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. The city may permit an eight-foot tall brick screening wall in locations where landscaping may not survive.

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4. All accessory buildings shall be constructed of brick, provided the planning commission may waive this requirement for a building that is located in the M-1 or M-2 industrial district and is not visible from a public right-of-way or nonindustrial zoning district. This provision shall not apply to equipment cabinets that are not visible from the property line.
 5. Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions, shall be brought into conformance prior to the erection of the wireless communication facility. Collocation may be permitted on existing buildings or structures that are not in conformance with the current zoning standards; however, additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
 6. Accessory buildings shall be a maximum of fourteen feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
 7. All attached wireless communication facilities proposed on the roof of a building shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
 8. The plans shall contain a notation that the plans comply with all the requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission. Any aviation hazard lighting shall be detailed on the plans.
 9. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- F. Design Standards Applicable to New Towers. In addition to the design standards in subsection E of this section, all wireless communication towers shall be constructed and maintained in accordance with the following standards:
1. Feasible Collocation. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.
 2. Collocation Agreement. All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement between the applicant and the city, in a format approved by the city attorney.
 3. Height. The applicant shall demonstrate that the requested height of the new or modified tower and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate. The height of the tower shall not exceed a maximum of one hundred fifty feet. Taller towers shall require approval from the zoning board of appeals in accordance with subsection H of this section.
 4. Tower Setbacks. The wireless communication tower shall be setback from all property lines a distance determined by a professional engineer in accordance with subsection (D)(5) of this section.
 5. Accessory Structure Setback. Accessory structures must satisfy the minimum zoning district building setback requirements.
 6. Access. There shall be unobstructed access to the tower for operation, maintenance, repair and inspection purposes which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic

and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

7. Soils Report. The tower shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the state of Michigan. This soils report shall include soil borings and statements confirming the suitability of the foundation design relative to soil conditions for the proposed use.
8. Color. Towers shall be constructed of galvanized steel or painted a neutral color to reduce visual obtrusiveness.
9. Lighting. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
10. Signs. No signs shall be allowed on an antenna or tower.

G. Collocation.

1. Statement of Policy.

- a. It is the policy of the city of Wixom to minimize the overall number of newly established locations for wireless communication facilities and towers within the city by encouraging the use of existing structures.
- b. If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with city policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.

2. Antennas on Existing Towers. An antenna which is attached to an existing tower may be approved by the building official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

- a. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the building official allows reconstruction as a monopole.
- b. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the collocation of additional carriers if the provisions of this chapter for fall zone and foundation stability are met.

2. Antennas Mounted on Structures or Rooftops. Wireless communication antennas placed on the roofs of buildings may be approved by the building official, if the principal use is a conforming use and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than twelve feet. This does not apply to residential buildings.

3. Antennas Mounted on Utility Structures. Wireless communication antennas attached to utility structures such as water towers or electrical transmission line towers may be approved by the building official. The equipment cabinet or structure used in association with antennas shall be located in accordance with the city building code and this title regarding accessory structures in the zoning district in which it is located.

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- H. Variances. The zoning board of appeals may consider a variance from the standards of this section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:
1. Location. The applicant must demonstrate that a location cannot reasonably meet coverage or capacity needs if constructed in accordance with the standards of this section.
 2. No Collocation. The applicant must demonstrate that a feasible collocation is not available for the coverage area and capacity needs because existing structures cannot support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.
 3. Tower Setback. The applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
 4. Height. The height requested is necessary to compensate for signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the city.
 5. Mitigation. The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the city, and special design of the facility and site.
 6. Design. The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

(Ord. 08-05 § 1 (part), 2008)

18.12.120 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 one hundred 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 city, county, and state regulations.
- B. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred square feet may be permitted after review and approval of an administrative site plan in accordance with Chapter 18.17, Site Plan Review Requirements and Procedures and with applicable city, county, and state regulations.
- C. Excavation and site preparation for building foundations is excepted from the excavating provisions of this section 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 section 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 one hundred square feet prior to site plan approval in accordance with Chapter 18.17, Site Plan Review Requirements and Procedures shall be prohibited unless a tree removal permit from the building department has been issued.
- F. The use of land for dumping or disposal of refuse, ash, garbage, rubbish, waste material or industrial byproducts or the storage, collection or accumulation of used construction materials shall not be permitted in any district.

(Ord. 08-05 § 1 (part), 2008)

18.12.130 Performance standards.

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are established as the minimum requirements to be maintained within the area:

- A. Smoke. It is unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 2 on the Ringlemann Chart, provided that the following exceptions shall be permitted:
1. Smoke, the shade or appearance of which is equal to but not darker than No. 3 on the Ringlemann Chart for a period or periods aggregating four minutes in any thirty minutes.
 2. Smoke, the shade or appearance of which is equal to but not darker than No. 3 on the Ringlemann Chart for a period or periods aggregating three minutes in any fifteen minutes, when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.

Method of Measurement. For the purposes of grading the density of smoke, the Ringlemann Chart as now published and used by the United States Bureau of Mines which is made a part of this title shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringlemann Chart.

- B. Dust, Dirt and Fly Ash. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gas-borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred degrees Fahrenheit.

Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code of 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 building official 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.

- C. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

- D. Fire and Explosive Hazards.

1. In the M-2 general industrial district, the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire chief, is permitted subject to compliance with all other performance standards above-mentioned.
2. The storage, utilization or manufacture of materials, goods or products ranging from free-to-active burning to intense burning, as determined by the fire chief, is permitted subject to compliance with all

other yard requirements and performance standards previously mentioned, and provided that the following conditions are met:

- a. The materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having noncombustible exterior walls, which meet the requirements of the building code of the city.
- b. All such buildings or structures shall be set back at least forty feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
- c. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the rules and regulations as established by Act 207 of the Public Acts of 1941, as amended.

E. Noise.

1. The emission of measurable noises from the premises shall not exceed sixty decibels as measured at the boundary property lines. This provision shall apply in all districts except as specified in this section for the M-1 and M-2 industrial districts. A sound level meter shall be used to measure the level of the sound or noise. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer.
2. M-1 District. In the M-1, light industrial district, the measurable noise emanating from the premises used for activities permitted shall not exceed seventy decibels during the normal work periods of between the hours of six a.m. and ten p.m. and shall not exceed sixty-five decibels during the sleeping hours of between the hours of ten p.m. and six a.m. as measured at the property lines. Noises shall be muffled so as not to become objectionable due to intermittence, beat frequency or high frequency.
3. M-2 District. In the M-2, general industrial district, the measurable noise emanating from the premises used for activities permitted shall not exceed seventy-five decibels during the normal work period or between the hours of six a.m. and ten p.m. and shall not exceed seventy decibels during the sleeping hours of between the hours of ten p.m. and six a.m., as measured at the property lines. Noises shall be muffled so as not to become objectionable due to intermittence, beat frequency or high frequency.

F. Vibration. Machines or operations which cause vibration shall be permitted in industrial districts, but no operation shall cause a displacement exceeding 0.003 of one inch as measured at the property line.

G. Odors. Creation of offensive odors is prohibited.

H. Wastes. All discharges to the city's publicly owned treatment works (sanitary sewer system) shall conform to appropriate regulations in the city wastewater disposal standards and regulations for the city's sewage disposal system as included in Ordinance No. 135, codified in Chapter 13.08 of Wixom Municipal Code.

(Ord. 08-05 § 1 (part), 2008)

18.12.140 Off-road vehicles and motorcycles.

The off-road use of motorcycles and other types of off-road vehicles shall be prohibited except on an approved racetrack or course for motorcycles and off-road vehicles in the M-1 district. This provision shall not apply to the lawful use of licensed vehicles on streets, roads, driveways or parking lots.

(Ord. 08-05 § 1 (part), 2008)

18.12.150 Street names and house numbers.

- A. Street Names. All streets shall be known and designated by the names applied thereto on the map of the city known as the street address guide, filed with the building department. The naming of any street or the changing of the name of any street shall be done by administrative approval of the building official.
- B. Street Numbers. All premises shall bear a distinctive street number on the front or near the front entrance of such premises in accordance with and as designated upon the street address guide on file in the building department.
- C. Numbering Buildings. The owners and occupants of all buildings in the city shall cause the correct numbers to be placed thereon in accordance with such street address guide. Such numbers shall be not less than three inches high, shall be facing the street and adjacent to the principal entrance, and in such position as to be plainly visible from the street.

(Ord. 08-05 § 1 (part), 2008)

18.12.160 Medical marihuana activities.

Medical marihuana activities shall be subject to the following limitations:

- A. Medical marihuana activities are permitted in the R-1, R-2, R-3, R-4, RM-1, RM-2 and MHP zoning districts. Medical marihuana activities are expressly prohibited in all other zoning districts.
- B. All medical marihuana activities shall be conducted in full compliance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law, as amended.
- C. All medical marihuana activities shall be conducted in full compliance with all applicable building and fire codes.
- D. Medical marihuana dispensaries, cooperatives, or other shared growing facilities are expressly prohibited.
- E. Except for the use of medical marihuana, medical marihuana activities shall not be conducted in accessory structures.

(Ord. No. 2014-01, § 3, 1-28-2014)

18.12.170 Special events.

The building official may grant special event permits for temporary uses having a duration of no more than seven days, under the following conditions:

- A. The granting of the special event permit shall in no way constitute a change in the uses permitted in the district nor on the property where the temporary use will be permitted.
- B. An application must be submitted meeting the sketch plan requirements of Section 18.17.060. The application shall include a written description of the special event, and a written explanation as to the time, duration, nature of the development requested, and arrangements for removing the use at the termination of the special events permit.
- C. For special events that utilize all or a portion of a parking lot for other than vehicle parking, the application shall be reviewed by applicable city departments and city consultants to ensure appropriateness and safety. This review period will be a maximum of ten days from the date a complete application is submitted, as determined by the building official.

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- D. With the special events covered under subsection 18.12.170.C. above, the building official may approve multiple events happening over a one-year period where the same conditions exist. A multiple-event approval does not eliminate the need for a separate permit for each event.
 - E. With respect to special event requests that will not utilize all or a portion of a parking lot, the building official may, in his/her discretion, forward the application for review by any city departments, city consultants or the planning commission for input.

(Ord. No. 2020-02 , § 1, 7-14-2020)

18.12.180 Temporary uses.

The planning commission may grant temporary use fees that do not require the erection of any capital improvement of a structural nature under the following conditions:

- A. The granting of the temporary use shall in no way constitute a change in the uses permitted in the district nor on the property wherein the temporary use is permitted.
- B. An application must be submitted meeting the sketch plan requirements of Section 18.17.060. The application shall include a written description of the temporary use, and a written explanation as to the time, duration, nature of development requested, and arrangements for removing the use at the termination of the temporary use permit. Temporary uses may be approved for a period of up to twelve months, with the granting of one twelve-month extension being permissible by the planning commission.
- C. The temporary use application shall be reviewed by applicable city departments and city consultants to ensure appropriateness and safety.
- D. All setbacks, land coverage, off-street parking, lighting and other ordinance requirements shall be met. The planning commission may also impose reasonable conditions on a temporary use that might be required to protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city.
- E. In classifying uses as not requiring capital improvements, the planning commission shall determine that they are either demountable structures related to the permitted use of land; recreation developments such as, but not limited to, golf driving ranges and outdoor archery courts or structures which do not require foundations, heating systems or sanitary connections. No temporary use shall install any permanent structures, and shall be limited to demountable structures.
- F. The temporary use shall be in harmony with the general character of the district and meet the intent of the City of Wixom Master Plan.
- G. The planning commission may, after notice to the permit holder and holding a public hearing, revoke said temporary use permit upon showing that either the conditions of approval have not been met, that the use is having a negative impact on the surrounding properties, or that the use is contrary to original representations by the applicant.
- H. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter.

(Ord. No. 2020-02 , § 2, 7-14-2020)

Chapter 18.13 ACCESSORY BUILDINGS AND USES

Sections:

18.13.010 Accessory buildings, structures and uses.

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

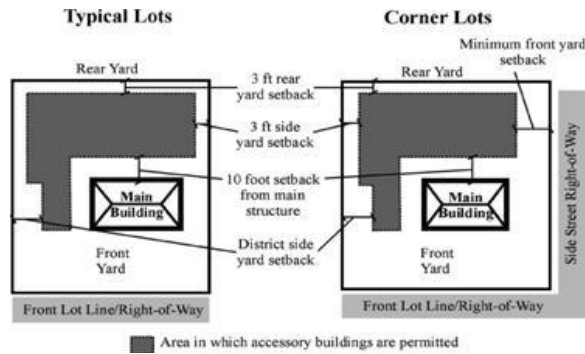
- A. Relation to Principal Building.
1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
 2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
 3. Detached accessory buildings shall be set back a minimum of ten feet from the principal building.
- B. Locations for Detached Accessory Buildings.
1. Detached accessory buildings and structures shall only be located in the yards listed in Table 13.01.

Table 13.01

Accessory Building Locations and Setbacks

Locations Permitted	Minimum Setback from Lot Line
Front Yard	Not permitted
Side Yard	District setback
Rear Yard	3 feet from rear lot line
	3 feet from side lot line
	1 foot from alley
Corner lot side-street yard	Front yard setback of zoning district

2. Accessory buildings shall not be located within a dedicated easement or right-of-way.
- C. Rear Yard Lot Coverage Limit. A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district.



- D. Height Limitations. The maximum height of detached accessory buildings shall be one story but not to exceed fourteen feet.
- E. 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.
- F. 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.
- G. 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 title 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.

(Ord. 08-05 § 1 (part), 2008)

18.13.020 Lots having water frontage.

- A. Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted.
- B. Accessory structures shall be permitted after review and approval of plans by the zoning board of appeals.
- C. Accessory structures shall be permitted in the yard between the abutting street right-of-way and the principal building, provided the accessory building meets the front yard setback as required for the district in which it is located.

(Ord. 08-05 § 1 (part), 2008)

18.13.030 Porches and decks.

- A. Front Yard.
 - 1. Uncovered Porches. An open, unenclosed and uncovered porch or terrace may project into a required front yard setback for a distance not exceeding ten feet.
 - 2. Covered Porches. Porches or terraces sheltered partially or wholly by a permanent or temporary canopy, awning, metal, lattice, pergola or any other material shall be considered covered. Covered

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- porches and decks may project into a required front yard setback for a distance not exceeding eight feet.
3. Enclosed Porches. Porches that are covered and enclosed by walls or windows are subject to the front yard setback applicable to the main structure, as set out in the applicable zoning district.
- B. Side Yard. A deck or porch must not be closer to a side lot line than the minimum required side yard setbacks that apply to the main structure on the property, as set out in the applicable zoning district.
- C. Rear Yard. Decks and open, unenclosed and uncovered porches, including those constructed on the ground and/or constructed of brick, concrete or pavers, are permitted to extend into the minimum required rear yard setback providing the following standards are met:
1. In no case shall any deck or porch be less than twenty feet from the rear lot line.
 2. No more than fifteen percent of the area of the required rear yard, as determined by applying the standards set out in the applicable zoning district, shall be covered by a first-story deck, a ground-level deck, or a deck located above a walk-out basement.
 3. No portion of the deck or porch located in the required rear yard shall contain covered structures such as gazebos, screened or covered porches.
 - a. Decks or porches sheltered partially or wholly by a permanent or temporary canopy, awning, metal, lattice, pergola or any other material shall be considered covered.
 - b. If covered structures are installed on a deck or porch they shall be subject to the standards applicable to the main structure and in the applicable zoning district.
 4. Covered and enclosed structures intended for use during three or four seasons of the year (e.g., sunroom, screened porches, enclosed gazebos) are also subject to the requirements of Section 18.03.030(C).
- D. Second-Story Decks.
1. Second-story decks, including any walkway connecting the second-story deck to a first-story deck, a ground-level deck, or a deck located above a walk-out basement, may extend into the rear yard setback, provided it does not extend more than fourteen feet from the rear of the dwelling.
 2. The area of a second-story deck shall not count toward the permitted lot coverage for accessory buildings and structures.
 3. If covered or enclosed, a second-story deck is subject to the minimum setbacks that apply to the main structure on the property, as set out the applicable zoning district.
- E. Privacy Fences and Screens. Any privacy fence or privacy screen attached to a deck or porch shall be permitted in the rear yard, provided that it does not exceed six feet in height, measured from the floor of the deck or porch.

(Ord. 08-05 § 1 (part), 2008)

18.13.040 Pools and hot tubs.

- A. Location. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard or easement.
- B. Pool Setback. Swimming pools shall be set back as follows:

Table 13.04

Pool Setback Requirements

Feature	Minimum Setback
Interior side or rear lot line	5 ft.
Building wall	10 ft.
Electrical, telephone cable or gas lines, overhead or underground	10 ft.
Private well	25 ft.
Semi-public well	75 ft.
Sewer	3 ft.
Septic tank	10 ft.

- C. Hot Tub Setbacks. Spas, hot tubs and similar facilities shall be set back at least ten feet from the rear lot line and meet the side yard setback of the district.
- D. Security Fencing. Swimming pools, spas, hot tubs and similar devices that contain twenty-four inches or more of water in depth at any point shall provide a permanent security fencing and closable gate that meets the requirements of the city building code.

(Ord. 08-05 § 1 (part), 2008)

18.13.050 Fences and walls.

- A. All Districts.
 - 1. Unless specifically authorized elsewhere in this title, 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.
 - 3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
 - 4. Fences may be located along a property line.
 - 5. Fences that enclose historically designated property shall not exceed four feet in height and must be of material and construction consistent with the historical character of the property.
 - 6. All exposed horizontal and vertical structural members of a fence shall be located on the inside of the property they are intended to fence.
 - 7. Electronic fences buried beneath the ground for the control of pets are permitted in all districts.
 - 8. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity unless otherwise provided in this section.
 - 9. Fences shall be constructed of quality, durable material such as wood, vinyl, aluminum, wrought iron, or chain link.
- B. Front Yard Fences in Residential Districts.
 - 1. Unless specifically authorized elsewhere in this title, fences or walls located within the front yard or exterior side yard shall:
 - a. Not exceed three and one-half feet in height;
 - b. Be in excess of forty-nine percent solid or impervious; and

- c. Be of a decorative nature as determined by the building official.
 - 2. Parcels having a lot area in excess of two acres and a frontage of at least two hundred feet are excluded from the regulations of subsection B of this section.
- C. Nonresidential Districts.
- 1. Fences and walls shall not be permitted in the front yard in a nonresidential district, except where specifically provided for below.
 - 2. A chain link fence in the front yard of an industrial district may be permitted if enclosing a retention or detention pond approved by the planning commission. Any chain link fence used to enclose a retention or detention pond must be black vinyl coated.
 - 3. Fences in the industrial district shall not exceed eight feet in height.
 - 4. Barbed wire in not more than three strands mounted in a wye at the top of the fence shall be permitted in the industrial districts, provided such wye is located to project over the property being fenced.
 - 5. Landscaping to obscure the visual impact of the fencing in the situations as noted above is required unless waived by the planning commission.
- D. Screen Walls.
- 1. Requirements. For those use districts and uses listed below, in addition to the buffer zone required by Section 18.14.020(C), there shall be provided and maintained on those sides abutting or adjacent to a residential district, a screen wall constructed of brick or other suitable quality masonry material approved by the planning commission.

Table 13.05
Wall Requirements

Use	Requirements
Off-street parking areas	4-foot high wall
MHP, OS-1, B-1, B-2, B-3, FS, I-S and IRO districts	6-foot high wall
Institutional uses	6-foot high wall
M-1 and M-2 districts	6-foot to 8-foot high wall (height shall provide the most complete obscuring possible)
Outdoor storage areas, loading or unloading areas, service areas	6-foot to 8-foot high wall (height shall provide the most complete obscuring possible)
Utility and essential public service buildings and uses	6-foot high wall

- 2. Waivers and Modifications. The planning commission may waive or modify the wall requirement between nonresidential and residential districts under the following conditions:
 - a. The requirement for a screen wall may be waived where the developed portion of the nonresidential site, including all buildings, pavement, storage and structures will be set back more than two hundred feet from the residential district.
 - b. The requirement for a screen wall may be waived where the residential district is considered to be an area in transition that will become nonresidential in the future, based upon the city of Wixom master plan.
 - c. Where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result, the planning commission may allow or require an earth berm

and evergreen plantings to serve as the complete and continuous screen wall. The starting size of evergreen trees shall be a minimum of eight feet in height and irrigation shall be provided.

- d. The planning commission may approve a reduction in wall requirements if material being stored is less than six feet in height.
3. Location. Walls shall be placed on the property line. In cases where underground utilities interfere with placement of the wall on the property line, the wall may instead be placed on the utility easement line located nearest the property line. In those instances where the wall may interfere with the maintenance of water or sewer utilities, the property owner is responsible for the cost of the removal and replacement of the wall, as determined by the city.
4. Materials.
 - a. All walls shall be constructed of brick or other quality masonry material that matches the primary masonry of the principal building on the site approved by the planning commission or building official.
 - b. Construction materials must be durable, weather-resistant, and rustproof.
 - c. Standard concrete block walls and poured or precast concrete walls are not permitted.
 - d. Required walls shall be similarly finished on all sides.
5. Maintenance. All walls shall be maintained by the property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. The city may require that a suitable maintenance guarantee be provided for the continued maintenance of walls required under this title.

(Ord. 08-05 § 1 (part), 2008)

18.13.060 Entranceways.

In all zoning districts, entranceway structures, including but not limited to walls, columns and gates marking entrances to one-family subdivisions, multiple-family housing projects, business centers and industrial and office parks may be permitted and may be located in a required yard, except as provided in Section 18.12.080.

(Ord. 08-05 § 1 (part), 2008)

18.13.070 Solar panels.

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

(Ord. 08-05 § 1 (part), 2008)

18.13.080 Wind generators.

Wind generators may be permitted in rear yards when the following conditions are met:

- A. The highest point of any portion of the generator shall not exceed thirty-five feet above the average grade of the lot.

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- B. The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - C. The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed thirty percent of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - D. The construction of the tower, blades, base structure, accessory building and wiring shall meet all applicable city building code and ordinances.

(Ord. 08-05 § 1 (part), 2008)

18.13.090 Antennas.

Television and radio antennas, including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory use in any district subject to the following conditions. Conventional television antennae and satellite dishes less than 3.3 feet (one meter) in diameter for a residential use and 6.6 feet (two meters) in diameter for a nonresidential use shall be exempt from the regulations of this section, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line. Wireless communication facilities, such as cellular phone towers, wireless internet antenna and commercial broadcasting antenna, shall be subject to the requirements of Section 18.12.110. Satellite dishes shall be located on the building roof or ground.

- A. Building-Mounted.
 - 1. The receiving portion of a building-mounted reception antenna shall not exceed a dimension of seven square feet of wind resistance surface in any residential district.
 - 2. The receiving portion of a building-mounted reception antenna shall not exceed a dimension of fifty square feet of wind resistance surface in any nonresidential district.
 - 3. Reception antenna shall not exceed a height of more than three feet above the highest point of the roof on which it is mounted in any residential district.
 - 4. In any nonresidential zoning district, the total height of the reception antenna and the building that it is mounted on shall not exceed the maximum height requirements for the district in which it is located.
 - 5. Roof-mounted reception antenna shall be placed on a section of the roof in the rear yard.
 - 6. Reception antenna shall be designed to withstand a wind force of eighty-five miles per hour without the use of supporting guy wires.
 - 7. Reception antenna shall not be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the television reception antenna.
- B. Ground-Mounted.
 - 1. The receiving portion of a ground-mounted antenna shall not exceed a dimension of fifty square feet of wind resistance surface.
 - 2. The reception antenna shall be constructed to the rear of the principal building and is not permitted in any front or side yard.

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3. The reception antenna, including its concrete base slab or other substructure, shall be set back a minimum of ten feet from any property line or easement in any residential district and a minimum of five feet from any property line or easement in any nonresidential district.
 4. Reception antenna shall be constructed with appropriate landscaping to reasonably conceal the antenna from view.
 5. Reception antenna shall be located on the same lot as the receiver or an adjacent contiguous lot that is owned or managed by the same person and/or company.
 6. A reception antenna shall not exceed a height of fourteen feet.
 7. Wiring between a reception antenna and receiver shall be placed at least four inches beneath the surface of the ground within rigid conduit.
 8. Reception antenna shall be designed to withstand a wind force of seventy-five miles per hour without the use of supporting guy wires.
- C. General.
1. 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.
 2. No more than three antennas shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
 3. The color of the antennae shall be of tones similar to the surroundings.
- D. Temporary Permits for Mobile Units. Mobile reception antenna units may be granted temporary permits for periods not to exceed seventy-two hours by the building official. The unit shall be located in accordance with location requirements for a permanent installation or as nearly thereto as possible. In those instances where a front yard installation may be required, the temporary installation shall not be permitted to exceed a twenty-four-hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

(Ord. 08-05 § 1 (part), 2008)

18.13.100 Backyard play structures and skateboard ramps.

Play structures such as swing sets, tree houses, jungle gyms and skateboard ramps, on residential lots shall be permitted as accessory structures and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

(Ord. 08-05 § 1 (part), 2008)

18.13.110 Storage of recreational equipment.

- A. A resident may store recreational equipment they own on their individual lot in garages or other accessory structures or within the confines of the non-required side or any rear yard and shall further comply with the accessory building requirements for distances from principal structures, setbacks from lot lines and easements.
- B. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied.

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- C. On waterfront lots, boats may be stored on the waterfront side of a lot from October 1st through May 1st of any year.

(Ord. 08-05 § 1 (part), 2008)

18.13.120 Sale and maintenance of vehicles.

A. Sale of Vehicles.

1. A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time.
2. In no instance shall vacant lots or parcels be utilized for the sale of vehicles.
3. In no instance shall a vehicle for sale be displayed in a front yard other than on the driveway portion of the yard. In those cases where a driveway of a residence is not more than twelve feet in width, the vehicle for sale may be parked within an area adjacent to the driveway not to exceed fifteen feet in width as measured from the side edge of the driveway.

- B. Maintenance of Vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property.

(Ord. 08-05 § 1 (part), 2008)

18.13.130 Commercial vehicles.

- A. No commercial vehicle weighing in excess of ten thousand pounds gross vehicle weight or meeting the definition of a commercial vehicle shall be parked on any residentially zoned property or residential street in the city for any purpose or length of time other than the following:

1. For expeditious loading and delivery or pick-up and unloading of materials, goods, or merchandise; or
2. For the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, as otherwise provided in this title.

- B. The owner of residentially zoned property shall not permit a commercial vehicle to remain on such property in violation of the provisions of this title.

- C. In any proceeding for violation of this title where a motor vehicle displays commercial license registration plates, such registration shall constitute a prima facie presumption that it is a commercial vehicle at the time of any alleged violation.

- D. In any proceeding for violation of the weight limitation provision of this chapter, the weight indicated on the vehicle's registration shall constitute a prima facie presumption of the weight of the vehicle at the time of any alleged violation.

(Ord. 08-05 § 1 (part), 2008)

18.13.140 Common use waterfront lots.

- A. Where a parcel of land contiguous to a natural body of water is proposed for residential development, a commonly owned area bordering on the body of water may be dedicated for recreational purposes.

1. The common area shall be dedicated for the use of owners and occupants of dwellings contained in the development.
 2. Deed restrictions and bylaws shall restrict the use of the common waterfront area to the owners and occupants of dwellings within the development. The deed restrictions and bylaws shall be approved by the planning commission with the development.
- B. Common use waterfront lots shall not be used for public marinas, public beaches or commercial recreational use operated for profit.
- C. The design, operation and use of the common waterfront lot shall not impair the natural appearance of the land, overcrowd the lake surface or produce unreasonable noise or annoyance to surrounding properties.
- D. A common waterfront lot shall contain a minimum of three hundred linear feet of water frontage and one hundred fifty feet in depth.
1. For the purpose of computing the length of water frontage, the measurement shall be along the water's edge at the normal high water mark of the lake as determined by the Michigan Department of Natural Resources or other applicable state agency or department; or if the department has not made such a finding, the normal high water mark location shall be determined at the discretion of the city.
 2. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any man-made channel, lagoon, canal or the like.
- E. The maximum number of boats that can be docked, moored, stored or launched from an individual residential lot or a common waterfront lot shall be determined by zoning district and shall not exceed the following:

Table 13.14

Boat Limits

District	Number of Boat Wells/Feet of Lake Frontage
R-1 and R-2	2 boats/90 feet
R-3	2 boats/80 feet
R-4	2 boats/60 feet
RM-1 and RM-2	2 boats/60 feet

Nonmotorized watercraft less than eighteen feet in length such as canoes and kayaks shall not be counted towards the above maximum number of boats.

- F. All boats that are moored, stored or launched from an individual residential lot shall be the property of the occupant of the dwelling on the same lot. Mooring, storage or launching of boats by persons who do not reside on the same lot shall be prohibited.
- G. In those instances where lakefront lots or parcels are created, the water frontage lot width, measured at the water's edge at the normal high water mark of the lake, shall not be less than the front yard lot width requirement of the zoning district in which the lot is located.
- H. In no instance shall a waterfront parcel, lot, or tract of land in a residential zone be utilized as a principal use of property for the launching, docking or storage of boats or other watercraft.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.14 GENERAL SITE DEVELOPMENT REQUIREMENTS

Sections:

18.14.010 Architectural and design requirements.

- A. Purpose. The purpose of this section is to provide a set of exterior building wall material standards, the intent of which is to enhance the visual environment of the city. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the city's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the city's various commercial shopping districts.
- B. Applicability.
1. This section shall apply to the exterior building walls of all construction, except one-family detached and two-family residential structures and their associated accessory buildings.
 2. Architecture shall be reviewed by the planning commission as a part of site plan review under the requirements of this section. Within the VCA district, the architectural requirements contained in Chapter 18.07, Village Center Area District shall apply instead of this section.
 3. Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
 - a. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the planning commission may modify the material requirements of the section so it will be consistent with the architecture of the entire building.
 - b. Where an addition is proposed to an existing building, the planning commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.
- C. Exterior Building Design.
1. Buildings shall possess architectural variety, but enhance the overall cohesive community character. All commercial and office buildings should provide architectural features, details, and ornaments such as archways, colonnades, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, decorative cornices or towers.
 2. Building walls and roofs over fifty feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
 3. Window area shall make up at least twenty percent of the exterior wall area facing the principal street(s) from which access is gained. Bars shall not be put over windows and doors that are visible from the street.
 4. 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 title must also be satisfied.
 5. Overhead doors shall not face a public street or residential district. The planning commission or building official can modify this requirement upon a determination that there is no reasonable

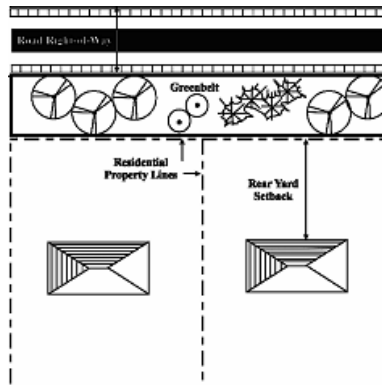
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- alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in Section 18.14.020.
6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.
- D. Building Materials.
1. Durable building materials which provide an attractive, quality appearance must be utilized.
 2. The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units, glass products or other similar material as determined by the planning commission.
 3. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete EFIS (exterior finish insulation system) panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
 4. Metal roofs may be allowed if deemed by the planning commission to be compatible with the overall architectural design of the building.
 5. All building materials shall be durable, weather-resistant and shall be maintained by the property owner or tenant at all times.
- E. Building and Sign Colors.
1. 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 or roof of the building are prohibited except as approved by the planning commission or building official for building trim.
 2. The use of trademark colors not meeting this requirement shall require approval by the planning commission.
 3. 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.
- F. Roof Design.
1. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
 2. 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 twelve inches.
 3. Architectural methods shall be used to conceal flat rooftops and mechanical equipment.
 4. Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.
- G. Customer Entrances. Clearly defined, highly visible customer entrances shall be included in the design. Features such as canopies, porticos, arcades, arches, wing walls or integral planters shall be used to identify such entrances.
- H. Community Amenities. Community amenities such as patio/seating areas, water features, artwork 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.
- I. Signs. Signs shall be in accordance with Chapter 18.16, Signs. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

- J. 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.
- K. Building Location and Orientation. New buildings shall have at least one principal building entrance visible from the front lot line.
- L. The planning commission may waive the requirements of this section.

(Ord. 08-05 § 1 (part), 2008)

18.14.020 Landscaping requirements.

- A. Purpose. The following section is intended to establish minimum standards for the design, installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses, enhance the visual image of the city, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from noise, light, traffic, litter and other impacts. These landscaping requirements are applicable for uses described in Section 18.17.020 and not intended for one-family or two-family dwellings on a single lot of record.
- B. Required Greenbelt along Street Frontage.
 1. All nonresidential sites shall provide a greenbelt along the front lot line within the minimum required front yard setback along each public or private street right-of-way. The greenbelt shall be landscaped with a minimum of one canopy tree, one ornamental tree, and six shrubs, rounded upward, for every forty linear feet of frontage. The planning commission may approve substitution of evergreen trees for up to fifty percent of the required trees.
 2. All residential subdivisions, condominiums and multifamily developments shall provide a twenty-foot deep greenbelt along all public road frontages that form the exterior boundary of the development. For subdivisions and site condominiums, the greenbelt may be an easement over the lots, provided the required setbacks for individual lots shall be measured from the greenbelt. The greenbelt shall be landscaped with a minimum of one canopy tree, one evergreen tree, one ornamental tree, and six shrubs, rounded upward, for every forty linear feet of frontage.
 3. Greenbelts shall not be required within the VCA district, provided the street tree requirements contained in Chapter 18.07, Village Center Area District are met.



- C. Required Buffer Zones. The following buffer zones shall be required where a proposed use shares a common lot line with an adjacent use. Buffer zones shall apply in addition to the obscuring wall requirements of Section 18.13.050. The buffer zone required and the required landscaping therein shall be as described in Tables 14.02 and 14.02.B.

Table 14.02
Buffer Zone Required

Proposed Use	District that Proposed Use is Adjacent to:			
	R-1, R-2, R-3, R-4	RM-1, RM-2, MHP	OS-1, B-1, B-2, B-3, FS, VCA, IRO, I-S	M-1, M-2
One/two-family residential	None	None	C	C
Multifamily residential	B	None	C	C
Mobile home park	B	B	C	C
Office	B	C	None	None
Commercial	B	B	C	None
Industrial	A	A	B	None
Institutional	A	A	B	B
Public/recreational	B	B	None	None
Planned unit development	Determined during PUD plan approval using above as a guide			

Table 14.02.B
Requirements for Buffer Zones

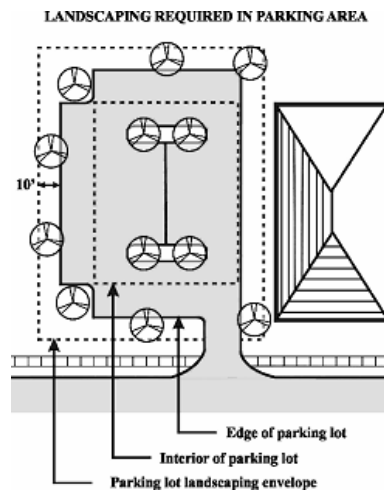
Buffer Type	Minimum Width (1)	Minimum Plant Materials
A	50 feet	1 canopy tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward
B	20 feet	1 canopy tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward
C	10 feet	1 canopy or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward

- The planning commission may waive buffer zone requirements between adjacent compatible uses where the district allows a lesser or zero side yard setback or a reduction in parking lot setbacks where shared access and circulation is provided between uses.

D. Parking Lot Screening.

- Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and right-of-way:

- a. A landscaped strip of at least ten feet in width.
 - b. One tree for every forty feet or fraction thereof of street frontage to the parking lot.
 - c. A hedgerow planted with two-foot tall evergreen shrubs spaced two and one-half feet on center, or a three-foot tall masonry wall or berm.
2. Off-street parking areas containing ten or more parking spaces shall be provided with landscaping at the rate of one canopy tree and one hundred square feet of landscaped area per ten parking spaces.
 - a. A minimum of one-third of the trees shall be placed on the interior of the parking area and the remaining may be placed surrounding the parking lot within ten feet, as illustrated.
 - b. The landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.
 - c. There shall be at least one deciduous tree for each one hundred square feet or fraction thereof of interior landscaped area. Each individual landscaped area shall contain at least one tree.
 3. All landscaped areas shall be protected by a raised standard or rolled concrete curb, except where landscape islands are being utilized as part of a stormwater detention or conveyance system.



- E. Required Detention/Retention Pond Landscaping. Detention/retention ponds shall be landscaped to provide a natural setting in open space areas.
 1. Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one foot vertical for every four feet horizontal.
 2. One deciduous shade or evergreen tree and ten shrubs shall be planted for every fifty linear feet of pond perimeter as measured along the top of the bank elevation. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank if the plant species is adapted to saturated soil conditions.
 3. Detention and retention ponds shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds.
- F. Residential Street Trees.

1. For all new one- and two-family residential dwelling construction, one street tree for every fifty feet of street frontage shall be provided for each lot or parcel.
2. Existing trees within street rights-of-way or trees in the front yard that meet size requirements may be utilized as street trees.
3. The trees shall be provided within the front yard on each lot or site condominium development for one-family residential projects. For detached or attached condominium projects, the trees shall be provided within the front yard area of the units. Where the installation of trees is deferred until after construction of housing units, the city shall require a performance guarantee for tree planting. Landscaping shall be required within cul-de-sacs, road medians and at development entrances.

G. Plant Material Spacing and Size.

1. Where plant materials are placed in two or more rows, plantings shall be staggered.
2. Evergreen trees shall not be less than eight feet in height. When planted informally, they shall be spaced an average of twenty feet on center. When planted in rows, they shall be spaced an average of twelve feet on center.
3. Narrow evergreen trees shall not be less than five feet in height. When planted informally, they shall be spaced an average of ten feet on center. When planted in rows, they shall be spaced an average of five feet on center.
4. Shrubs shall not be less than thirty inches in height. When planted informally, they shall be spaced an average of six feet on center. When planted in rows, they shall be spaced an average of four feet on center.
5. Spreading shrubs shall not be less than thirty inches in spread. They shall be spaced an average of four feet on center.
6. Large deciduous trees shall not be less than two and one-half inches in caliper. The landscape plan shall also note the tree's diameter at breast height (DBH), measured at a height of fifty-four inches. When planted informally, they shall be spaced an average of thirty feet on center.
7. Small ornamental trees shall not be less than two inches in caliper. The landscape plan shall also note the tree's DBH, measured at a height of fifty-four inches. When planted informally, they shall be spaced an average of fifteen feet on center.

H. Plant Material Species.

1. A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation. All landscape nursery stock must be native to the state of Michigan.
2. Plant materials recommended as part of landscape plans within the city are listed in Table 14.02.C.

Table 14.02.C

Recommended Plant Materials

	Trees
Evergreen Trees	Fir, Spruce, Pine, Hemlock, Douglas Fir
Narrow Evergreen Trees	Red Cedar, Arborvitae, Juniper
Large Deciduous Trees	Oak, Hard Maple, Beech, Linden, Ginkgo (male only), Honey locust (seedless and thornless varieties), Birch

Ornamental Trees	Flowering Dogwood, Hawthorn, Redbud, Magnolia, Hornbeam, Russian Olive, Flowering Crabapple (disease-resistant varieties)
	Large Shrubs
Deciduous	Honeysuckle, Lilac, Border Privet, Sumac, Buckthorn, Pyracantha, Flowering Quince, Barberry, Forsythia, Cotoneaster (Peking, Spreading), Sargent Crabapple, Dogwood (Red Osier, Grey)
Evergreen	Irish Yew, Hicks Yew, Mugo Pine, Pfitzer Juniper, Savin Juniper
	Small Shrubs
Deciduous	Compact Burning Bush, Regal Privet, Fragrant Sumac, Japanese Quince, Cotoneaster (Cranberry, Rockspray), Potentilla
Evergreen	Spreading Yews (Dense, Brown's, Ward, etc.), Low Spreading Junipers (Andora, Hughes, Tamarack, etc.), Dwarf Mugo Pine, Big Leaf Wintercreeper

3. Plant materials prohibited within the city are listed in Table 14.02.D.

Table 14.02.D
Prohibited Plant Materials

Trees Not Permitted	
Ash	Horse Chestnut (nut-bearing)
Box Elder	Poplar
Catalpa	Soft Maple (Red and Silver)
Elm (except cultivars not susceptible to Dutch Elm)	Tree of Heaven
	Willow
Honey locust	

I. Installation and Maintenance Provisions.

1. The landscape plan submitted with the site plan shall include a cost estimate for all plant material. At the time of issuing a building permit, a performance guarantee shall be provided for the landscaping shown on the site plan. The city shall retain the performance guarantee for two years to ensure that the landscaping either survives the first growing season or is replaced.
2. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six months.
3. Landscaped areas shall be covered by grass, living ground cover or mulch.
4. Irrigation shall be provided for all landscaped areas.
5. Trees required on the site plan must be maintained to remain in compliance with the site plan. Unhealthy vegetation must be replaced. Required landscaping shall not be removed unless approved as a site plan amendment.

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6. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
 7. Property owners shall be responsible for maintaining the lawn area and any landscaping within the road right-of-way that abuts the lot's frontage in good condition, including any road ditch.
- J. Landscape Planting Plan Review and Field Inspection.
1. Whenever plantings are required in this title, a plan for planting and landscaping shall be provided showing materials, their locations, spacing, size and number as required by this section and other sections.
 2. In developments providing open space such as multiple housing developments, open space subdivisions and cluster housing developments, a plan for landscaping shall include the development proposals for the open space as well as proposals for planting.
 3. Review fees for landscaping and planting plans shall be charged to the applicant in accordance with fees established from time to time by resolution of the city council.
 4. Upon completion of landscape improvements and planting, the applicant shall notify the city and request a field inspection by the city.
 5. Field inspection fees for review of landscape improvements and planting shall be charged to the applicant in accordance with fees established from time to time by resolution of the city council.
- K. Waiver from Landscaping and Screening Requirements. During site plan review, the planning commission may determine that existing landscaping or screening intended to be preserved is adequate. The planning commission may also determine that dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such a determination is made, the planning commission may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
1. Existing natural vegetation and trees;
 2. Topography;
 3. Existing and proposed building placement;
 4. Building heights;
 5. Adjacent land uses;
 6. Distance between land uses;
 7. Dimensional conditions unique to the parcel;
 8. Traffic sight distances.
- L. There may be instances or situations where the city may determine that trees regulated under Chapter 17.12, Woodlands, have been or will be removed, and the planting of trees under Chapter 18, Landscaping Requirements, is not possible due to site limitations. In such instances, funds in lieu of tree planting shall be paid into the city tree fund by the landowner in an amount established by the city council.

(Ord. 08-05 § 1 (part), 2008)

(Ord. No. 2016-03, § 2, 6-28-2016)

18.14.030 Sidewalks and nonmotorized pathways.

- A. Sidewalks shall be provided on all major thoroughfares, including state trunklines, arterials and collector roads, unless payment, in lieu of construction as determined by the city engineer, has been provided.
- B. Sidewalks and bike paths shall be constructed in accordance with Chapter 12.04, Sidewalks and Bike Paths, of the Wixom Municipal Code and the Wixom master bike path plan as follows:
 - 1. Concrete paved sidewalks not less than five feet wide shall be required in all subdivisions, site condominium and cluster housing developments, and planned unit developments within the city.
 - 2. Concrete paved sidewalks shall be required along all access drives in multiple-family developments.
- C. Crosswalks shall be provided at arterial and collector street crossings and shall be delineated with white pavement markings as specified by the city.

(Ord. 08-05 § 1 (part), 2008)

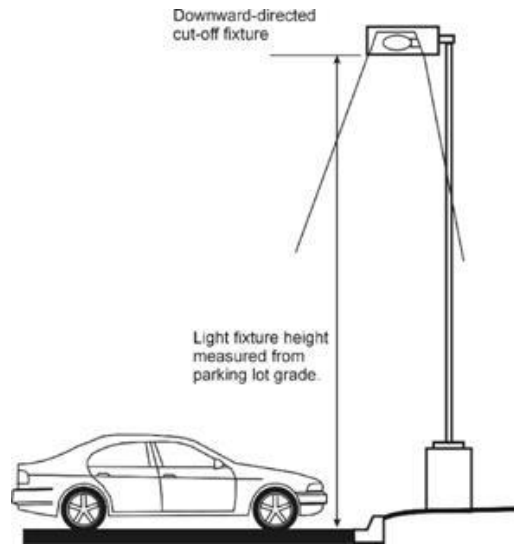
18.14.040 Lighting regulations.

- A. Photometric Plan. All site plans submitted must be accompanied by a photometric plan, prepared by a licensed engineer or qualified lighting specialist, and containing the following information:
 - 1. Lighting plan showing light fixture locations and type designations.
 - 2. Photometric plan showing horizontal luminance levels in a point-by-point format with contour lines. Canopy lighting will also be included in luminance levels.
 - 3. Lighting equipment specifications and data sheets.
 - 4. Any other presentations required to convey the intent of the design.
- B. Lighting Intensity.
 - 1. Lighting shall not exceed one-half footcandle at a residential lot line.
 - 2. Light shall not exceed one footcandle at a nonresidential lot line, except along the street frontage.
 - 3. The maximum light level on the site shall be ten footcandles.
 - 4. Additional lighting intensity for canopies may be allowed by the planning commission where it is determined necessary for safety reasons, provided it is recessed into the canopy and does not exceed twenty-two footcandles anywhere underneath.
- C. Lighting Uniformity. The uniformity ratio between the average and minimum illumination within the developed portion of the site containing buildings, drives and parking lots shall not exceed four to one. Lighting levels may be reduced to a uniformity ratio of not more than ten to one after midnight, or after established hours of operation.
- D. Light Fixtures.
 - 1. All fixtures shall be metal halide or LED.
 - 2. Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section and shall not cause glare on adjacent properties.
 - 3. Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site.

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4. Bollard lights are permitted to light driveways and pedestrian areas. Floodlight type fixtures shall not be permitted except for building accent and sign lighting.

E. Fixture Height.

1. Light fixtures shall have a maximum height of twenty feet within three hundred feet of a residential district.
2. Light fixtures shall have a maximum height of thirty feet where more than three hundred feet from a residential district.



F. Building Lighting.

1. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property. 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.
2. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, including along the roof line, eaves and around windows. The planning commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

G. Signs. Illumination of signs shall be directed or shielded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

H. Constant Light. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

I. Entrance Lighting. Lighting shall be provided to illuminate commercial driveways for traffic safety.

(Ord. 08-05 § 1 (part), 2008)

18.14.050 Waste receptacles.

- A. Scope. The regulations of this section shall apply to all uses that have their refuse removal needs serviced by collective refuse containers.
- B. Location.
 - 1. Waste receptacles, including dumpsters with enclosures, shall be located in the rear yard or nonrequired side yard, unless otherwise approved by the planning commission.
 - 2. For nonresidential uses adjoining a residential district, the waste receptacle enclosure shall be as far as practical, and in no case be less than twenty feet away from any adjacent residential district.
 - 3. 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.
 - 4. The waste receptacle must be oriented to not directly face a street or driveway, unless approved by the planning commission.
- C. Enclosure Materials and Screening Required.
 - 1. All waste receptacles, including dumpsters and compactors, must be enclosed on three sides with a six-foot high masonry enclosure with exterior finish matching the primary building materials of the principal building on the site.
 - 2. All waste receptacles, associated enclosures and receptacle contents must be screened from public view.
 - 3. Supplemental landscaping to screen the waste receptacle enclosure shall be provided.
 - 4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
- D. General.
 - 1. The waste receptacle base shall be at least nine feet by six feet in area, constructed of six inches of reinforced concrete pavement.
 - 2. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
 - 3. Posts, bollards or bumpers shall also be provided to protect the enclosure from damage.
 - 4. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.

(Ord. 08-05 § 1 (part), 2008)

18.14.060 Mechanical equipment.

Any mechanical equipment or utilities and similar equipment associated with a commercial, industrial or other nonresidential use, including water and gas meters; elevator housings; stairways; tanks; heating, ventilation and air conditioning equipment; electrical transformers; television, telephone and cable cabinets; and other similar equipment, shall comply with the following standards:

-
- A. Roof-Mounted Equipment Screening.
 - 1. All roof-mounted equipment shall be screened by a solid wall or architectural feature that is constructed of the same material and is compatible in appearance with the principal building.
 - 2. Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface.
 - B. Ground-Mounted Equipment. All ground-mounted equipment shall be screened by a solid wall, fence or landscaping. Landscaping must create a continuous screen with the starting size of the plant material equal to or greater than the height of the equipment at the time of planting.
 - C. Building-Mounted Equipment. All building-mounted equipment for multiple-family residential developments and for any nonresidential use shall be screened with landscaping, a solid wall or architectural feature, or integrated into the design of the building.
 - D. Residential Buffering. In a nonresidential district, ground-mounted mechanical equipment shall not be located within twenty feet of any residential district. Where adjacent to any residential district, all roof-mounted mechanical units must be set back a minimum of twenty feet from the side of the building facing the residential district and screened using solid architectural materials. Noise from mechanical equipment shall not exceed sixty decibels as measured at the residential property line.

(Ord. 08-05 § 1 (part), 2008)

18.14.070 Cluster mailboxes.

Where provided, cluster mailboxes containing over eight mailboxes must comply with the following:

- A. Location. The location of the mailboxes shall not cause conflict between pedestrian and vehicular traffic. In addition, the mailboxes shall be integrated into the overall site plan, the site's architecture and other site elements.
- B. Access. Access to cluster mailboxes shall be provided by a parking lane located between the mailboxes and the adjacent street. The parking lane shall be constructed as an extension of the street and be a minimum of seven feet in width for a length of at least twenty-four feet in addition to tapers before and after the mailbox location as specified by the city engineer.
- C. Screening. Landscaping or a decorative enclosure may be required by the planning commission on the backside of the mailbox clusters to help integrate the structure into the overall site layout.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.15 OFF-STREET PARKING, LOADING, ACCESS AND CIRCULATION REQUIREMENTS

Sections:

18.15.010 Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any principal building or structure, automobile off-street parking spaces with adequate access to all spaces.

- A. Schedule of Parking Requirements. The minimum number of off-street parking spaces by type of use shall be determined in accordance with Table 15.01.

Table 15.01
Schedule of Parking Requirements

Use	Minimum Number of Parking Spaces Per Unit of Measure
Residential	
One-family and two-family residential	2 spaces for each dwelling unit
Multiple-family residential	1.5 spaces per each efficiency or 1 bedroom dwelling unit, 2.0 spaces per each unit with 2 or more bedrooms
Manufactured home park	2 spaces for each manufactured home unit or site, 1 for each employee of the manufactured home park, and 1 space for each 3 manufactured homes for visitor parking
Senior Housing	
Independent senior housing	1.25 spaces per unit
Dependent senior housing including assisted living and convalescent/nursing homes	1 space per 2 rooms, plus 1 space for each employee during the peak shift
Institutional	
Churches and similar places of worship	1 space for each 3 seats or 6 ft. of pews in the main unit of worship
Governmental offices or other governmental uses, post office, public utility offices, exchanges, transformer stations, pump storage	1 space per 250 sq. ft. usable floor area
Elementary and middle schools	1 space for each 1 teacher, employee, or administrator in addition to the requirements for auditorium or stadium
Senior high schools, colleges and vocational and commercial schools	1 space for each teacher, employee, and administrator, and 1 space for each 10 students, in addition to the requirements of the auditorium or stadium, whichever seats more
Auditoriums and assembly halls	1 space per each 3 seats plus 1 for each 2 employees
Stadium, sports arena or similar place of outdoor assembly	1 space for each three seats or 5 ft. of benches
Public recreation centers including gymnasiums and martial arts instruction	1 space per 200 sq. ft. of usable floor area
Private clubs, lodge halls, union halls, fraternal orders, civic clubs and similar uses	1 space for each 3 persons allowed within the maximum occupancy load as established by the Fire or Building Code
Library	1 space for each 350 sq. ft. of usable floor area
Child day-care centers	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity
Adult foster care facilities	1 space per 4 clients plus 1 space per each employee
Office	
Banks, credit unions or savings and loans, including drive-through facilities	1 space for each 200 sq. ft. of usable floor area, plus 2 spaces for each "walk-up" ATM. Drive-up windows shall be provided 5 stacking spaces for each window
Business offices or professional offices except medical offices	1 space for each 250 sq. ft. of usable floor area

Medical offices of doctors, dentists or similar professions	1 space for each 200 sq. ft. of usable floor area
Emergency medical clinics, outpatient centers, 24-hour urgent care centers, etc.	2 spaces per exam or outpatient procedure/operating room, plus, 1 space per laboratory or recovery room, plus 1 space for each 2 rooms for employee parking
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 sq. ft. of office or outpatient area
Retail	
Retail stores except as otherwise specified herein	1 space for each 250 sq. ft. of usable floor space
Shopping centers with multiple tenants	1 space for each 250 sq. ft. of usable retail floor area for the first 50,000 sq. ft. 1 space for each 275 sq. ft. for the next 50,000 to 450,000 sq. ft. of usable retail floor area. 1 space for each 300 sq. ft. for that area in excess of 450,000 sq. ft. of usable retail floor area. Nonretail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements
Furniture/carpet stores	1 space per 800 sq. ft. of usable floor area
Grocery store/supermarket	1 space for each 200 sq. ft. of usable floor area
Automobile sales or showroom	1 space per 200 sq. ft., plus 3 spaces per each auto service bay
Recreational vehicle, boat, mobile home and similar sales	1 space per 800 sq. ft., plus 2 spaces per each vehicle sales service bay
Open-air business, outdoor display, sales and storage accessory to a permitted retail business, such as nurseries and home improvement items	1 space for each 800 sq. ft. of land area being used for display
Wholesale establishments	1 space per each 500 sq. ft. of usable floor area
Restaurants and Bars	
Cocktail lounge/night club	1 space per each 60 sq. ft. of usable floor area or 1 space per two seats, whichever is greater
Drive-in restaurant	1 space for each employee in addition to the spaces provided for customer service spaces, plus any parking required for indoor seating
Drive-through restaurant	1 space per 70 sq. ft. of usable floor area or 0.5 space per seat, whichever is greater, plus 3 designated drive-through short term waiting spaces, plus 10 stacking spaces for drive-through service which do not conflict with use of required spaces, plus at least 2 longer spaces designated for recreational vehicles and semi-trucks
Carry-out restaurant	4 spaces or 1 space for each employee plus 1 per 60 sq. ft. of usable floor area, whichever is greater
Coffee house	1 space per 70 sq. ft. of usable floor area
Open front restaurants such as: dairy bars and fruit and vegetable stands	10 spaces plus 1 space per employee
Standard sit-down restaurants without liquor license	1 space for each 100 sq. ft. of usable floor area or one for each 2 seats, whichever is the greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks
Standard sit-down restaurants with liquor license/taverns	1 space for each 70 sq. ft. of usable floor area or 1 per two seats, whichever is greater
Commercial Services	

Gasoline service station	2 spaces per each service bay, plus 2 spaces per employee, plus 1 space per each tow truck, plus 1 space for each 500 sq. ft. devoted to sales of automotive goods or convenience items	
Minor automotive repair businesses such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops and minor engine repair shops	2 spaces per each service bay, plus 1 space per employee, plus 1 space per each tow truck	
Automobile quick oil change	2 stacking spaces for each service stall, rack or pit plus 1 space for each employee	
Automobile wash	Automatic	1 space per employee plus 5 stacking spaces for each 20 foot of car wash length
	Self-service or coin operated	2 spaces per stall, excluding the stall itself
Barber shop/beauty salons	2.5 spaces per each barber or beautician's chair/station	
Dry cleaners	1 space per 500 sq. ft. of usable floor area	
Self-service laundromats	1 space for each 2 washing machines	
Funeral homes	1 space per 50 sq. ft. of service parlors, chapels and reception area, plus 1 space per each funeral vehicle stored on premise	
Motels/hotels	1 space per guest room plus any required parking for conference rooms, exhibit space or banquet rooms	
Motels/hotels with restaurant or lounge	1 space per guest room, plus 12 spaces per 1,000 sq. ft. of restaurant/lounge space	
Banquet halls or conference rooms, exhibit halls and similar uses without fixed seats	1 space per every 2 persons of capacity authorized by the Building Code, or 1 space per 100 sq. ft. of usable floor area, whichever is greater, plus any required parking for other uses, such as restaurants, gift shops, etc.	
Self-storage mini-warehouse	Minimum of 6 spaces	
Video rental establishments	1 space per 150 sq. ft. of usable floor area	
Recreational		
Health fitness centers, athletic clubs, martial art schools and other similar uses	1 space for each 200 sq. ft. of usable floor area	
Bowling centers	4 spaces per lane plus 25% of the required parking for any restaurant or lounge	
Commercial outdoor recreation uses such as batting cages, miniature golf courses, etc.	2 spaces for each batting cage, archery range, miniature golf hole, or similar activity	
Dance halls, pool or billiard parlors, ice or roller skating rinks	1 space for each 3 persons allowed within the maximum occupancy load as established by the Building Code or 1 space for each 200 sq. ft. of usable floor area, whichever is greater	
Golf course driving ranges	2 spaces per each 3 tees	
Golf courses	3 spaces per each course hole, plus any required parking for other uses such as a banquet hall, gift shop or lounge.	
Public swimming pools	1 space per each 3 persons of capacity authorized by the Building Code	
Indoor racquetball/tennis facilities	1 space per 1,000 sq. ft. of usable floor area or 6 spaces per court, whichever is greater	
Theaters	1 space for each 3 seats plus 1 space for each employee	

Amusement arcades	1 space per 50 sq. ft. of usable floor area, with a minimum of 6 spaces required
Industrial	
Light industrial, manufacturing, testing labs, research and development facilities, and related accessory offices	1 space per each 1.2 employees in the largest shift, or 1 space per 700 sq. ft. of usable floor area, whichever is greater, plus 1 space for each corporate vehicle stored on site
Warehousing	1 space per each 1,500 sq. ft. usable floor area, or 1 space per employee at peak shift, whichever is greater; plus 1 space for each corporate vehicle (separate standard provided for mini-storage)

- B. Floor Area, Usable. For the purpose of computing the number of parking spaces required, the definition of "floor area, usable" in Chapter 18.24, Definitions shall govern.
- C. Fractional Spaces. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- D. Uses Not Listed. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use that the building official considers is similar in type.
- E. Maximum Allowed Parking. In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by more than twenty percent shall only be allowed with approval by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
- F. Collective or Shared Parking. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except as provided for below. Where the two uses are on separately owned lots, a legal agreement for shared parking shall be filed and recorded with the Oakland County Register of Deeds and a copy provided to the city.
- 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 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. Land Banked Parking. Where the conditions of subsection G of this section are not met, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the planning commission may defer some of the parking, provided the following:
 - 1. The site plan designates portions of the site for future construction of the required parking spaces.
 - 2. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use.
 - 3. The deferred parking shall be required to meet ordinance requirements if constructed and may not occupy required greenbelts.
 - 4. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the building official, based on parking needs or observation, and shall require administrative approval of an amended site plan.
- I. Existing Parking. Off-street parking existing at the effective date of the ordinance codified in this title, in connection with the operation of an existing building or use, shall not be reduced to an amount less than that required in this chapter for a similar new building or new use.
- J. Location. Off-street parking for other than residential use shall be either on the same lot or within three hundred feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
- K. Residential Parking. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and are subject to the provisions of Chapter 18.13, Accessory Buildings and Uses. In R-1, R-2, R-3 and R-4 districts, parking is subject to the following:
 - 1. Parking is not permitted in a front yard except on an improved driveway with a concrete, asphalt, gravel or stone surface.
 - 2. Driveways shall not utilize more than thirty-five percent of the front yard. All existing dwellings shall be exempt from this requirement.
 - 3. Required off-street parking for one-family dwellings may be provided in a stacking configuration in a driveway or garage or combination thereof.
 - 4. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.
- L. Storage in Parking Lots Prohibited. The open storage of merchandise, materials, trucks, trailers, construction trailers, recreational vehicles and equipment is prohibited in areas of the property which are designed to accommodate the off-street parking requirements of the site.
- M. Sales in Parking Lots Prohibited. The placement of materials, merchandise, motor vehicles, trucks, trailers, recreational vehicles or equipment in off-street parking areas of a property for the purpose of sale, rental or repair is prohibited, except as may be provided in this title.
- N. Barrier Free-Accessible Parking. Off-street parking facilities required for physically handicapped-accessible buildings shall be based on Table 15.01.B.

Table 15.01.B

Barrier Free-Accessible Parking Requirements

Total Parking in Lot	Required Minimum Number of Accessible Spaces
----------------------	--

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

(Ord. 08-05 § 1 (part), 2008)

18.15.020 Off-street parking facility design.

- A. Applicability. Whenever the off-street parking requirements in this chapter require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.
- B. Access.
 - 1. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles per the requirements of Section 18.15.050.
 - 2. Ingress and egress to a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use.
 - 3. Each entrance to and exit from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least twenty-five feet from adjacent property located in any one-family residential district.
- C. Maneuvering Lanes. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety degree pattern may permit two way movement.
- D. Minimum Dimensional Requirements. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements of Table 15.02 except as modified by the Michigan Department of Labor and Economic Growth, Barrier Free Design Section of the Bureau of Construction Codes (parking space width requirement of not less than twelve feet).

Table 15.02

Minimum Dimensional Requirements

Parking Pattern	Maneuvering Lane Width		Parking Space	
	One-Way	Two-Way	Width	Length
0° (parallel parking)	12 ft. ¹	24 ft.	8 ft.	23 ft.
30° to 53°	12 ft.	24 ft.	8 ft. 6 in.	18 ft.
54° to 74°	15 ft.	24 ft.	8 ft. 6 in.	18 ft.
75° to 90°	20 ft.	24 ft.	9 ft.	18 ft.

-
- 1 Will be required to be increased in those instances where fire or safety apparatus is required to utilize maneuvering lane.
- E. Parking Abutting Sidewalk. Where a parking space abuts a sidewalk, the minimum sidewalk width shall be seven feet. Where parking spaces overhang a seven-foot wide sidewalk or a curbed landscape area, two feet may be deducted from the required length of the parking space.
 - F. Stacking Spaces. Required stacking spaces shall be a minimum nine feet wide and twenty feet in length.
 - G. Pavement. All driveways and parking lots, with the exception of those serving detached one-family homes, shall be hard-surfaced with concrete or asphalt and shall have concrete curbing on all sides. Bumper blocks shall not be used in parking lots except where the planning commission determines they are necessary. The planning commission may approve alternative paving materials, such as permeable/grass pavers, for overflow, seasonal or low usage parking.
 - H. Drainage. All parking lots shall be graded or drained to dispose of stormwater runoff. The planning commission may permit openings in the curbing for drainage purposes. No surface water from a commercial or industrial parking lot shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require written approval of the county drain commission, the appropriate road agency and the city. Parking lot pavement, curbing and drainage shall be in accordance with city specifications.
 - I. Snow Storage. Areas for snow storage must be provided and illustrated as such on the site plan.
 - J. Illumination. All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse effect on motorist visibility on adjacent public streets. Parking lot lighting shall comply with the requirements of Section 18.14.040.
 - K. Screening Wall. Where an off-street parking or loading area is adjacent to a residential use or zoning district, a continuous and obscuring wall shall be provided in accordance with the requirements of Section 18.13.050.
 - L. Landscaping. The parking area shall provide screening, greenbelts, buffers and parking lot landscaping in accordance with Section 18.14.020.
 - M. Waiver of Parking Lot Setbacks with Shared Access. Side or rear parking lot setbacks may be reduced or waived by the planning commission where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided. Parking lots shall provide for cross circulation between adjacent sites where the planning commission determines that it will be beneficial for traffic circulation between sites in accordance with the requirements of Section 18.15.050.
 - N. Construction and Maintenance.
 - 1. Plans. Plans and specifications for parking areas shall be submitted and approved following the site plan review requirements of Chapter 18.17, Site Plan Review Requirements and Procedures.
 - 2. Installation. Required parking lots shall be installed and completed before issuance of an occupancy permit. The building official 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.
 - 3. Maintenance. Pavement shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

(Ord. 08-05 § 1 (part), 2008)

18.15.030 Off-street loading requirements.

On-premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. Where loading and unloading is not proposed, the applicant shall include a notation stating such on the site plan. The planning commission may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.

- A. Traffic Flow. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- B. Alleys. Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- C. Location. Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- D. Screening. Loading docks and loading areas facing a residential district or a public street shall be adequately screened by a wall and/or landscaping.
- E. Not Included with Parking. Required loading areas shall not be included in calculations for off-street parking space requirements.
- F. Size. The size of all required loading/unloading spaces shall be at least ten feet by fifty feet or five hundred square feet in area, with a clearance of at least fourteen feet in height. The planning commission may modify this requirement for uses that will involve smaller delivery trucks such as offices.
- G. Pavement. Loading dock approaches shall be constructed of asphalt or concrete with a base sufficient to accommodate expected vehicle weight.
- H. Number. The minimum number of loading spaces shall be provided in accordance with Table 15.03:

Table 15.03

Off-Street Loading Requirements

Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. GFA	1 space
5,001—60,000 sq. ft. GFA	1 space, plus 1.0 space per each additional 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA
Industrial Uses	
up to 1,400 sq. ft. GFA	0
1,401—20,000 sq. ft. GFA	1 space
20,001—100,000 sq. ft. GFA	1 space, plus 1.0 space per each additional 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	5 spaces

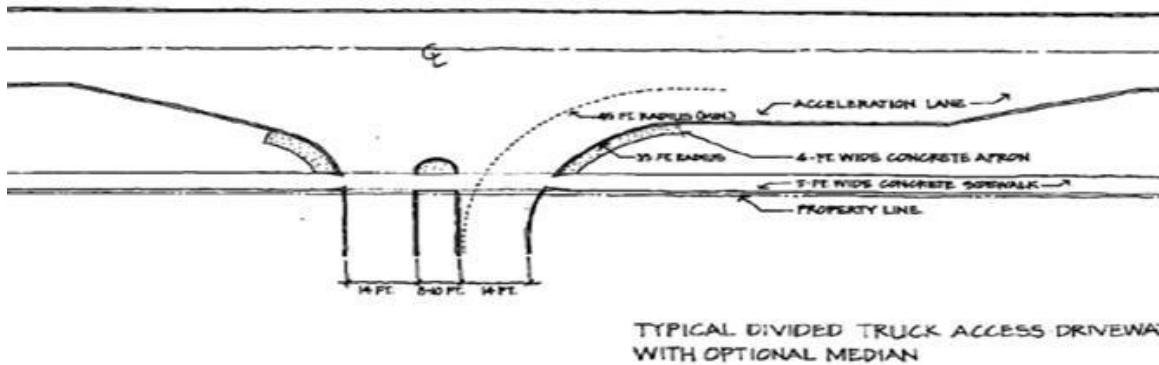
- I. Exceptions. For office uses that will not require large truck deliveries, loading may take place in undesignated places in parking lots provided such loading is of a short-term nature.

(Ord. 08-05 § 1 (part), 2008)

18.15.040 Truck maneuvering, access and circulation standards.

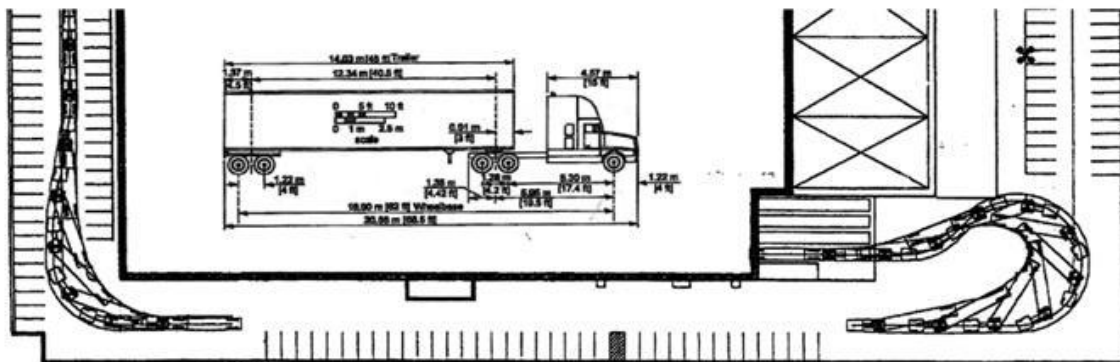
- A. Truck Access. All site plans submitted under Chapter 18.17, Site Plan Review Requirements and Procedures must indicate the type and volume of truck traffic anticipated at the site, include dimensions of all truck access and circulation lanes, and indicate all truck loading/unloading areas. Driveways and streets of commercial and industrial facilities anticipated to receive truck traffic must be designed to adequately accommodate that traffic (see Figure 15.04). The minimum driveway curve radius shall be thirty-five feet.

Figure 15.04 Typical Driveway Standards for Truck Access



- B. Truck Circulation Plan. Site plans must include a diagram with the dimensions of trucks anticipated at the site and show all existing and proposed truck circulation patterns, including the direction and flow of truck traffic on the site (see Figure 15.04.B.) and dimensions of all truck service drives, berths and dock approaches.

Figure 15.04.B Truck Circulation



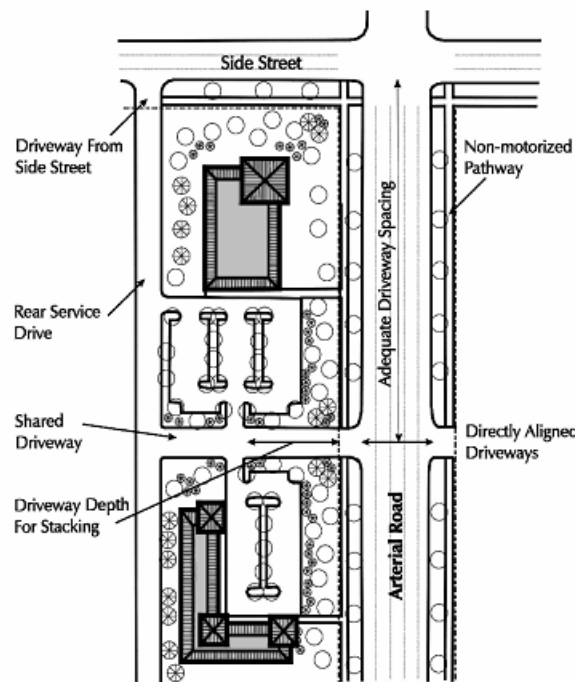
- C. Turning Radius. Trucking, warehouse, and industrial facilities and other uses with loading docks shall be designed to include larger turning radii and added maneuvering space to accommodate trucks with a WB-62 design standard or another standard specified by the city engineer.

(Ord. 08-05 § 1 (part), 2008)

18.15.050 Driveway access management.

A. Driveway Location in General.

1. All driveways serving multiple-family, commercial, office, institutional or industrial uses, hereafter referred to as "commercial driveways," shall comply with the requirements of this section.
2. Driveways for nonresidential uses shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
3. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the road commission for Oakland County or the city and upon written certification from the adjacent property owner agreeing to such encroachment.



B. Driveway Spacing Standards.

1. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed in Table 15.05. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Table 15.05

Minimum Commercial Driveway Spacing From Street Intersections^{1,2}

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along major thoroughfare, intersecting street is a major thoroughfare	250 feet	125 feet
Along major thoroughfare, intersecting street is not a major thoroughfare	200 feet	125 feet
Along other streets	75 feet	50 feet

Footnotes:

1 Major thoroughfares include: 12 Mile Road, Beck Road, Charms Road, Grand River Avenue, Loon Lake Road, Maple Road, Pontiac Trail, Potter Road, West Road, Wixom Road and any other County Primary Roads, State trunklines or streets with a right-of-way of at least eighty-six feet.

2 For sites with insufficient street frontage to meet the above criterion, the planning commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.

2. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in Table 15.05.B. are measured from centerline to centerline.

Table 15.05.B

Minimum Commercial Driveway Spacing From Another Driveway

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185
40	225
45	300
50 and higher	330

3. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street where possible. If alignment is not possible, driveways shall be offset a minimum of two hundred fifty feet along arterial streets and one hundred fifty feet along collector and local streets from those on the opposite side of the street. These standards may be reduced by the planning commission where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
4. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that preexisting conditions prohibit adherence to the minimum commercial driveway spacing standards, the planning commission may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty feet, measured centerline to centerline.

C. Number of Commercial Driveways.

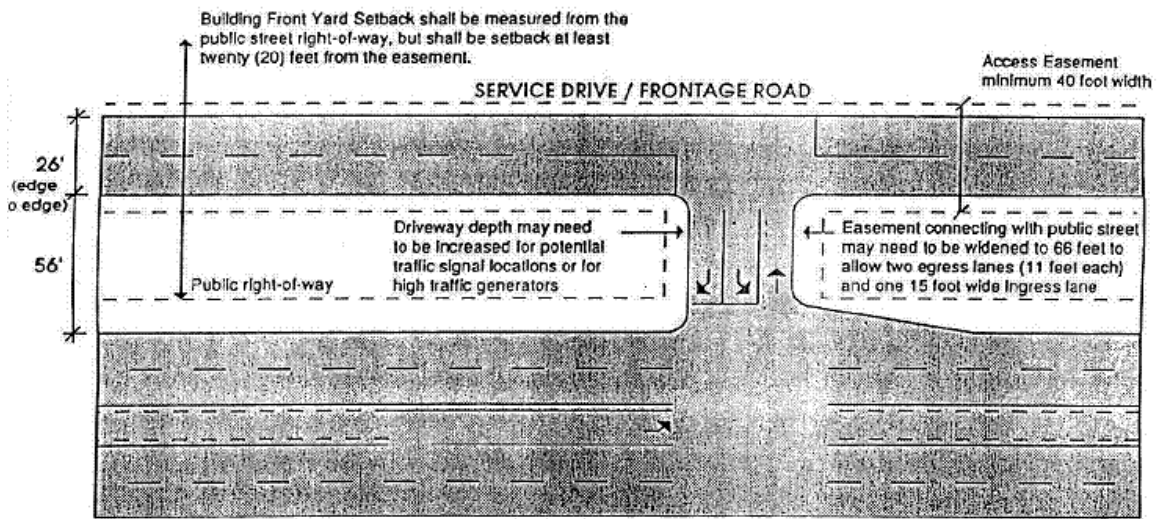
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1. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street.
 2. Access shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property only as follows:
 - a. One additional driveway may be allowed for properties with a continuous frontage of over three hundred feet, and one additional driveway for each additional three hundred feet of frontage, if the planning commission determines there are no other reasonable access opportunities.
 - b. The planning commission determines additional access is justified without compromising traffic operations along the public street.
- D. Commercial Driveway Design.
1. All commercial driveways shall be designed according to the standards of the city, the road commission for Oakland County or Michigan Department of Transportation, as appropriate.
 2. For high traffic generators, or for commercial driveways along streets experiencing or expected to experience congestion, the planning commission may require two egress lanes.
 3. Where a boulevard entrance is desired by the applicant or planning commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be one hundred eighty square feet. The planning commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of street conditions.
- E. Shared Driveways, Frontage Roads and Service Drives.
1. Where noted above, or where the planning commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required. In particular, service drives may be required near existing traffic signals or near locations having potential for future signalization; along major arterial streets with high traffic volumes; and along segments with a relatively high number of accidents or limited sight distance.
 2. Shared commercial driveways and service roads shall be within an access easement recorded with the Oakland County Register of Deeds. A draft of the access easement shall be provided to the city for review prior to filing.

The number of accesses along a service road shall be according to the standards of this section. The planning commission may allow temporary access where the service road is not completed if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. Building permits shall not be issued until such financial guarantee has been submitted to the city.
 3. Service Road Design Standards (see Figure 15.05).
 - a. Location. Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a service road, the planning commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
 - b. Access Easement. The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty-six feet wide, except an access

easement parallel to a public street right-of-way may be forty feet wide, if approved by the planning commission. The required width shall remain free and clear of obstructions, unless otherwise approved by the planning commission.

- c. Construction and Materials. Service roads shall have a base, pavement and curb with gutter in accordance with Oakland County road commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-six feet.
- d. Parking. The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The planning commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the planning commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

Figure 15.05 Service Drives



- e. Access to Service Road. The planning commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this section, provided the planning commission may allow additional driveways if approved by the road commission for Oakland County or the Michigan Department of Transportation, and consistent with the purpose of this chapter.
- f. Temporary Access. The planning commission may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Building permits shall not be issued until monies have been deposited with the city.
- g. Elevation. The site plan shall indicate the proposed elevation of the service road at the property line and the city shall maintain a record of all service road elevations so that their grades can be coordinated.
- h. Landscaping. The area between a service road and the public street right-of-way shall be planted as a landscaped greenbelt as specified in Section 18.14.020.
- i. Maintenance. Each property owner shall be responsible for maintenance of the easement and service drive.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.16 SIGNS¹

18.16.010 Purpose.

The purpose of this chapter is to permit and regulate signs and to minimize outdoor advertising within the city so as to protect public safety, health and welfare; minimize abundance, nature, type and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Wixom Master Plan and Zoning Ordinance; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content-neutral.

These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:

- A. Protect the public right to receive messages, including noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- B. Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- C. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- D. Reduce visual pollution and physical obstructions caused by a proliferation of signs or a magnitude of illumination which would diminish the city's image, property values and quality of life.
- E. Recognize that the principal intent of commercial signs should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- F. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- G. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- H. The regulations and standards of this chapter are considered the minimum necessary to achieve the substantial government interests for public safety, aesthetics, protection of property values, and are intended to be content-neutral. In other words, the intent of the city is to regulate the size, location, etc. of a sign rather than the content.
- I. Prevent off-premise signs from conflicting with other allowed land uses.
- J. Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

¹Editor's note(s)—Ord. of June 24, 2014 Editor's note(s)—, amended former Ch. 18.16 Editor's note(s)—, §§ 18.16.010 Editor's note(s)——18.16.160, in its entirety to read as herein set out. Former Ch. 18.16 Editor's note(s)— pertained to similar subject matter and derived from Ord. No. 08-05, § 1, adopted in 2008.

- K. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
- L. Preserve and enhance the image of the Village Center Area (VCA).

(Ord. of 6-24-2014)

18.16.020 Context of wording.

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

(Ord. of 6-24-2014)

18.16.030 Wall, canopy, and projecting sign definitions.



Projecting Sign

Wall Sign

Window Sign

"Awning" or "canopy sign": A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See "wall sign."

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

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

"Marquee": A permanent roof-like structure or canopy, supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.

"Nameplate": A non-electric, on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

"Projecting sign": A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve inches beyond such building or wall.

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

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

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

(Ord. of 6-24-2014)

18.16.040 Ground Sign Definitions.



Entranceway Sign

Ground or Monument Sign

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

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

"Ground or monument sign": A three dimensional, self-supporting, base-mounted freestanding identification sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

"Off-premises advertising sign": A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g., billboards. Off-premise advertising signs also include video signs, digital signs and similar technologies.

"Pylon" or "Pole sign": A sign supported on the ground by a pole or braces, without a monument base, and not attached to any building or other structure.

(Ord. of 6-24-2014)

18.16.050 Temporary sign definitions.

"Temporary sign": A sign not constructed or intended for long-term or permanent use. Examples of temporary signs include: announcement signs; construction signs; real estate signs; community, civic event or project signs; or other special events that occur for a limited period of time such as a garage, yard or estate sales, or feather signs.

"Construction sign": A temporary sign identifying the name(s) of project owners, contractors, developers, realtors representing developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

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

"Real estate development sign": A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

"Real estate open house sign": Temporary signs which advertise and direct the public to an open house for a building which is available for sale or lease, with the event held on a specific day.

"Real estate sign": An on-premise temporary sign advertising the property or structure's availability for sale or lease.

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

"Snipe sign": A snipe sign is a sign made on any material and attached to any object and having no application to the premises where located.

"Vehicle business sign": Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.

(Ord. of 6-24-2014)

18.16.060 Miscellaneous sign definitions.

"Animated sign": A sign which uses lights, moving parts, or other means to depict movement, motion, action, the impression or appearance thereof, or create an image of a living creature or person. This definition would include signs using video or other similar technology.

"Changeable message sign": A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs and gasoline price signs.

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

"Flashing sign": A sign which contains an intermittent or sequential flashing light source.

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

"Message": A piece of information that is presented on a sign.

"Moving sign": A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."

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

"Obsolete sign": A sign that advertises a product that is no longer made or that advertises a business that has closed.

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

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

(Ord. of 6-24-2014)

18.16.070 Prohibited signs.

The following signs are prohibited in all districts:

- A. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
- B. Moving signs and signs having moving members or parts.
- C. Animated signs.
- D. Inflatable signs.
- E. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.
- F. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- G. Snipe signs, including non-regulatory signs placed in any public right-of-way, as well as those attached to a utility pole, affixed to a tree, street furniture, fences, or waste receptacle.
- H. Off-premise signs, including video signs or similar technologies.
- I. Roof signs unless specifically permitted elsewhere in this chapter.
- J. Portable signs, as defined, not provided for in this chapter.
- K. Pylon or pole signs not provided for in this chapter.
- L. Illegal signs.
- M. Obsolete signs and any sign or sign structure which:
 - 1. Is structurally unsafe.
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - 3. Is capable of causing electric shock to person who come in contact with it.
 - 4. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.

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- N. Flashing signs.
 - O. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
 - P. No signs shall be allowed in a public right-of-way or public easement, unless prior approval is obtained from the city. The city manager, or his/her designee, may administratively approve signs in the public right-of-way or public easement. The city manager, in his/her sole discretion, may refer any request for signs in the public right-of-way or public easement to the city council for approval. In addition, signs shall not be attached to trees or utility poles in a public right-of-way or public easement.
 - Q. Any sign not expressly permitted.

(Ord. of 6-24-2014)

18.16.080 Exemptions to permitting.

The following signs shall not require a permit provided such signs are outside of the public street right-of-way, are located to ensure adequate sight distance, and meet the requirements of Section 18.16.090(B):

- A. Address signs:
 - 1. In all single family zoning districts, such sign shall not exceed two square feet in area.
 - 2. In all other zoning districts, such signs shall not exceed six square feet in area.
- B. Community entrance or welcome signs.
- C. Construction signs meeting the size requirements for temporary signs under Section 18.16.100.
- D. Temporary signs meeting the requirements of Section 18.16.100.
- E. Device signs with the following conditions:
 - 1. Sign area of each device shall not exceed three square feet in area.
 - 2. Limit of one sign per device, such as vending machines, gas pumps or ice containers.
- F. Directory signs. A building with business occupants on the upper floors or the interior space on the first floor of a building may have a directory sign plaque not to exceed ten (10) square feet in area at the street entryway.
- G. Employment signs. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six square feet with a maximum height of four feet.
- H. Essential service signs denoting utility lines, hazards and precautions or other similar information.
- I. Flags:
 - 1. Not to exceed three per zoning lot; and
 - 2. Not to exceed four feet by six feet.
- J. Historic markers.
- K. Incidental signs shall not exceed a total of two square feet, a total of two signs per business. indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance, or window.

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- L. Interior signs including any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
 - M. Memorial signs or tablets shall not exceed four square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
 - N. Nameplates.
 - O. Regulatory signs including traffic control and street identification signs.
 - P. Warning signs that are publicly authorized, such as no trespassing, warning of electrical currents or animals provided such signs do not exceed two (2) square feet in area.
 - Q. This section is not intended to regulate free expression or speech under the First Amendment but instead control the time, manner and placement of signs.

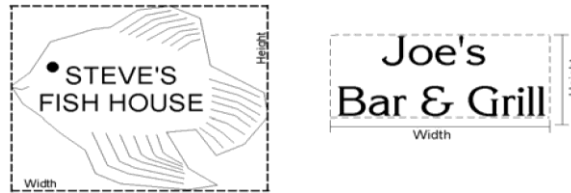
(Ord. of 6-24-2014)

18.16.090 General standards for permitted signs.

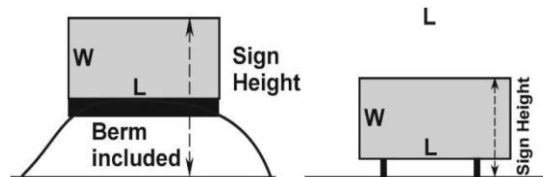
Signs which are permitted as on-premise accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this Chapter; provided, that no such sign shall be erected or altered until approved by the Building Official and until a sign permit has been issued.

- A. Sign Setbacks.
 - 1. All signs, unless otherwise provided for, shall be set back a minimum of ten feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
 - 2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred feet from any residential district.
- B. Clear Vision Area. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of twenty-four inches and six feet within a triangular area measured twenty-five feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- C. Design and Construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- D. Illumination.
 - 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - 2. Use of glaring undiffused lights, including bare bulbs, neon, or flames, is prohibited.
 - 3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.

4. Underground wiring shall be required for all illuminated signs not attached to a building.
- E. Maintenance and Construction.
1. Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
 2. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty pounds per square foot or seventy-five mph.
- F. Measurement.
1. Sign Area. Sign area per side of sign shall be computed as follows:
 - a. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.



- b. Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
 - c. The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.
2. Sign height: The height of the sign shall be measured from the average grade to the upper-most point of the sign. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.



(Ord. of 6-24-2014)

18.16.100 Specific sign standards.

The number, display area, and height of signs within the various zoning districts are provided in the Sign Dimensional Standards and Regulations Table and its accompanying footnotes. Additional standards for specific types of signs are given below.

Sign Dimensional Standards and Regulations								
	WALL, CANOPY, OR PROJECTING SIGN		GROUND SIGN (d)			TEMPORARY SIGNS (c)		
DISTRICT	Number #	Max. Size	Number # (b)	Max. Size per sign face	Max. Height	Max. Size per sign	Total Area per Parcel	Max. Height
R-1, R-2, R-3, R-4, RM-1, RM-2, MHP	—	10% of front facade for all uses other than single-family residential units, duplexes, and attached condominiums	1	24 square feet	6 feet	6 square feet	14 square feet	4 feet
All non-residential districts	1 per business (a)	10% of front façade or 100 square feet, whichever is less (a)	1	72 square feet (d)	6 feet	24 square feet	48 square feet	6 feet

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) **Wall Signs.** One wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front facade of the building (any facade which faces a public street), per use or business establishment. However, for a commercial structure containing one use or business establishment, as determined by the planning commission, the size of the wall sign may be increased up to the maximum square footage as follows:

201—400 linear feet of building frontage facing a public street and having a public entrance	150 square feet
Greater than 400 linear feet of building frontage facing a public street and having a public entrance	200 square feet

(1) **Window Signs.** Window signs are permitted but shall not exceed 25% of the window area of the façade. Window signs shall be placed so as to maintain clear vision into the building for public safety reasons.

(2) No wall sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot and all electrical conduits and boxes must be hidden.

(3) Logo Sign. A logo sign can be considered part of a wall sign when located within five feet of the primary sign.

(b) **Ground Signs.** Only one ground sign is permitted per use, including uses which occupy more than one parcel and business centers containing more than one business or use, with additional signs permitted according to the following table, however, no site shall have more than two ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

Frontage along 2 or more rights-of-way	1 sign up to the maximum sign face area shall be allowed along 2 frontages
300 feet of frontage along 1 right-of-way	1 ground sign along that frontage
Greater than 300 feet of frontage along 1 right-of-way	2 ground signs

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(c) **Temporary Signs.**

1. All temporary signs must comply with the sign size and height standards as specified in the Sign Dimensional Standards and Regulations Table.

2. Location of Temporary Signs shall comply with the following:

a. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way.

b. Temporary signs shall not be located closer than two feet to the edge of the traveled portion of the roadway, and in no case shall they be located within the public right-of-way, unless prior approval is obtained from the city. The city manager, or his/her designee, may administratively approve signs in the public right-of-way or public easement. The city manager, in his/her sole discretion, may refer any request for signs in the public right-of-way or public easement to the city council for approval. In addition, the city manager, or his/her designee, may administratively approve temporary signs for community events or special events, or in his/her sole discretion, refer requests for these temporary signs to the city council for approval.

c. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.

d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.

e. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.

f. Signs shall not be located within any clear vision triangle, as described in Section 18.16.090(b).

3. Each temporary sign shall be removed within sixty days of placement. Furthermore, no sign may be erected on a single parcel for more than sixty calendar days out of every one hundred twenty calendar days. Although a permit is not required for temporary signs, property and business owners must maintain a log of dates when temporary sign(s) have been in place showing compliance with the above standard. However, signs expressing First Amendment speech, including political signs, shall be exempt from this time limitation.

(d) **Ground Signs on Major Thoroughfares.** Due to high speed limits on major thoroughfare roads, ground signs are permitted to have a maximum height of eight feet and area of one hundred square feet on the following roads:

1. Wixom Road from Grand River Ave. to Pontiac Trail;
2. Beck Road from I-96 to Pontiac Trail; and
3. Grand River Ave.

(Ord. of 6-24-2014)

18.16.110 Additional sign standards.

- A. Directional Signs. No more than one directional sign shall be permitted for each approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable ground sign square footage, as specified in the Sign Dimensional Standards and Regulations Table.
- B. Off-Premise Advertising Signs. The city currently has five existing outdoor advertising signs along I-96 which were erected pursuant to a consent judgment. The city has determined that it has no demonstrated need for any additional outdoor advertising signs. The city has also determined that these existing outdoor advertising signs negatively reflect on the aesthetics of the community. The city has therefore concluded that no further outdoor advertising signs shall be permitted to be erected. The existing outdoor advertising signs can be replaced pursuant to the consent judgment. The existing outdoor advertising billboards shall only be replaced with static billboards, and digital, video or other electronic faces are specifically prohibited. This section is not intended to prohibit First Amendments views, and any lawful message can be displayed on the existing billboards.
- C. Projecting, Awning and Canopy Signs. Projecting signs, awnings and canopy signs may be used as an alternative to wall signs listed in the Sign Dimensional Standards and Regulations Table, provided that they meet the following standards:
 - 1. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
 - 2. Projecting, awning or canopy signs, other than those in the VCA District, shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign shall not extend for more than two feet from the building to which it is attached.
 - 3. No awning, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.
 - 4. Wood posts or supporting arms shall not be used in conjunction with any projecting sign, unless it is decorative in nature and part of the character of the sign.
 - 5. Projecting signs shall not exceed twelve (12) square feet in area or three feet in width. The area of such sign shall be in addition to any permitted sign provided for herein.
 - 6. Canopy signs shall not be internally illuminated and must be blackened out on the underside.
- D. Entranceway Signs. One permanent sign per vehicular entrance identifying uses such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.
- E. Changeable Message Signs. Changeable message signs may be permitted as a portion of, and accessory to, a ground or monument sign in the B-1, B-2, B-3, F-S, I-S, OS-1, IRO, and M-1 Districts, in accordance with the following:
 - 1. The message may be changed electronically or manually.
 - 2. The area of a changeable message sign shall not exceed one-third the total area of the sign.
 - 3. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.

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(Supp. No. 19)

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4. Electronic messages shall not flash, fade in or out, or scroll.
 5. Electronic messages shall be displayed for at least five minutes, and changes shall take less than one second.
 6. Any voids or burned out bulb in an electronic display shall be replaced within seven days and an automatic shutoff must be provided in the event any signs malfunction.
 7. Electronic changeable message signs shall be at least one hundred feet from any residential district or use.
 8. Electronic changeable message signs shall use only one color of lighting or bulbs to prevent nuisances and distractions upon adjoining properties and thoroughfares.
 9. The luminance and contrast of a sign shall be adjusted at all times in direct relation to the ambient outdoor light and the following luminance limits shall apply:
 - a. Daytime (dawn to dusk): five thousand nits (candelas per square meter).
 - b. Nighttime (dusk to dawn): one hundred nits (candelas per square meter).
 - c. The luminance of a sign shall be determined by the city by averaging the brightness/luminance measured in nits (candelas per square meter) at a minimum of four different points on the sign measured at any time.
- F. Sandwich Board Signs. Sandwich board or portable A-frame signs are permitted in the B-1, B-2 and B-3, F-S, and I-S Districts at the customer building entrances to businesses subject to the following requirements:
1. One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
 2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 3. Each sign shall not exceed an overall height of forty-two inches and an overall width of twenty-four inches.
 4. The sign must be located adjacent to the building, no more than ten feet from the customer entrance to the business, be a minimum of two feet from the edge of the curb, and be located so that at least a six foot wide sidewalk is maintained.
 5. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 6. All signs must be constructed or weather-proof, durable material and kept in good repair.
 7. The sign shall not be illuminated in any manner.
 8. Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e. code enforcement, snow removal, traffic issues, maintenance, etc

(Ord. of 6-24-2014)

18.16.120 Sign regulations for nonresidential properties in the VCA district.

- A. Regardless of other provisions of this chapter, only the following signs and regulations for the signs are applicable to nonresidential properties in the VCA district. Residential properties are subject to all other applicable provisions of this chapter.

- B. Types of Signs. Permitted types of signs include: wall signs, projecting signs, window signs, awning/canopy signs, and sandwich board/A-frame signs. These signs are allowed in accordance with the regulations in the following table and other regulations set forth in this section. No box signs (i.e., a rectangular wall sign with a flat surface) or signs resembling a box sign shall be permitted. Permits shall be required for signs in accordance with Section 18.16.090.



Sign Regulations for Nonresidential Properties in the VCA District			
Sign	Maximum Size & Height	Permit Required	Additional Requirements
Wall Sign	10% of front façade or 100 square feet, whichever is less	yes	<ol style="list-style-type: none"> 1) Individual letters and logos are to be no taller than 18 inches 2) Sign to be no closer than 2 feet from edge of building 3) Wall signs shall extend no more than 8 inches from the exterior face of the wall to which it is attached 4) One sign per building façade facing a street, except 2 signs for buildings on corner of 2 streets
Projecting Sign	12 square feet per side	yes	<ol style="list-style-type: none"> 1) To be at least 8 feet from ground level 2) One sign permitted per business, except 2 signs for buildings on corner of 2 streets
Window Sign	25% of window	yes	<ol style="list-style-type: none"> 1) One sign permitted per window
Awning/Canopy Sign	33% of face of canopy	yes	<ol style="list-style-type: none"> 1) Area of sign counts towards permitted wall sign area 2) One sign per awning
Sandwich Board/A-frame Signs	7 square feet per side 3.5 feet tall	yes	<ol style="list-style-type: none"> 1) One sign per business 2) The sign location is limited to the frontage of address to which the permit was issued
Temporary Signs	16 square feet per side	no	<ol style="list-style-type: none"> 1) One per street frontage

- C. Illumination. In addition to the provisions of Section 18.16.090(d), the following provisions apply to the illumination of signs in the VCA District:

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1. Lighting intensities for illuminated signs shall range from eight (8) to ten (10) footcandles, measured at four (4) feet perpendicular to any part of the sign surface.
 2. Bright neon colors or shocking bright shades shall be prohibited and no neon lighting shall be allowed on any exterior signs.
 3. There shall be no flashing, blinking, changing of colors, changing of illumination intensity, or any other visual effect associated with lighted signs (e.g., LED reader boards)
 4. Projecting signs may not be backlit but may have light sources directed at the sign to light it from the front.
 5. When internally illuminated letters, logos or other message components are used, they shall be mounted directly to the wall of the building and no raceway channel is to be used. Individual internally illuminated letters no larger than eighteen (18) inches high shall be used. Backlit logos or other message components shall be no larger than eighteen (18) inches high.
 6. Creative design or the use of halo lighting is required to ensure that backlit logos or other message components do not have the appearance of a box sign.
 7. A window sign is not to be illuminated, although up to fifty percent (50%) of the sign may be constructed of neon.
 8. Neon is not to be used for other purposes such as outlining windows or as general accent lighting on the building. The neon must be integral to the sign itself. Signs that propose to include neon lighting must be submitted to Planning Commission for its review and approval.
 9. Awnings shall not be internally illuminated. Signs on an awning may only be illuminated by fixtures located above the awning and directed downward.
- D. A-Frame and Sandwich Board Signs. A-Frame and sandwich board signs may be permitted on a sidewalk, provided that such signs are securely anchored and installed in a manner that prevents pedestrian congestion, as follows:
1. The sign shall not be illuminated in any manner.
 2. The sign is permitted only during operating business hours and must be stored inside when the business is not open.
 3. The sign must be constructed of weatherproof, durable material and kept in good repair.
- E. Design and Materials. All signs shall be of a design and character that reinforces the VCA district's intended traditional downtown design. The use of materials such as wood, brass, vintage painting and symbolic design are highly encouraged. Plastic or PVC may be used for internally illuminated letters, logos or other message components provided their appearance (color, design, shape, etc.) contributes to the VCA district's intended traditional downtown design. Where any uncertainty exists, the proposed sign shall be referred to the planning commission for review and approval.
- F. Window Signs. The sign is to be affixed directly to the window surface or installed so it is immediately adjacent to the window.
- G. Incidental Signs. Incidental signs such as open/close, hours of operation, payment method signs, are permitted provided the aggregate size of the signs is two square feet or less.
- H. Awning/Canopy Signs. Signage shall be permitted on awnings or canopies that are approved as part of a building's design, subject to the following:
1. Letters, logos or other message components shall occupy no more than thirty percent of the awning or canopy's face panel area.

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2. Letters, logos or other message components shall not be located on the end panels of the awning or canopy.
 3. Letters, logos or other message components installed on the front of an approved canopy or awning may be front lit, provided such lighting does not generate excessive glare. The underside of awnings and canopies shall not be illuminated or backlit.
 4. All awnings are to be constructed of canvas or other similar material approved by the building official and shall comply with the VCA Design Guidelines and Section 18.16.120.
- I. Rear Entrances. A sign shall be permitted to identify a rear entrance to a business. The sign must be no larger than twelve square feet in area per side for a public entrance or six square feet in area per side for a service entrance. The rear entry sign may be a wall sign or projecting sign and may be front lit only, with the use of a gooseneck or other approved indirect light fixture.
 - J. Nameplates. Nameplates not exceeding two square feet in area denoting only the name and profession of the occupants in a commercial, public or other institutional building shall be permitted in addition to the wall sign for the building, provided the area of these nameplates shall count towards the total wall sign area of the building.
 - K. The requirements of this section may be modified by the planning commission where the objectives and intent of the VCA district is better served by such modifications, rather than through the strict application of the requirements contained therein.

(Ord. of 6-24-2014)

18.16.130 Non-conforming signs.

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this chapter to bring about, in an expeditious and timely manner, the eventual elimination of signs and their supporting structures that are not in conformity with the provisions of this chapter. The following provisions apply to nonconforming signs, including the replacement of nonconforming signs with less nonconforming signs to encourage a quicker upgrade. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this chapter, however, the following alterations are regulated:

- A. A nonconforming sign shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign unless the change shall make the sign conforming.
- B. A nonconforming sign shall not be replaced by another nonconforming sign with the exception of pole signs, which can be replaced with a ground or monument sign that is not in compliance with the requirements for ground signs in this chapter, subject to review and approval by the planning commission.
- C. A nonconforming sign shall not be re-established after damage or destruction when the estimated expense of reconstruction exceeds fifty percent of the appraised replacement cost as determined by the building official or if fifty percent or more of the face of the sign is damaged or destroyed.
- D. A nonconforming sign shall not have any changes made in the words or symbols used or the message displayed on the sign unless the sign is designed for periodic change of message.
- E. Signs having a construction design that permits a complete change of the face portion of the sign display area shall not have any faces changed unless the change does not prolong the life of the total sign structure or alter the shape and size of the sign display area.

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- F. A nonconforming sign shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of ninety days or longer as defined in Section 18.16.140, Dangerous, unsafe, abandoned, and illegally erected signs.
 - G. Nonconforming and illegal freestanding pole signs that are replaced with conforming, freestanding monument signs within two years of adoption of this ordinance shall be granted an additional twenty percent of sign area above the maximum permitted.

(Ord. of 6-24-2014)

18.16.140 Dangerous, unsafe, abandoned, and illegally erected signs.

- A. Dangerous Signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance per se and may be immediately removed by the city without notice and the cost thereof charged against the owner of the property on which it was installed.
- B. Unsafe Signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official to the health or safety of the public shall be removed or repaired within thirty days after written notice from the city building official.
- C. Abandoned Signs. Any sign that advertises a business that has been discontinued for at least ninety days or that advertises a product or service that is not longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises within ten days after written notice from the city building official.
- D. Illegally Erected Signs. Any sign erected or displayed illegally in violation of this chapter shall be removed or made to comply with this chapter within ten (10) days after written notice from the City Building Official

(Ord. of 6-24-2014)

18.16.150 Permits and application procedures.

- A. Required. Except as expressly provided in Section 18.16.040, relating to signs allowed without a permit, and Section 18.16.060(C) relating to temporary signs, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign or other structure designed to display a message without first obtaining a permit therefor from the city and payment of a fee provided for in this section.
- B. Application. Applications for permits to erect, construct, maintain, use, display, alter, convert, repair a sign shall be made upon forms provided for by the city, and shall contain or have attached thereto the following information:
 - 1. Name, address and telephone number of the applicant, property owner(s), and if applicable, the tenant(s) and occupant(s);
 - 2. Location of building, structure, or lot to which the sign is to be attached or erected;
 - 3. Position of the sign in relation to nearby buildings, structures, and property lines;
 - 4. Two drawings of the plans and specifications and method of construction and attachment to the building or in the ground;

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5. Copy of stress sheets and calculations, if deemed necessary by the building official, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the city;
 6. Name and address of the person erecting the structure and any applicable licenses;
 7. Any electrical permit required and issued for such sign;
 8. Insurance policy or bond as required by this chapter;
 9. Such other information as the Building Official, or his or her designee, may require to show full compliance with this and all other applicable laws of the city and the state;
 10. In the discretion of the building official, or his or her designee, when in his or her opinion the public safety requires it, the application containing the material required by this section shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit;
 11. In all applications for entranceway signs, the building official, or his or her designee, shall require that appropriate provisions have been made to ensure continued maintenance of the sign.
- C. Fees. A application, permit, review and inspection fees shall be paid to the city for each permanent permit and each temporary permit required by this chapter as shall be set by resolution of the city council from time to time.
- D. Ordinary Maintenance. No permit is required for the ordinary servicing or repainting of an existing sign message, the cleaning of a sign, the changing of information on a directory sign, or the changing of advertising on a permitted sign specifically designed for regular change of message without change in structure.

(Ord. of 6-24-2014)

18.16.160 License and insurance.

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

(Ord. of 6-24-2014)

18.16.170 Administration, enforcement, violations, and penalties.

- A. Generally. The regulations of this chapter shall be administered and enforced by the city building official or his or her designee, unless otherwise stated herein.
- B. Violations. It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move, any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions, standards and regulations of this chapter. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

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- C. Public Nuisance Per Se. Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this chapter, including the failure to remove a sign when directed under the authority of this chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction,
 - D. Municipal Civil Infraction. Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this chapter shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in Section 13.04.810, Violations and penalties, of the city's code of ordinances.
 - E. Other Relief.
 - 1. In addition to the remedies otherwise provided for, the city may remove and dispose of an unlawful sign on public property.
 - 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this chapter.
 - 3. In addition to any remedies provided for by the code of ordinances, any equitable or other remedies available may be sought and granted.

(Ord. of 6-24-2014)

18.16.180 Appeals and variances.

- A. Appeals. Appeal from the ruling of any officer, department, board or bureau of the city, including the building official, concerning the enforcement of the provisions, standards and regulations of this chapter may be made by any aggrieved party within thirty days of the ruling to the zoning board of appeals.
- B. Variances. The zoning board of appeals shall have the authority to grant variances from the requirements of this chapter according to the criteria in Section 18.22.030(E). In making a decision on whether a practical difficulty exists, the board may also consider the following for sign variance requests:
 - 1. In determining whether a variance is appropriate, the zoning board of appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance.
 - 2. In granting or denying a variance, the zoning board of appeals shall state the grounds and findings upon which it justifies granting or denying the variance based on the following criteria:
 - i. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
 - ii. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
 - iii. Existing signs on nearby parcels would substantially reduce the visibility or identification impact of a conforming sign on the subject parcel.
 - iv. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

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- v. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
 - vi. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
 - vii. A sign which exceeds the permitted height or area standards of this chapter would be more appropriate in scale because of the large size or frontage of the parcel or building.

(Ord. of 6-24-2014)

18.16.190 Substitution clause.

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

(Ord. of 6-24-2014)

18.16.200 Severability clause.

If any provision, standard, or regulation of this chapter, or the application thereof to any person or circumstance, shall be found invalid by a court, such invalidity shall not affect the remaining portion or application, or validity of the remaining provisions, standards, or regulations of this chapter as a whole, provided such remaining portions are not determined by the court to be invalid. It is hereby declared to be the legislative intent that this chapter would have been adopted, had such invalid provision not been included.

(Ord. of 6-24-2014)

Chapter 18.17 SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

Sections:

18.17.010 Intent.

- A. It is the intent of this chapter to require site plan review and approval prior to issuance of a building permit for certain buildings, structures and uses to 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 of Wixom master plan. In particular, the standards herein are intended to minimize negative impacts on natural resources, utility systems, public service delivery, traffic operations, adjacent neighborhood or district character and the character of future development.
- B. It is further the intent of this chapter to bring existing sites that do not conform with current standards of this title into greater conformity when uses change or an exterior renovation or expansion is proposed.

(Ord. 08-05 § 1 (part), 2008)

18.17.020 Uses requiring site plan review.

Construction and uses that require site plan, sketch plan or permit approval are listed in Table 17.02. Uses requiring site plan or sketch plan approval shall also be required to obtain a building permit, where required by the building code. A building permit shall not be issued until a site plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection and permit fees have been fully paid. Certain construction shall also require review as specified by the city's engineering standards.

Table 17.02

Uses Requiring Site Plan Review

PC — Planning Commission	Site Plan Approval	Sketch Plan Approval	Building Permit Only
CC — City Council			
BO — Building Official			
New Construction			
Construction of any building or structure in any zoning district for a nonresidential use	PC		
Construction of any building or structure containing 3 or more dwelling units in any zoning district	PC		
Utilities and essential public service buildings or structures	PC		
Erection of a wireless communication tower	PC/CC		
Collocation of a wireless communication facility		BO	
Establishment of a new special land use (see Chapter 18.18)	PC		
Planned unit development (see Chapter 18.11)	PC/CC		
Establishment of a condominium	PC/CC		
Home occupations			BO
Construction, reconstruction, erection and/or expansion of a one-family or two-family dwelling on a single lot or parcel			BO
Expansion/Modification to Existing Building			

A cumulative expansion of more than 1,000 square feet to the building, structure or use subject to site plan review	PC		
A cumulative expansion of no more than 1,000 square feet to the building, structure or use subject to site plan review		BO	
Construction solely on the building interior that does not increase usable floor area			BO
Upgrades to building facade to meet architectural standards of Section 18.14.010		BO	
Expansion of an existing special land use (see Chapter 18.18)	Section 18.18.070		
Modifications to nonconforming buildings, structures and uses	Chapter 18.20 Nonconforming		
Upgrades to improve barrier-free design or compliance with Americans with Disabilities Act or other federal, state or county regulations		BO	
Change in Use			
Any change of use in land or building to a more intensive use, as determined by the building official, that may involve substantial change in such features as parking, traffic flow, hours of operation, public services, or effluent discharge, that may entail substantial alteration of an important physical aspect of the site	PC		

Change in use to a special land use (see Chapter 18.18)	PC		
Reuse of an existing building where no building expansion is proposed only if the building official determines the new use is similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts		BO	
Residential care facilities (family homes; 6 or fewer residents)			BO
Residential care facilities (group homes; 7 to 20 residents)		PC	
Residential care facilities (congregate care for more than 20 residents including day care and housing for the elderly)	PC		
Accessory Structures, Uses and Site Improvements			
Nonresidential accessory structures 1,000 square feet or more		PC	
Nonresidential accessory structures less than 1,000 square feet			BO
Construction of a new parking lot		BO	
Paving or expansion to an existing parking lot		BO	
Construction or erection of signs, retaining walls, fences, screen walls, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment			BO
Development entranceways		BO	

Permitted accessory buildings and structures which are accessory to a one-family or two-family dwelling in any zoning district			BO
Temporary uses, building and structures		ZBA	
Grading, excavation, filling, soil removal, creation of ponds, clearing of trees (areas less than 100 square feet)			BO
Grading, excavation, filling, soil removal, creation of ponds, clearing of trees (areas greater than 100 square feet)		BO	
Keeping of animals		BO	

(Ord. 08-05 § 1 (part), 2008)

18.17.030 Site plan review procedures.

- A. Site Plan Review. When a site plan review is required in accordance with Section 18.17.020, an application shall be submitted to the building department, in accordance with the submittal schedule as provided by the building official. Upon submittal of the site plan, city staff will conduct a preliminary review for completeness and technical compliance of the application and compliance with zoning ordinance standards. The applicant shall have the opportunity to revise the site plan prior to review by the planning commission.
- B. Site Plan Application. The application shall include:
 - 1. A completed application form, available at the building department;
 - 2. Thirteen copies of the site plan;
 - 3. An application fee;
 - 4. Proof of ownership or evidence of a contractual ability to acquire the subject property;
 - 5. Information contained in Table 17.03.

Table 17.03

Site Plan Submittal Requirements

Site Plan Descriptive and Identification Data
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or one inch = 100 feet for property 3 acres or more in size
Sheet size shall be 24 x 36 inches
Name of development

Location map drawn to a separate scale with north-point, showing surrounding land uses, water features and streets within a quarter mile
"Not to be Used as Construction Drawings" must be noted on the site plan
Legal and common description of property
Net acreage (minus rights-of-way) and total acreage
Property lines and dimensions
Aerial photograph showing the site and all areas within 150 feet of the site
Zoning classification of petitioner's parcel and all abutting parcels
Use of parcel and abutting parcels
Identification and seal of registered or licensed architect, civil engineer, land surveyor, landscape architect or community planner who prepared drawings
Site Data
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site
Where grading is proposed, topography on the site and within 100 feet of the site at one-foot contour intervals, referenced to a U.S.G.S. benchmark
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures and other improvements on the site and within 100 feet of the site
Location of existing drainage courses, floodplains, rivers and MDEQ regulated and nonregulated wetlands with elevations
Location of existing trees and woodlands areas in accordance with Chapter 17.12 Woodlands of the Municipal Code
All existing and proposed easements
Details of exterior lighting including locations, height, fixtures (manufacturer's specification sheets), method of shielding and a photometric grid overlaid on the proposed site plan indicating the overall lighting intensity of the site (in footcandles)
Location of waste receptacle(s) and mechanical equipment and details of screening
Location, size, height and lighting of all proposed freestanding and wall signs
Location, size, height and material of construction for all walls or fences with cross sections
Location, outside dimensions and height and of all outdoor storage or display areas and facilities
Access and Circulation
Dimensions, curve radii and centerlines of existing and proposed access points, streets, and street rights-of-way or access easements
Driveways and intersections within 250 feet of site and distances between existing driveways and proposed
Cross section details of existing and proposed roads, driveways, parking lots, sidewalks and pathways illustrating materials, width and thickness
Limits of curbing
Dimensions of acceleration, deceleration and passing lanes
A truck circulation plan in accordance with Section 18.15.040
Dimensions of parking spaces, islands, circulation aisles and loading zones
Radii for driveways and parking lot islands
Calculations for required number of parking and loading spaces
Designation of fire lanes
Traffic regulatory signs and pavement markings
Shared parking or access easements, where applicable
Sidewalks along street frontage and internal walks
Landscape Plans Prepared and Sealed by a Registered Landscape Architect

The general location, type and size of all existing plant material, with an identification of materials to be removed and materials to be preserved
Limits of grading and description of methods to preserve existing landscaping
The location of proposed lawns and landscaped areas
Landscape plan, including location, of all proposed shrubs, trees and other plant material
Location of utility easements on the landscape plan to verify no conflicts with plantings
Tree inventory, as required by Chapter 17.12 of the Municipal Code and woodlands preservation and replacement plan must be superimposed on the landscape plan
Planting list for proposed landscape materials with caliper size or height of material, spacing of species, botanical and common names, and quantity
Calculations for required greenbelts, buffer zones, parking lot trees, detention ponds and interior landscaping
Method of installation and proposed dates of plant installation
Method of irrigation
Landscape maintenance program
Building and Structure Details
Location, height, and outside dimensions of all proposed buildings or structures
Building floor plans and total floor area
Details on accessory structures and any screening
Building facade elevations for all sides, drawn at an appropriate scale and matching floor plans
Method of screening for all ground-, building- and roof-mounted equipment
Description of exterior building materials including colors (samples must be provided at the planning commission to be retained by the city until a certificate of occupancy is issued)
In the VCA, a perspective rendering of the building and adjacent buildings or a virtual image of the building superimposed on digital imagery of the street and adjacent buildings.
Master signage concept plan
Information Concerning Utilities, Drainage and Related Issues
Location of sanitary sewers and septic systems, existing and proposed
Location and size of existing and proposed water mains, water service, storm sewers and drains, and fire hydrants
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls including 100-year flood calculations
Location of above and below ground gas, electric and telephone lines and easements, existing and proposed
Location of utility boxes
Storage areas
Additional Information Required for Residential Development
The type, number and location of each type of residential unit
Density calculations by type of residential unit (dwelling units per acre)
Garage and/or carport locations and details, if proposed
Mailbox clusters
Entranceway details
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable
Swimming pool fencing detail, including height and type of fence, if applicable
Location, nature, and size of recreation and open space areas
Indication of type of recreation facilities proposed for recreation area
Delineation of general/limited common elements
Miscellaneous

A use statement including a general operations plan with a description of the nature of the proposed use or activity, noise impacts, hours of operation, the number of employees, etc.
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable
For additions and expansions, a clear distinction between existing buildings, structures and impervious surface areas and any proposed development must be made
For condominium projects, a master deed that shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property. 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.
Any additional graphics or written materials requested by the planning commission to assist in determining the compliance with site plan or special land use standards, such as but not limited to: cross sections which illustrate impacts on views and relationship to adjacent land uses, photographs, traffic impact studies, parking demand studies, market studies and environmental impact studies. If additional materials are requested, such information shall be prepared by a qualified individual or firm with experience in the specific discipline.

(Ord. 08-05 § 1 (part), 2008)

18.17.040 Standards for site plan approval.

Based upon the following standards, the planning commission may deny, approve, or approve with conditions the site plan:

- A. Use. The proposed use must be permitted in the zoning district.
- B. Site Design Characteristics. All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjoining property, the type and size of buildings, 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 chapter. The site shall be designed to conform to all provisions of this chapter.
- C. 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 18.14.010.
- D. Preservation of Significant Natural Features. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- E. Streets. All public and private streets shall be developed in accordance with the city of Wixom engineering design standards.
- F. Access, Driveways and Circulation. Safe, convenient, uncongested and well defined vehicular circulation within and to the site shall be provided and shall meet the following criteria:
 - 1. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The planning commission may require a traffic impact study for uses that are anticipated to generate more than one thousand trips per day or more than one hundred trips during the peak hour.
 - 2. All driveways shall meet the design and construction standards of the city.

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3. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
 4. For uses having frontage and/or access on a major thoroughfare, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.
- G. Vehicle Access. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the fire department and police department. Cross circulation in the form of shared driveways, service drives or parking lot connections shall be provided with adjacent uses where required by Section 18.15.050.
 - H. Sidewalks, Pedestrian and Bicycle Circulation. Nonmotorized circulation shall be as provided in Section 18.14.030.
 - I. Parking. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.
 - J. Loading and Outdoor Storage. All loading and unloading areas and outdoor storage areas, including waste receptacles, shall be accessed and screened in accordance with Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.
 - K. Waste Receptacles. Waste receptacles shall be provided, accessed and screened as required in Section 18.14.050.
 - L. Lighting. Exterior lighting shall be provided and arranged in accordance with Section 18.14.040.
 - M. Mechanical Equipment and Utilities. Mechanical equipment and utilities, including roof-, building- and ground-mounted, shall be screened in accordance with the requirements of Section 18.14.060.
 - N. Landscaping. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Section 18.14.020.
 - O. Utilities and Storm Water Management. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and stormwater management facilities shall be reviewed and approved by the city engineer.
 - P. Noise. The site shall be designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts, and to comply with the city's noise ordinance.
 - Q. Other Agency Reviews. The applicant shall provide documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.
 - R. The city may require that other studies be provided, such as traffic impact studies, community impact statements or marketing studies if it is deemed necessary to properly evaluate the application and the proposed development's impact on the community.

(Ord. 08-05 § 1 (part), 2008)

18.17.050 Conditions of site plan approval.

- A. As part of an approval to any site plan, the planning commission may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use

or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- B. Conditions may also be imposed to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the planning commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this chapter.
- C. The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- D. A record of conditions imposed shall be recorded on the site plan and maintained by the city. The conditions shall remain unchanged unless an amendment to the site plan is approved by the planning commission.
- E. The building official shall require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the planning commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified.

(Ord. 08-05 § 1 (part), 2008)

18.17.060 Administrative sketch plan review.

- A. This section provides for an administrative review and approval by the building official of sketch plans for minor construction as noted in Section 18.17.020.
- B. The minimum contents of a sketch plan submitted for administrative review as required by Section 18.17.020 include:

Table 17.06

Administrative Sketch Plan Submittal Requirements

Cover Sheet
Completed application form and fee
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)
Scale and north-point
Location map drawn to a separate scale with north-point, showing surrounding land use, water features and streets within a quarter mile
Legal and common description of property including net acreage
Identification and seal of registered or licensed architect, engineer, land surveyor, community planner or landscape architect who prepared drawings
Zoning classification of petitioner's parcel and all abutting parcels
A use statement including a general operations plan with a description of the nature of the existing and/or proposed use or activity, noise impacts, hours of operation, the number or employees, etc.
A note on each plan sheet stating "Not to be Used as Construction Drawings"
Buildings and Structures
Existing and proposed buildings and parking lots with dimensions and setbacks
Floor plan indicating existing and proposed uses
Building elevations including materials and colors for all sides with proposed changes
Parking and Access
Existing and proposed parking calculations

Existing and proposed driveways
Site Data
Existing and proposed landscaping illustrated on the plan and described in a plant list
Proposed changes to grading and other natural features
Existing and proposed lighting and screening
Proposed changes to utilities
Any other items requested by the building official to assist in the sketch plan review

- C. 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.
- D. The building official may waive some of the above submittal requirements where not deemed necessary to determine compliance with the standards of this chapter.
- E. The building official may 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 significant problems with drainage, traffic, noise, aesthetics or other general health and safety issues.

(Ord. 08-05 § 1 (part), 2008)

18.17.070 Condominium developments.

All condominium plans must be provided in accordance with Chapter 16.12, Subdivision Procedure of Title 16, Subdivisions of the Municipal Code. Any additional information as required by this chapter shall also be provided.

(Ord. 08-05 § 1 (part), 2008)

18.17.080 Validity of approved site plan.

- A. Start of Construction. Site plan approval is valid for a period of one year from the date of planning commission approval. A building permit must be issued and physical construction must commence within the one year period.
- B. Extensions. Upon written application prior to expiration, the planning commission may authorize an extension of the time limit of the site plan approval for a period not to exceed one year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The planning commission may require compliance with any amendments to the zoning ordinance since the site plan was originally approved.
- C. Expiration of Site Plan Approval. In cases where actual physical construction of a substantial nature of the structures authorized by a site plan approval has not commenced within one year of site plan approval and a written application for extension of the approval has not been filed as provided above, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.
- D. Phased Development. For a development that is being constructed in phases, construction of subsequent phases must be diligently carried on towards completion. Where a phase is completed and receives a certificate of occupancy, then construction on the next phase must be initiated within one year of the certificate of occupancy on the previous phase for the site plan approval to remain valid. Extensions may be granted as provided for in subsection B of this section. Inactivity on developing future phases for more than

one year shall without an extension shall result in expiration of the site plan approval and any further activity shall require a new site plan review and approval by the planning commission.

(Ord. 08-05 § 1 (part), 2008)

18.17.090 Amendment to approved site plans.

Amendments to the approved site plan may occur as follows:

- A. An applicant or property owner who has been granted site plan approval shall notify the building official of any proposed amendments to an approved site plan.
- B. Minor site plan amendments may be approved by the building official upon certification in writing to the planning commission that the proposed revision does not alter the basic design, compliance with the standards of this chapter, or any specified conditions of the plan as agreed upon by the planning commission.
- C. Should the building official determine that the requested modification to the approved site plan is not minor, a new site plan in accordance with the requirements of this chapter shall be submitted.

(Ord. 08-05 § 1 (part), 2008)

18.17.100 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 landscaping, walls, fences, pavement, pavement markings, building exterior, drainage facilities and all other elements of the approved site plan.
- B. Any property owner who fails to properly maintain an approved site plan and site design shall be deemed in violation of this title and the approved site plan and shall be subject to the penalties appropriate for a violation.

(Ord. 08-05 § 1 (part), 2008)

18.17.110 Compliance required.

- A. The requirements set forth in this chapter shall apply to all uses, lots, sites and parcels that are developed, expanded or otherwise modified. Landscape plans shall be submitted as part of site plan review in accordance with Table 17.02.
- B. For changes of use and site alterations or building expansions, the planning commission shall determine the extent of improvement required in relation to the extent of change proposed. In particular the planning commission may require changes to improve public safety, closure or redesign of driveways, redesign or resurfacing of parking and loading areas, installation of curbing, replacement or additions to landscaping or screening, upgrades to lighting, relocation and enclosure of waste receptacles, and upgrades to the building exterior.
- C. A written development agreement specifying all the terms and understandings of the site plan approval shall be signed by the applicant and recorded with the city as a condition of approval. The content of the

agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:

1. A legal description for the site;
2. 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;
3. Agreement to protect and maintain any landscaping, natural features or open space areas designated on the site plan;
4. Agreement to comply with all conditions of site plan approval;
5. The approved site plan shall be incorporated by reference and attached as an exhibit;
6. Agreement by the applicant that the approval and any conditions imposed in the approval are legitimate, related to a need or burden imposed by the development, and are based on legitimate governmental interests;
7. An agreement that the applicant shall obtain insurance required by the city, in an amount set by the city, and further indemnify the city with respect to the development and development activities;
8. Costs associated with the agreement are the responsibility of the applicant and no building permits will be issued unless all costs have been paid for in full by the applicant.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.18 SPECIAL LAND USE REVIEW REQUIREMENTS AND PROCEDURES

Sections:

18.18.010 Intent.

This chapter is intended to provide regulations for special land uses which may be compatible with permitted uses in a zoning district under specific locational and site criteria. This chapter provides standards for the planning commission to determine the appropriateness of a given special land use covering 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. Establishment or major expansion of any special land use requires a special land use permit under this chapter.

(Ord. 08-05 § 1 (part), 2008)

18.18.020 Procedures.

- A. Application. Upon submission of a special land use and site plan application meeting the requirements of Chapter 18.17, Site Plan Review Requirements and Procedures, a public hearing shall be scheduled before the planning commission. Notice of the hearing shall be given in accordance with Section 18.21.110.
- B. Public Hearing. Following the public hearing, the planning commission shall consider the public hearing input, reports from city staff, and consultants the criteria contained in Section 18.18.050, and the specific standards for the use found in the applicable zoning district.
- C. Site Plan Revisions. If the planning commission determines that revisions are necessary to bring the proposed special land use and site plan application into compliance with applicable standards and regulations, the applicant shall submit a revised application and site plan. A second hearing is not required on a revised

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(Supp. No. 19)

application that addresses concerns raised through the review process unless the planning commission determines that it is necessary. Following submission of revised application materials, the proposal shall be placed on the agenda of a scheduled meeting of the planning commission for review and possible action.

- D. Impact Assessment. The planning commission may require the submittal of an impact assessment; 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.
- E. Planning Commission Action. After the consideration of the general and specific criteria, the planning commission can either approve, approve with conditions, or deny the special land use application.
 - 1. Approval. Upon determination by the planning commission that the application for a special land use is in compliance with the standards and requirements of this chapter and other applicable laws, approval shall be granted.
 - 2. Approval with Conditions. With an approval of a special land use application, the planning commission may impose reasonable conditions. The applicant shall submit a revised site plan or other information that demonstrates compliance with the conditions for administrative approval by the city within sixty days of the date of conditional approval and prior to issuance of a building permit or the submission shall be considered null and void.
 - 3. Denial. Upon determination that a special land use does not comply with standards and regulations set forth in this title, or requires excessive revisions in order to comply with the standards and regulations, the planning commission shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- F. Conditions. In considering the special land use, the planning commission may impose conditions or limitations as permitted by the Michigan Zoning Enabling Act that it deems necessary to fulfill the spirit and/or purpose of this title. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged. Conditions imposed shall do all of the following:
 - 1. Be designed to protect natural resources, the health, safety, and welfare as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance; be related to the standards established in this title for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

(Ord. 08-05 § 1 (part), 2008)

18.18.030 Appeals and variances.

The zoning board of appeals may hear requests for variances to dimensional or site design requirements related to special land uses. However, the zoning board of appeals shall not have the authority to hear appeals of the planning commission's decision to approve or deny a special land use, nor to grant variances to any conditions that were attached to the special land use approval by the planning commission.

(Ord. 08-05 § 1 (part), 2008)

18.18.040 Restrictions on resubmittal of a special land use request.

No application for a special land use permit which has been denied wholly or in part 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. A resubmitted application shall be considered a new application.

(Ord. 08-05 § 1 (part), 2008)

18.18.050 General standards.

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 Chapters 18.03, Residential Districts, 18.05, Manufactured Home Park Districts, 18.06, Commercial Districts, 18.07, VCA District, 18.08, Office and Research Districts, 18.09, Industrial Districts and 18.10, Regulated Uses be satisfied. The proposed use or activity shall:

- A. Be compatible and in accordance with the goals, objectives and policies of the city of Wixom master plan.
- B. Promote the intent of the zoning district in which the use is proposed.
- C. 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.
- D. Be served adequately by public facilities and services, such as traffic operations along streets, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
- E. Not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to permitted uses in the district, 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.

(Ord. 08-05 § 1 (part), 2008)

18.18.060 Specific standards.

Prior to approving a special land use application the planning commission shall require that the specific standards noted for individual uses in the applicable zoning district be satisfied.

(Ord. 08-05 § 1 (part), 2008)

18.18.070 Amendments, expansions and change in use.

- A. Major Amendments. Any person or agency who has been granted a special land use permit shall notify the building official of any proposed amendment to the approved site plan of the special land use permit. A major amendment to a special land use permit shall require submittal of a new application for special land use and follow the review procedures contained in this chapter. The building official shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards:
 - 1. Changes increase the building(s) usable floor area by more than twenty-five percent.

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2. Parking lots are expanded by more than twenty-five percent.
 3. The occupancy, capacity or membership of the use is increased by more than twenty-five percent.
 4. The use is expanded to occupy an additional twenty-five percent or more land area.
 5. The expansion will result in a twenty-five percent or more increase in traffic generation based upon the latest edition of the Institute of Transportation Engineers Trip Generation Manual.
 6. The expansion will result in a twenty-five percent or more increase in the demand for public water or sewer.
 7. Other similar types of changes deemed by the building official to be "major."
- B. Minor Amendment. Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but may require submittal of a site plan or sketch plan following the requirements of Chapter 18.17, Site Plan Review Requirements and Procedures.
 - C. Change in Use. Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this chapter.
 - D. Separate Approval. A separate special land use permit shall be required for each use which requires special land use review on a lot.

(Ord. 08-05 § 1 (part), 2008)

18.18.080 Validity of permit.

- A. Start of Construction. Special land use approval is valid for a period of one year from the date of planning commission approval. A building permit must be issued and physical construction must commence within the one year period.
- B. Extensions. Upon written application filed prior to the termination of the one year period as provided above, 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 be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension. The planning commission may require compliance with any amendments to the zoning ordinance since the special land use was originally approved.
- C. Expiration of Special Land Use Permit. Where actual construction of a substantial nature of structures authorized by a special land use permit has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided above, the special land use permit shall become null and void and all rights thereunder shall terminate.

(Ord. 08-05 § 1 (part), 2008)

18.18.090 Revocation of an approved special land use.

The planning commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this chapter, other applicable sections of this title, or conditions of the special land use approval. Prior to any action, the planning commission shall conduct a public hearing following the notification process for the original approval. The applicant shall be provided an opportunity to present information and to answer questions. The planning commission may revoke any previous approval if it finds that a violation exists and has not been remedied.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.20 NONCONFORMING

Sections:

18.20.010 Intent.

- A. It is the purpose of this chapter to provide regulations governing lots, buildings, structures and the uses thereof, which were lawful prior to the enactment of this title, or amendment thereto, but which are prohibited, regulated or restricted under the provisions of this title.
- B. It is the intent of this chapter to permit these buildings, structures and uses to continue, but not to encourage their prolonged existence. Because such nonconforming lots, buildings, structures and uses prevent the full realization of the goals and objectives of this title, the spirit of this title is to reduce and eliminate such nonconformance. The standards of this chapter are intended to accomplish the following:
 - 1. Terminate and remove any use, building, structure or any combination thereof established after the effective date and in violation of this title. Such uses, buildings or structures are classified as a nuisance and shall not receive any of the rights, privileges or protection granted by this chapter for legal nonconformities.
 - 2. Eliminate nonconforming uses which are considered to be incompatible with permitted uses, or encourage redevelopment into a more conforming use.
 - 3. Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed.
 - 4. Encourage the upgrade of residential neighborhoods through bringing nonconforming residential structures more into compliance with this chapter.
 - 5. Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which were developed in compliance with the standards at the time of their construction, but which do not meet the site standards of this title and its amendments.
 - 6. Encourage the combination of contiguous nonconforming lots of record to create lots which conform to current standards, are compatible with other lots in the zoning districts, to promote the public health, safety and welfare and to eliminate problems associated with the over crowding of land.
- C. 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 chapter establishes regulations that govern the completion, restoration, reconstruction and expansion of nonconforming structures which do not increase the nonconforming situation.
- D. To avoid undue hardship, nothing in this chapter 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 chapter, and upon which actual building construction has been diligently carried on. Actual construction is defined to mean that the property owner has begun substantial construction under a lawfully issued building permit.

(Ord. 08-05 § 1 (part), 2008)

18.20.020 Nonconforming lots.

- A. Use of Nonconforming Lots. Any lot of record existing at the effective date of the ordinance codified in this chapter that now fails to meet the requirements for area or width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this title are met, such as setbacks, minimum floor area, maximum height and access requirements.
- B. Variance to Area and Dimensional Requirements. If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the zoning board of appeals.
- 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 chapter, except as provided in subsection (C)(4) of this section. 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.
 - 4. Where an individual owns two or more contiguous nonconforming lots, the lots may be sold or developed as separate individual lots only where each individual lot has an area and width equal to or greater than the median area and width of all developed lots within seven hundred fifty feet. The seven-hundred-fifty-foot dimension shall be measured from the perimeter of the applicant's lots and shall include all lots or portions of lots within seven hundred fifty feet, but shall only include lots that are within the same zoning district. Where there are multiple lots developed with a single dwelling, these lots shall be considered a single combined lot for calculation of median area and width. Multiple contiguous vacant lots under the same ownership shall be considered a single combined lot for calculation of median area and width. The applicant shall provide a map and calculations to certify the median lot area and width.

(Ord. 08-05 § 1 (part), 2008)

18.20.030 Nonconforming uses.

A lawful use of a building, land or of a building and land in combination, that existed prior to the effective date of the ordinance codified in this title, or amendment thereto, that is made no longer permissible under the

provisions of this title, as enacted or amended, shall be considered a nonconforming use. These nonconforming uses may be continued so long as they remain otherwise lawful, subject to the following limitations, unless otherwise approved by the zoning board of appeals:

- A. Not Increased. Nonconforming uses shall not 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 title.
- B. Not Expanded. The existing structure devoted to a nonconforming use shall not 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. The addition of a second story on an existing nonconforming structure shall be considered an expansion, subject to Section 18.20.040(B).
- C. Not Expanded Outside Original Structure. Any nonconforming use shall not be extended to occupy any land outside the structure or outside the original foundation.
- D. Not Moved. Nonconforming uses shall not be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this title.
- E. Change in Use of a Structure. If no structural alterations are made, any nonconforming use of a structure may be changed to another nonconforming use, provided that the ZBA first finds 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 accordance with the purpose and intent of this title.
- F. Change to a Permitted Use. Where there is a change in use to a structure or land resulting in a nonconforming use being superseded by a permitted use, the use shall thereafter conform to the regulations for the zoning district, and the nonconforming use may not thereafter be resumed.
- G. Not Reestablished if Abandoned. A nonconforming use that is abandoned for a period of six months or more shall not be reestablished. 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 intent on the part of the property owner to abandon the nonconforming use:
 - 1. Utility services, such as water, gas and electricity to the property, have been discontinued;
 - 2. The property, buildings, or grounds have fallen into disrepair;
 - 3. Signs or other indications of the existence of the nonconforming use have been removed;
 - 4. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - 5. Other actions which, in the opinion of the building official, 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 proven to have legally existed prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.
- H. Removal of Structure. 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.

(Ord. 08-05 § 1 (part), 2008)

18.20.040 Nonconforming buildings and structures.

- A. Nonconforming Buildings and Structures. A lawful building, or structure that existed prior to the effective date of the ordinance codified in this title, or amendment thereto, that is made no longer permissible under the provisions of this title, as enacted or amended, by reason of restrictions on setbacks, lot coverage, height, or other characteristics of the building, or structure or its location on the lot, shall be considered a nonconforming building or structure. These nonconforming buildings and structures may be maintained so long as they remain otherwise lawful, subject to the following limitations:
1. Nonconforming buildings and structures may not be enlarged or altered in a way that increases its nonconformity within the provisions of this chapter, except for residential buildings as provided for in subsection B of this section, unless otherwise approved by the zoning board of appeals.
 2. Should a nonconforming building or structure be destroyed by any means to an extent greater than one-half of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
 3. Should a nonconforming building or 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 a nonconforming building or structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later reestablished or increased.
- B. Expansion of Nonconforming Residential Buildings. A nonconforming residential building may be expanded, provided the expansion will meet required setbacks and other dimensional and building code requirements. (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded). The building official shall utilize the following standards:
1. The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.
 2. The addition does not extend beyond the predominant existing building line along the same block.
 3. The addition retains compliance with all other setback, lot coverage, and height requirements. An additional story may only be added to the portion of the building that is conforming.
 4. The addition will meet all minimum building code requirements.
 5. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
 6. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.

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 zoning board of appeals.

(Ord. 08-05 § 1 (part), 2008)

18.20.050 Repairs and maintenance.

- A. Restrictions on Damage Replacements Exceeding One-Half of Value. In the event that any nonconforming structure is damaged by any means or in any manner to the extent the cost of reconstruction or restoration exceeds one-half the value of the structure prior to the damaging occurrence as determined by the most

recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall only be permitted in conformity with the provisions of this title, except as otherwise provided herein.

- B. Restrictions on Damage Replacements Less Than or Equal to One-Half of Value. In the event that any nonconforming structure is damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than one-half the value of the structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall be permitted, provided a building permit for reconstruction or restoration is issued within one year of the occurrence of such damage.
- C. Reconstruction of a Fire Damaged Residential Structure. In the event a nonconforming residential structure is damaged by fire or natural cause, a residential structure may be reconstructed on the same foundation, provided the first floor footprint and the total floor area does not exceed the size of the previous residence.
- D. Repairs, Improvements and Modernization. Repairs, improvements, or modernization of nonconforming buildings or structures shall be permitted, provided such repairs or improvements do not exceed one-half of the value of the building or structure during any period of twelve consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet building code requirements.
- E. Safe Condition of Building. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 08-05 § 1 (part), 2008)

18.20.060 Nonconforming sites.

- A. Intent. The intent of this section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this chapter. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various zoning ordinance standards for landscaping, paving and other non-safety site related items.
- B. Permitted. Such improvements or expansions may be permitted by the planning commission during site plan review without a complete upgrade of all site elements under the following conditions:
 - 1. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
 - 2. The applicant has addressed safety related site issues on the overall site.
 - 3. For landscaping, the applicant shall bring the site toward conformity at twice the rate of building or parking lot expansions (for example, a five percent building expansion will provide at least ten percent of the required landscaping).
 - 4. The improvements or minor expansion will not increase noncompliance with site requirements.
 - 5. All driveways that do not conform with the access standards of this chapter shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the standards of Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements.

(Ord. 08-05 § 1 (part), 2008)

18.20.070 Nonconforming resulting in right-of-way dedication.

Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional road right-of-way width being acquired by a road agency, the building or parking lot may be improved or expanded without the need to obtain a variance from the zoning board of appeals, provided the following conditions are met:

- A. The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.
- B. The building or parking lot expansion will not reduce the depth of the front yard setback.
- C. All other ordinance requirements are met and necessary approvals obtained.

(Ord. 08-05 § 1 (part), 2008)

18.20.080 Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of a nonconforming use, provided there is no change in character to the nonconformity and that all building and fire codes are met.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.21 ADMINISTRATION AND ENFORCEMENT

Sections:

18.21.010 Planning commission.

- A. The planning commission is created pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008. In accordance with Section 83 of Public Act 33 of 2008, the planning commission shall have all the powers and duties provided for zoning commissions created pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006. Members of the planning commission shall be nominated by the mayor and approved by the city council. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the planning commission shall be in accordance with Public Act 33 of 2008.
- B. The planning commission shall have the following responsibilities and authority pursuant to this title:
 1. The planning commission shall be responsible for formulation of the zoning ordinance, review of amendments to the zoning ordinance, holding hearings on a proposed zoning ordinance or amendments, and reporting its findings and recommendations concerning the zoning ordinance or amendments to the city council.
 2. The planning commission shall be responsible for review of all applications for site plan approval in accordance with Chapter 18.17, and special land use approval in accordance with Chapter 18.18 and making a determination to grant approval, approval subject to revisions, or denial of approval.
 3. The planning commission shall be responsible for formulation and adoption of the city master plan as a guide for the development of the city, in accordance with Michigan Public Act 33 of 2008.

(Ord. 08-05 § 1 (part), 2008)

18.21.020 Enforcement.

The provisions of this title shall be administered and enforced by the building official, or his or her designee, or by such deputies of his or her department as the building official may delegate to enforce the provisions of this title.

(Ord. 08-05 § 1 (part), 2008)

18.21.030 Duties of building official.

- A. The building official shall have the authority to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this title. It is unlawful for the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this title.
- B. Under no circumstances is the building official permitted to make changes to this title nor to vary the terms of this title in carrying out his duties as building official.
- C. The building official shall not refuse to issue a permit when conditions imposed by this title are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of the permit.

(Ord. 08-05 § 1 (part), 2008)

18.21.040 Plot plan.

The building official shall require that all applications for permits for uses not covered in Section 18.17.020 shall be accompanied by plans and specifications including plot plan information as required in this section:

- A. The actual shape, location and dimensions of the lot. The applicant shall identify the front lot line.
- B. The shape, size, location and setback of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this title are being observed.
- E. In those instances where more than one use is proposed for a property or where lots or parcels are to be split or subdivided, the applicant shall submit copies of any private covenants, deed restrictions or agreements to the city in order to clarify the intended use of the property and its compliance with ordinance provisions.

(Ord. 08-05 § 1 (part), 2008)

18.21.050 Permits.

The following shall apply in the issuance of any permit:

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- A. Permits Not to be Issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this title.
 - B. Permits for New Use of Land. Vacant land shall not be put to a new use and existing uses shall not be changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
 - C. Permits for New Use of Buildings. Buildings and structures shall not be changed or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
 - D. Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit has been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the building code, housing law or this title, except for minor repairs or changes not involving any of the aforesaid features.
 - E. Deposit of Guarantee. Any guarantee required under this title shall be deposited with the city treasurer prior to the issuance of permits in accordance with Section 18.21.100.

(Ord. 08-05 § 1 (part), 2008)

18.21.060 Certificates.

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

- A. Certificate Issued. Certificates of occupancy shall only be issued for a building or structure, or for the use of any land, which is in accordance with all the provisions of this title.
- B. Certificates Required. No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy has been issued for such building or structure. Certificates of occupancy shall be required for any change in occupancy of any building, structure or land in all office-service, business and industrial districts.
- C. Certificates Including Zoning. Certificates of occupancy, as required by the city building code, for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this title.
- D. Record of Certificates. A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- E. Application for Certificates. Application for certificates of occupancy shall be made in writing to the building official on forms furnished by that department, and such certificates shall be issued within ten days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this title.

If such certificate is refused for cause, the applicant shall be notified of such refusal and cause, within the ten-day period.
- F. Temporary Certificates.
 - 1. Temporary certificates of occupancy may be issued only for site improvements which are included on an approved site plan, or which are otherwise required by this title or other

ordinances of the city and shall be limited to a period not to exceed six months. Failure to finish and obtain approval of the improvement constitutes a violation of this title.

2. Temporary certificates of occupancy may be issued in those instances where landscape planting cannot be completed due to winter weather conditions. Temporary certificates shall only be issued for a period to allow for time necessary to complete planting within the period specified in Section 18.14.020 and in no instance shall such temporary certificate exceed a six-month period.
3. Whenever an applicant seeks a temporary occupancy permit for a premises prior to completion of site work or landscaping, the applicant shall deposit cash, certified check or nondescriptive irrevocable bank letter of credit, all forfeitable to the city, in an amount equal to one hundred fifty percent of the estimated cost of the remaining improvements pursuant to the site plan and the requirements of this title and other ordinances of the city. The estimate of the cost shall be solely in the discretion of the city.
4. The cash deposit, certified check, or nondescriptive irrevocable bank letter of credit shall run to the city and shall be forfeitable by its terms and conditions, automatically, thirty days after notice to the applicant that the requirements of the site plan or this title have not been met according to the terms of the temporary certificate or a time specified in the building permit. Any bank letter of credit shall automatically renew for a period of one year. The cash deposit, certified check or irrevocable bank letter of credit shall be considered posted with the condition that upon passage of the thirty days after such notice in writing by first class mail at the last known address of the applicant, such amount shall automatically be transferred to the city or otherwise enforceable by the city by any means available. Thereafter, the city shall be authorized to go onto the property and complete the construction in accordance with the site plan requirements with the funds available. The city may retain twenty-five percent of the cost of such completion as the city construction administrative expense and refund any balance to the applicant. No part of an irrevocable bank letter of credit shall be released until all of the work is completed. In the case of a deposit of cash or a certified check, portions of the amount may be rebated as work progresses at reasonable intervals, provided that at all times the amount on deposit equals one hundred fifty percent of the cost of the remaining work to be completed.

(Ord. 08-05 § 1 (part), 2008)

18.21.070 Final inspection.

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

(Ord. 08-05 § 1 (part), 2008)

18.21.080 Fees.

- A. Fees for site plan review, inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this title may be collected by the building official in advance of issuance. The amount of such fees shall be established by resolution of the city council and shall cover the direct and indirect cost of inspection and supervision resulting from enforcement of this title.
- B. Publication costs for advertisement of public hearings and for mailing of notices as required under the provisions of this title shall be charged to the applicant in the amount of such actual cost. All other costs

incurred by the city in administering an application under this title shall be charged to the applicant in the amount of such actual cost.

- C. Fees for rezoning, special uses and such other fees as may be required for the administration of this title shall be established by resolution of the city council.
- D. The applicant shall be required to pay all fees related to consultant or attorney reviews of an application. Expenses and costs incurred by the city that are directly associated with reviewing and processing a zoning application shall be paid from the funds in an escrow account established for the applicant. Applications shall not be processed prior to the required escrow fee having been deposited with the city. Any excess funds remaining in the escrow account after the application has been fully processed and the final city decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds.

(Ord. 08-05 § 1 (part), 2008)

18.21.090 Security for completion of improvements.

Approval of a preliminary plat or site condominium plan shall be conditioned upon the execution of an agreement which secures the completion of improvements required on the plat or site condominium plan. The approval of a site plan shall be conditioned upon the execution of a development agreement meeting the requirements of Section 18.17.110(C). Unless designated as optional, all improvements shown on the site plan shall be completed prior to the issuance of a certificate of occupancy. However, where it would be impractical to delay occupancy prior to the completion of certain improvements, a temporary certificate of occupancy can be issued upon the approval of the building official if an adequate guarantee as required in Section 18.21.100 is presented to the city to secure the improvements.

(Ord. 08-05 § 1 (part), 2008)

18.21.100 Performance guarantees.

- A. Guarantee in the form of a cash deposit, certified check or nondescriptive irrevocable bank letter of credit shall be provided in a form acceptable to the city. The amount of such guarantee shall cover all improvements not normally covered in the building permit, (i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc.). An additional twenty-five percent shall be added to cover the city's costs for administering the performance guarantee. The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion to work completed on the different elements after inspection of work and approval of the building official. Any partial release of funds shall not reduce the amount of remaining guarantee to less than ten percent of the original amount, which shall be retained by the city until all work has been completed and subsequently inspected and approved by the building official.
- B. If more than one guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement and the ten percent holdback may be released upon satisfactory completion of such phase of construction and approval of the building official. In instances where all improvements as required in this title are not completed, and a temporary certificate of occupancy is requested, the estimated cost of such improvement shall be verified by the building official, particularly with respect to any delay to another construction season. The building official in evaluating the adequacy of the financial guarantees may request any necessary input from the city engineer, planner and landscape architect. If the estimated cost has changed, then a revised guarantee, acceptable to the city, shall be filed with the treasurer covering such improvements.

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(Supp. No. 19)

18.21.110 Public hearings.

In instances where a public hearing is required under this title with the planning commission, the zoning board of appeals or the city council, written notice of the public hearing shall be as follows:

- A. Notice Content. The notice shall do all of the following:
 - 1. Describe the nature of the request;
 - 2. 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;
 - 3. State when and where the request will be considered;
 - 4. Indicate when and where written comments will be received concerning the request.
- B. Notice Publication and Mailing. Notice shall be published and mailed no less than fifteen days prior to the public hearing as follows:
 - 1. Notice of the request shall be published in a newspaper of general circulation in the city.
 - 2. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - 3. Notice shall also be sent to all persons to whom real property is assessed within three hundred feet of the subject property and to the occupants of all structures within three hundred feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
 - 4. The notice under subsection (B)(3) of this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- C. Ordinance Amendments and Rezoning of More Than Ten Properties. Public hearings for an amendment to this title, or the zoning map, that affects more than ten properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under subsection (A)(2) of this section, and notice shall not be required to be mailed to individual properties under subsections (B)(2) and (B)(3) of this section.
- D. Zoning Board of Appeals Interpretations and Appeals. Public hearings for ordinance interpretations and appeals of administrative decisions by the zoning board of appeals shall only require notice in a newspaper, as required in subsection (A)(2) of this section and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in subsection (B)(2) of this section. Variances shall require full notification under subsections (B)(1) through (B)(3) of this section.

(Ord. 08-05 § 1 (part), 2008)

18.21.120 Violations and penalties.

Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this chapter or any permit, license or exception granted hereunder, or any lawful order of the planning commission, building official, zoning board of appeals or city council issued in pursuance of this chapter is guilty of a municipal civil infraction and upon conviction thereof shall be fined not more than five hundred dollars for each such violation. The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this chapter.

(Ord. 08-05 § 1 (part), 2008)

18.21.130 Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Ord. 08-05 § 1 (part), 2008)

18.21.140 Nuisance declared.

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

(Ord. 08-05 § 1 (part), 2008)

18.21.150 Rights and remedies cumulative.

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

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.22 ZONING BOARD OF APPEALS

Sections:

18.22.010 Creation and membership.

- A. There is established a zoning board of appeals (ZBA) which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, and in such a way that the objectives of this title shall be observed, public safety secured, and substantial justice done.
- B. The ZBA shall consist of nine members appointed by the city council. One of the regular members of the ZBA may be a member of the planning commission. Appointments shall be as follows: appointments for the first

year shall be for a period of one, two and three years, respectively, so as nearly as may be to provide for the appointment of an equal number each year, thereafter each member to hold office for the full three-year term. Each member of the ZBA shall have been a resident of the city for at least one year prior to the date of appointment and shall be a qualified and registered elector of the city on such date and throughout his or her tenure in office. Appointed members may be removed for cause by the city council only after consideration of written charges and a public hearing. Vacancies on the ZBA shall be filled by the city council for the remainder of the unexpired term. The ZBA shall annually elect its own chairperson and vice-chairperson.

- C. The city council may, if it desires, 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 two or more consecutive meetings of the ZBA or absent from or unable to attend the ZBA for a period of more than thirty consecutive days. 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 reason of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights a regular member.

(Ord. 08-05 § 1 (part), 2008)

18.22.020 Proceedings of the ZBA.

All meetings of the ZBA shall be held at the call of the chairman and at such times as the ZBA may determine. All hearings conducted by the ZBA shall be open to the public. The city clerk, or a designated representative, shall keep minutes of these proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. Five members of the ZBA shall constitute a quorum for the conduct of its business. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Ord. 08-05 § 1 (part), 2008)

18.22.030 Powers and duties.

- A. The ZBA shall hear only those matters which it is authorized to hear by the Michigan Zoning Enabling Act, Public Act 110 of 2006, and render its decision based upon the criteria contained in this chapter. The ZBA shall hear the following applications in accordance with the indicated standards.
- B. Administrative Appeals.
1. The ZBA shall hear and decide appeals where it is alleged that there is an error in fact, judgment, procedure, or interpretation in any order, requirement, permit, or decision made by the building official in enforcing the provisions of this title. The applicant appealing the order, requirement, permit or decision shall be required to file the request for appeal to the ZBA within thirty days of the decision. The ZBA shall not have the authority to hear an appeal of a decision by the planning commission or the city council. In order to be aggrieved by a decision of the city, the person or other entity making the appeal must have a property interest and sufficient standing as recognized under the law to challenge the decision.

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2. Standards for Review of Appeals to Administrative Decisions. An appeal to an administrative decision may be reversed by the ZBA only if it finds that the action or decision appealed meets one or more of the following requirements:
 - a. Was arbitrary or capricious;
 - b. Was based on an erroneous finding of a material fact;
 - c. Constituted an abuse of discretion;
 - d. Was based on erroneous interpretation of the zoning ordinance or zoning law.
- C. Interpretations.
1. The ZBA has the power to make an interpretation of the provisions of this title when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon the request, the ZBA shall ensure that its interpretation is consistent with the intent and purpose of this chapter and the chapter in which the language in question is contained.
 2. The ZBA may make a determination of the precise location of the boundary lines between zoning districts in accordance with Chapter 18.02, Zoning Districts and Map and records, surveys, maps, and aerial photographs.
 3. The ZBA may make a determination of which zoning district to allow a use not currently listed as a permitted or special land use in any zoning district. If the use is not addressed in the zoning ordinance, the ZBA shall select the use listed in the zoning ordinance that most closely resembles the proposed use. Once the use is determined, the proposed use shall comply with any use standards that apply to the similar use. The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation.
- D. Special Land Uses and Planned Unit Developments.
1. The ZBA may grant dimensional or other site plan related variances (e.g., lot dimensions, setbacks, building height, lot coverage, parking, etc.) for special land uses. The ZBA shall not have the power to reverse or modify the planning commission's decision to approve or deny a special land use permit nor grant variances to any conditions placed on special land use approval.
 2. The ZBA shall not have the authority to grant variances to the PUD regulations of Chapter 18.11 or any requirements placed on PUD approval. However, the ZBA shall have the authority to hear and decide appeal requests by individual lot owners for variances from other sections of the zoning ordinance following final approval of the PUD, provided such variances do not affect the terms or conditions of the original PUD approval or constitute a variance to the PUD regulations of Chapter 18.11.
- E. Dimensional and Other Non-Use Variances.
1. The ZBA, after public hearing, shall have the power to grant requests for variances from the provisions of this title where it is proved by the applicant that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title relating to the construction, equipment, or alteration of buildings or structures, or of stormwater management requirements so that the spirit of this title shall be observed, public safety secured and substantial justice done.
 2. Non-Use Variance Standards for Review. A non-use variance may be allowed by the ZBA only in cases where the applicant has shown there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

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- a. Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
 - ii. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure.
 - iii. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.
 - iv. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
 - b. Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - c. Impact on Surrounding Neighborhood. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
 - d. Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city.
 - e. Not Self-Created. The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.
- F. Use Variances.
- 1. Application Requirements. In addition to the information required for other variance requests, an application for a use variance shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
 - a. Applicant's property cannot be used for the purposes permitted in the zoning district;
 - b. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
 - c. Applicant's suggested use would not alter the essential character of the area;
 - d. Applicant's problem has not been self-created;
 - e. Unavailability of administrative relief which may afford reasonable use of applicant's property.

At the end of each statement subsections (F)(1)(a) through (F)(1)(e) of this section, identify all persons who will testify at the hearing with respect to each of the facts and, separately, identify all persons who will testify at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

2. Use Variance—Pre-Hearing Conference.

- a. Prior to the scheduling of a hearing, the applicant shall contact the building official for the purpose of scheduling a pre-hearing conference.
- b. The purposes of the pre-hearing conference shall be to:
 - i. Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant;
 - ii. Attempt to secure a statement of agreed-upon facts to be used to narrow the matters of dispute and shorten the hearing;
 - iii. Explore a means of providing relief to the applicant by way of non-use variance from the ZBA, or other relief which may require action by persons or bodies other than the ZBA which will afford an adequate remedy for the applicant;
 - iv. Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.
- c. The building official shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
- d. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference stated above.

3. Use Variance—Hearing Procedure.

- a. The applicant will have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the five factors in subsection (F)(5) of this section.
- b. Manner of Presentation.
 - i. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.
 - ii. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits; however, the chairperson of the ZBA may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the ZBA may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the ZBA to ask questions of such witnesses.

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- iii. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
 - iv. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the ZBA for consideration as it relates to the specific application presented.
 - v. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal case.
 - vi. At the hearing, the ZBA may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the board. When questions of procedure arise during the hearing, the chairperson of the ZBA may solicit the recommendation of the representatives of both the applicant and the community.
 - vii. If a hearing is not completed at a given meeting within the time period allowed by the ZBA, the board shall adjourn the hearing to a date certain for continuation.
4. Use Variance—Decision of the Zoning Board of Appeals.
 - a. The ZBA may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
 - b. At the conclusion of the hearing, the ZBA may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
 - c. If the ZBA determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one or more non-use variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.
 - d. If the ZBA adopts a motion to grant variance relief, such motion may be made as a tentative grant of relief, subject to review by the planning commission, planning director/consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If such a tentative grant of relief is approved, the ZBA shall request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.
 5. Use Variance Standards for Review. A use variance may be allowed by the ZBA only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:

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- a. Hardship. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The ZBA may require submission of documentation from professionals or certified experts to substantiate this finding.
 - b. Unique Circumstances. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone 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. Such unique conditions or situations include:
 - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
 - ii. Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
 - iii. The use or development of the property immediately adjoining the property in question.
 - iv. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
 - c. Character of Neighborhood. The use variance will not alter the essential character of the neighborhood or the intent of the comprehensive development plan, or be a detriment to adjacent properties.
 - d. Capacity of Roads, Infrastructure and Public Services. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
 - e. Not Self-Created. The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.

(Ord. 08-05 § 1 (part), 2008)

18.22.040 Decisions of the ZBA.

- A. Area or Dimensional Variance Votes. A concurring vote of a majority of the members of the ZBA shall be required to grant a variance to the requirements of this title.
- B. Use Variance Votes. A concurring vote of two-thirds of the members of the ZBA shall be necessary to grant a variance from uses of land if permitted by this title. Nothing contained in this title shall be construed to give or grant to the ZBA the power or authority to alter or change this title or the zoning map, such power and authority being reserved to the city council in the manner provided by law.
- C. Appeal. In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building official from whom the appeal is taken. A concurring vote of a majority of the members of the ZBA shall be required to reverse an order, decisions, or determination of an administrative official.
- D. Decision Effective. The decision of the ZBA shall be final upon the earlier of:
 - 1. Issuance of a written decision signed by the authorized representative of the ZBA.
 - 2. Approval of the minutes of the meeting at which the decision was made.
- E. Conditions. In granting a variance the ZBA may attach conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this title.

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(Supp. No. 19)

Performance guarantees shall be required to ensure that conditions attached to a variance are complied with in accordance with Section 18.21.100.

- F. Validity of Variance. The order of the ZBA authorizing the erection or alteration of a building shall expire in one year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- G. Validity of Use Variance. The order of the ZBA authorizing a use of a building or premises shall expire in one year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- H. One Year to Rehear Denied Variance. When any application made under the provisions of this title has been denied by the ZBA, not less than one year must intervene before a new application of the same tenor, and relating to the same property or proposed use, may be accepted or acted upon by the building official or by any other city employee or authority, unless a positive finding is made by the building official that the facts of the case have substantially changed since its previous consideration.
- I. Reconsideration. The ZBA shall have the authority to rehear a prior decision on its own motion in instances where new information is presented that could change the findings of fact used to reach the original decision. Where the ZBA passes a motion to reconsider a variance decision based upon the new information provided, it shall set a new public hearing, noticed in the same manner as required for the original hearing.
- J. Appeals of Planning Commission Decisions. A member of the ZBA who is also a member of the planning commission 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. However, the member may consider and vote on other unrelated matters involving the same property.

(Ord. 08-05 § 1 (part), 2008)

18.22.050 Appeals to the circuit court.

The decision of the ZBA shall be final. Appeals from decisions of the ZBA shall be to the circuit court, as provided by law. An appeal from a decision of a ZBA shall be filed within thirty days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one days after the ZBA approves the minutes of its decision.

(Ord. 08-05 § 1 (part), 2008)

18.22.060 Reserved.

Editor's note(s)—Ord. No. 2020-02 Editor's note(s)—, § 4, adopted July 14, 2020, repealed § 18.22.060 Editor's note(s)—, which pertained to temporary use permits and derived from Ord. 08-05 § 1 (part), 2008.

18.22.070 Fees.

The city council may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the ZBA. At the time the notice for appeal is filed, the fee shall be paid to the secretary of the ZBA, which the secretary shall forthwith pay over to the city treasurer to the credit of the general revenue fund of the city.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.23 AMENDMENTS TO ORDINANCE

Sections:

18.23.010 Initiation of rezoning and zoning ordinance text amendments.

The city council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the zoning map (rezoning) or the provisions of this title. An amendment to the zoning district boundaries contained on the 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 provisions of this title may be initiated by the city council, the planning commission, or by petition of one or more residents or property owners of the city. All proposed amendments to the zoning map or the provisions of this title shall be referred to the planning commission for public hearing and recommendation to the city council, prior to consideration thereof by the city council.

(Ord. 08-05 § 1 (part), 2008)

18.23.020 Application procedure.

- A. An amendment to the zoning map or this title, 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 zoning map (rezoning), the following information shall accompany the application form:
 1. Legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 2. 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, and proof of consent from the property owner.
 3. Existing and proposed zoning district designation of the subject property.
 4. Site analysis site plan illustrating existing conditions on the site and adjacent properties, such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 5. 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. Written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts. A traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate one hundred or more peak hour directional trips, or one thousand or more vehicle trips per day. The traffic study should contrast the daily and peak hour trip generation rates for representative uses 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.

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7. Written description of how the requested rezoning meets Section 18.23.040.
 - C. In the case of an amendment to the zoning map, the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner. A sign shall be posted on the property by the applicant indicating that the property is proposed to be rezoned. Such sign shall also indicate the date, time and location of the planning commission public hearing where the proposal will be reviewed, as noted in Section 18.23.030.
 - D. In the case of an amendment to this title, other than an amendment to the zoning map (rezoning), a general description of the proposed amendment shall accompany the application form.

(Ord. 08-05 § 1 (part), 2008)

18.23.030 Rezoning and zoning ordinance text amendment procedure.

- A. Upon initiation of a rezoning or an ordinance amendment, a public hearing on the proposed amendment shall be held in accordance with the standards set forth in Section 18.21.110.
- 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. In the case of an amendment to the zoning map (rezoning), the planning commission shall consider the criteria contained in Section 18.23.040 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 to be adopted following two readings. In the case of an amendment to the text of this title, 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 zoning map (rezoning), the city council shall approve or deny the amendment, based on its consideration of the criteria contained in Section 18.23.040.

(Ord. 08-05 § 1 (part), 2008)

18.23.040 Criteria for amendment of the zoning map (rezoning).

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

- A. Consistency with the goals, policies and future land use map in the city of Wixom master plan, including any subarea or corridor studies. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. 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.

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- F. 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.
 - G. Where a rezoning is reasonable given the above criteria, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
 - H. The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

(Ord. 08-05 § 1 (part), 2008)

18.23.050 Conditional zoning agreement.

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure, and natural features. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. It is not the intent of this section to provide for rezonings that are inconsistent with the city's master plan or surrounding land uses, nor is it the intent to provide a mechanism for circumventing any requirements of the zoning ordinance.
- B. Application and Offer of Conditions. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
 - 1. General Procedure. A request for a conditional rezoning shall be commenced by filing a petition with the city building official, on the required forms, accompanied by the specified fees. The petition shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Petitions for conditional rezoning of a specific site shall be accompanied by a plot plan or survey containing the following information:
 - a. Applicant's name, address, and telephone number;
 - b. Scale, northpoint, and dates of submission and revisions;
 - c. Zoning classification of applicant's property and all abutting parcels;
 - d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the property and within one hundred feet of the property;
 - e. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking area, driveways, and other improvements proposed for the property;
 - f. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys;
 - g. Location of existing drainage courses, floodplains, lakes and streams, wetlands, and woodlands;
 - h. All existing and proposed easements;
 - i. Location of sanitary sewer or septic systems, existing and proposed;

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- j. Location and size of water mains, well sites and building service, existing and proposed;
 - k. The applicant shall also present a conceptual plan showing the specific proposed use of the property, and containing all the information outlined in Section 18.17.060.
2. Pre-Application Conference. Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant must informally meet with the city building official, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the city of Wixom.
- The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the city of Wixom employees, attorneys, agents or representatives at the pre-application conference have no legal force and are not legally binding promises, commitments or contracts.
- C. Review Procedures. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
1. Standards for Rezoning. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the planning commission and city council shall, at a minimum, consider all the following standards in rendering a decision on a request for conditional rezoning:
- a. Will the proposed amendment be in accordance with the basic intent and purpose of the zoning ordinance?
 - b. Is the proposed amendment consistent with the master plan of the city?
 - c. Have the conditions changed since the current zoning was adopted, or was there a mistake in the zoning ordinance that justifies an amendment?
 - d. Will the amendment correct an inequitable situation created by the zoning ordinance rather than merely grant special privileges?
 - e. Will the amendment set an inappropriate precedent?
 - f. Is the requested zoning consistent with the existing or planned surrounding land uses?
 - g. If the rezoning is granted, could all requirements in the proposed zoning classification be complied with on the subject property?
 - h. Would the proposed rezoning be consistent with the trends in land development in the general vicinity of the subject property?
 - i. Would the proposed rezoning have a negative impact on public services, utilities, or roads?
 - j. Would the proposed rezoning negatively impact natural features on the site, such as woodlands or wetlands?
2. Other Required Approvals. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this title may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this title may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.

Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this title may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this title.

3. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city council provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation.
- D. Planning Commission Review. The planning commission, after public hearing and consideration of the factors for rezoning set forth in subsection C of this section, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing. In the event that any recommended changes to the offer of conditions are not subsequently offered by the owner in writing, the recommendation of the planning commission shall be considered by the city council to be a recommendation of denial of the proposed conditional rezoning.
- E. City Council Review. After receipt of the planning commission's recommendation, the city council shall, consistent with subsection C of this section, review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city council shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city council, and the city council shall thereafter proceed to deny or approve the conditional rezoning.
- F. Approval. If the city council finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance codified in this title adopted by the city council to accomplish the requested conditional rezoning. The statement of conditions shall:
 1. Be prepared in a form recordable with the Oakland County Register of Deeds;
 2. Contain a legal description of the land to which it pertains;
 3. Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
 4. Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
 5. Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
 6. The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval;
 7. The approved statement of conditions shall be filed by the owner with the Oakland County Register of Deeds within thirty days after approval of the conditional rezoning. The owner shall provide the city with a recorded copy of the statement of conditions within thirty days of receipt; and

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8. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- G. Compliance with Conditions. Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this title and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- H. Time Period for Establishing Development or Use. The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen months after the effective date by publication of the conditional rezoning, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended an additional eighteen months by the city council if: (1) it is demonstrated to the city council's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the city council finds that there has not been a change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- I. Reversion of Zoning. If approved development and/or use of the rezoned land do not occur within the time frame specified under subsection H of this section, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2).
- J. Subsequent Rezoning of Land. When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection I of this section, or upon application of the landowner, or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the Oakland County Register of Deeds a notice that the statement of conditions is no longer in effect.
- K. Amendment of Conditions.
1. During the time period for commencement of an approved development or use specified pursuant to subsection H of this section, or during any extension thereof granted by the city council, the city shall not add to or alter the conditions in the statement of conditions.
 2. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- L. City Right to Rezone. Nothing in the statement of conditions or in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this title and the Michigan Zoning Enabling Act. (MCL 125.3101 et seq.).
- M. Failure to Offer Conditions. The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this title.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.24 DEFINITIONS

Sections:

18.24.010 Construction of language.

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

- A. The particular shall control the general;
- B. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control;
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the building official, planning commission, city council or zoning board of appeals; as indicated;
- D. Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary;
- E. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof;
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for";
- G. The term "including" means "including, but not limited to" and the term "such as" means "such as, but not limited to" unless otherwise noted;
- H. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity recognizable as a "person" under the laws of Michigan;
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply,
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or"),
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination;
- J. 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;
- K. The word "days" shall mean calendar days and include all weekend days and holidays;
- L. Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. 08-05 § 1 (part), 2008)

18.24.020 Definitions A-B.

"Accessory building" means a detached building on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use. Examples may include detached garages, sheds and storage buildings.

"Accessory structure" means a detached building or other type of structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use. Examples include accessory buildings, fences, decks and swimming pools.

"Accessory use" means a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When accessory is used in this text, it has the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers;
2. Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests;
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure;
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays;
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
8. Uses clearly incidental to a main use, such as but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex;
9. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
10. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located;
11. Common household gardening in a residential district when located only in the rear yard and/or nonrequired side yard areas. For purposes of this title, common household gardening shall include the growing of fruits and vegetables for consumption, solely by members of the family residing in the dwelling unit located on the same zoning lot;
12. Solar panels, wind generators, television reception antennae and air conditioning units.

"Adult care facility" means a governmental or nongovernmental establishment that provides foster care of adults, over eighteen years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis. An adult foster care facility does not include nursing homes (which are defined separately), homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility. Such organizations shall be defined as follows:

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1. "Adult foster care small group home" means an adult foster care facility with the approved capacity to receive twelve or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four 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" means an adult foster care facility with approved capacity to receive at least thirteen but not more than twenty adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
 3. "Adult foster care family home" means an adult foster care facility with the approved capacity to receive six or fewer adults to be provided with foster care 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. "Adult foster care congregate facility" means an adult foster care facility with the approved capacity to receive more than twenty adults to be provided with foster care.

"Adult day care" means a facility that provides care for elderly and/or functionally impaired adults in a protective setting for a period of less than twenty-four hours.

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

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

"Amusement arcade" means any place, premises, or establishment, or any room or floor space set aside in a commercial establishment, in or at which four or more mechanical amusement devices as defined in this chapter are located.

"Animal, Domesticated (Pet)" means 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, 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. Animals bred, raised or boarded for commercial purposes are not considered pets. A premises where more than three pets are kept shall be considered a kennel.

"Animal, non-domesticated, vicious or exotic (wild)" means 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. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the state of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

"Apartment, efficiency" means a dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.

"Apartments" means an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants, but may be condominiums. Apartment buildings often may have a central heating system and other central utility

connections. The grounds of the apartment complex are common and each apartment unit typically does not have its own separate yard space. Apartments are also commonly known as garden apartments or flats.

"Architectural features" means steps, windowsills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves, pediments.

Arterial Streets. See "Streets, Arterial."

"Assembly hall" means a building or portion of a building used as a meeting place at which the public or membership groups are assembled regularly or occasionally in which facilities are provided for civic, educational, political, religious, or social purposes.

"Automobile car wash" means 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 operations in a "gasoline service station."

Automobile Repair, Major. "Major automobile repair" means the 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.

Automobile Repair, Minor. "Minor automobile repair" means repairs other than major repair, including oil change, engine tune-up, muffler shops, shock absorber replacement shops and tire stores.

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

"Bed and breakfast" means a use which is subordinate to the principal use of a dwelling unit as a one-family dwelling unit, and a use in which transient guests are provided room and board in return for payment.

"Berm" means an earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this title.

"Block" means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating); 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, or corporate boundary lines of the municipality.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water. This title distinguishes nonmotorized watercraft less than eighteen feet in length such as canoes and kayaks from other boats in terms of regulating the number of boats moored on a lot.

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

"Building height" means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deckline of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

Any extension of a mansard, gambrel, hip or gable roof below a wall shall require building height measurement to take place at the average height between the top of the building wall and the ridgeline and the established grade of the building.

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

"Building official" means the building official for the city of Wixom.

Building, Main or Principal. "Main or principal building" means a building in which the lot's principal use is conducted.

(Ord. 08-05 § 1 (part), 2008)

18.24.030 Definitions C-D.

"City building code" means Title 15, Buildings and Construction of the Wixom Municipal Code.

"Child care facilities" means facilities for the care of children under eighteen years of age, as licensed and regulated by the state under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

1. "Child care or day care center" means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods less than twenty-four hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not more than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before or after-school program, or drop-in center. Child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than four hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a twelve-month period; a facility operated by a religious organization where child care is provided for not more than three hours while persons responsible for the children are attending religious services; a program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion, only during the time the child is involved in supervised, school-age-child-focused training; a program that is primarily an incident of group athletic or social activities for school-age children, sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth groups, scouting, and school-age recreational or supplementary education programs, open only during the time the child is engaged in the group athletics or social activities, and if the school-age child can come and go at will.
2. "Child care institution" means a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four-hour basis, in a building maintained for that purpose, and operating throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child care institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution owned, leased, or rented by a licensed agency providing care for more than four but less than thirteen minor children. Child care institution also includes institutions for mentally retarded or emotionally disturbed minor children. Child care institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the Public Health Code, a boarding school licensed under Section 1335 of the Revised School Code, a hospital or facility operated by the state or licensed under the Mental Health Code, or an adult foster care family home or an adult foster care small group home licensed under the Adult Foster Care Licensing Act in which a child has been placed under that Act.
3. "Foster family home" means 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 or marriage, or who are not placed in the household under the Michigan Adoption Code, are given care and supervision for twenty-four hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

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4. "Foster family group home" means a private home in which more than four but less than seven children, including children related to the caregiver by blood, marriage, or who are not placed in the household under the Michigan Adoption Code, are provided care for twenty-four 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" means a private home in which up to six minor children are received for care and supervision for periods of less than twenty-four hours a day, including children related to the caregiver 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" means a private home in which more than six but not more than twelve children are given care and supervision for periods of less than twenty-four hours a day unattended by a parent or legal guardian, including children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

"Church" means a site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith. Such accessory uses may include rectories, living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities (unlighted), religious office space, youth centers and other similar activities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Church, Large-Scale. "Large-scale church" means a religious institution with a seating capacity of one thousand five hundred people or more in its sanctuary or main area of assembly or more than five hundred parking spaces. A large-scale church may also be characterized by any one or more of the following features: region-serving accessory facilities such as high schools, colleges, and seminaries; one or more buildings one hundred thousand square feet in floor area or greater; retreat and conference centers or other features. Large-scale churches have negative impacts on one-family residential areas because of scale of buildings, large off-street parking lots, large size of assemblies and resultant traffic surges and frequency of use, which are different from smaller churches which have traditionally been compatible with single-family areas. Because of these impacts, large-scale churches are more compatible with nonresidential districts, subject to conditions, which minimize the impacts.

"Civic building" means a building, either publicly or privately owned, which is located on any lot that is open to the public, including meeting halls, libraries, clubhouses, museums, cultural societies, visual and performance arts buildings, municipal buildings, and community buildings that are administered by nonprofit cultural, educational or religious organizations.

"Civic square" means an outdoor public tract of land or open space where the area is defined by streets or adjacent buildings.

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

Club, Social. "Social club" means a club, group or organization created for recreational, artistic, athletic, academic, political, charitable, or other social purpose, and whose activities are not conducted primarily for profit or material gain and do not involve merchandising, vending, or other commercial activities, except as required incidentally for the membership and purpose of the social club.

Cocktail Lounge/Night Club. See "Restaurant, Cocktail Lounge/Bar/Nightclub/Tavern."

"Commercial recreation" means recreational uses operated for profit, open to the general public through a fee or membership purchase such as health clubs, gyms, martial arts schools, gymnasiums, bowling alleys, archery ranges, tennis courts, soccer arenas, skating rinks, batting cages and miniature golf courses.

"Commercial use" means 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" means:

1. A motor vehicle designed to transport sixteen or more passengers, including the driver;
2. A motor vehicle, having a gross vehicle weight rating of twenty-six thousand one or more pounds;
3. A motor vehicle with a gross combination weight rating of twenty-six thousand one pounds or more including a towed unit with a gross vehicle weight rating of more than ten thousand pounds;
4. A motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. Parts 100 to 199; or
5. A commercial vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

"Composting" means the process of biologically decomposing organic matter.

Condominium. The following definitions are related to condominiums:

1. "Condominium Act" means Act 59, Public Acts of 1978, as amended.
2. "Condominium documents" means the master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
3. "Condominium subdivision (site condominium)" means a method of subdivision where land ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978, as amended MCL 559.101), as opposed to the Subdivision Control Act of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term subdivision as used in this title and the city subdivision regulations ordinance (Ordinance 16).
4. "Condominium subdivision plan" means the drawings and information prepared in accordance with Section 66 of the Condominium Act. Such drawings and information typically include the site, survey and utility plans, floor plans and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.
5. "Condominium unit" means the portion of a condominium project designed and intended for separate ownership and use, 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.
6. "Consolidating master deed" means the final amended master deed for a contractible or 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.
7. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this title and the Condominium Act.
8. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.
9. "Expandable condominium" means a condominium project to which additional land may be added in accordance with this title and the Condominium Act.
10. "Master deed" means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
11. "Notice of proposed action" means the notice required by Section 71 of the Condominium Act, to be filed with the city and other agencies.

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12. "Site condominium" means a developmental concept for a condominium development containing residential, commercial, office, industrial or other structure for uses permitted in the zoning district in which located; in which each co-owner owns exclusive rights in a condominium unit as described in the master deed.
 13. "Condominium unit" means that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as home site and condominium unit in site condominium developments.

"Consignment shop" means a second-hand or resale store that offers used goods; typically where the dealer holds the merchandise from another individual and pays the person a percentage upon the sale of the goods.

"Contractor yard" means any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Convalescent Home. See "Nursing and Convalescent Home."

"Convenience store" means a retail store offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood that may also sell gasoline; but does not include automotive service stations or vehicle repair shops.

"Convention center" means a multi-purpose facility whose primary purpose is to accommodate meetings, seminars, social and civic events, and conferences. Such a facility offers a total meeting environment which typically consists of meeting rooms, conference rooms, and catering uses that comprise continuous space. A conference center may include lodging facilities. A hotel/motel with at least ten thousand square feet of conference room facilities shall also be considered a conference center. Accessory uses may include dining areas, recreational facilities and specialty shops that cater to conference center guests.

Day Care Center. See "Child Care Facilities."

Day Care Home for Elderly Adults. See "Adult Day Care."

"Deck" means an accessory platform structure that is open, unenclosed by a roof or walls, either freestanding or attached to the principal structure, that is supported by pillars or posts.

"Deck line" means the intersection of two roof surfaces of a mansard or gambrel roof forming the highest horizontal line of the steeper roof slope.

"Density" means the number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density.

1. The acreage exclusive of subsections 2 and 3 of this definition shall be calculated at one hundred percent toward the total site acreage.
2. The acreage comprised of land within the one hundred-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated at twenty-five percent toward the total site acreage.
3. All submerged land below the ordinary high-water mark of a lake, creek, or stream and public rights-of-way shall be excluded from the net area calculation.

"Detention basin" means a structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events.

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

"District" means a portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this title.

Drive-In. See "Restaurant, Drive-In."

Drive-Through. See "Restaurant, Drive-Through."

"Dumpster" means a container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck. This definition excludes roll-off containers, which are commonly called dumpsters, that are hauled away from a site rather than being emptied on site.

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

Dwelling, Live/Work. "Live/work dwelling" means a multi-story dwelling unit wherein the first floor is designed as a storefront for retail, service, office or artisan studio and a dwelling unit on the upper floors. The live/work unit shall be designed as an integral unit with interior stairway connections between floors, providing the option for the first floor storefront to be owned and operated by the occupant of the upper floor dwelling. The type of use allowed in the first floor shall be subject to uses permitted in the district, which may be limited to the list of permitted home occupations in residential districts or allowable commercial used in mixed-use districts such as the VCA district. Live/work dwellings may be attached to a similar single dwelling unit with party or common walls, each with a separate entryway with direct access to the outdoors at ground level.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other. Multiple-family dwelling units may also be known as apartments, which have common entrances.

Dwelling, One-Family. "One-family dwelling" means a building designed exclusively for and occupied exclusively by one-family.

Dwelling, Townhouse. "Townhouse dwelling" means a self-contained single dwelling unit attached to a similar single dwelling unit with party or common walls, designed as part of a series of three or more dwelling units, each with: a separate entryway with direct access to the outdoors at ground level, a separate basement, a separate garage, separate utility connections and defined front yards. Townhouses may also be known as attached one-family dwelling units, row houses, clustered one-family dwellings or stack ranches. Any three or more attached dwellings not meeting the above criteria shall be considered an apartment or multiple-family dwelling.

Dwelling, Two-Family. "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other, commonly referred to as "duplexes."

(Ord. 08-05 § 1 (part), 2008)

18.24.040 Definitions E-F.

Elderly Housing. See "Senior Housing."

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

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

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

"Facade" means that exterior side of a building which faces, and is most nearly parallel to, a public or private street. The facade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.

"Family" means either of the following:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants 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.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. 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. For the purposes of enforcement, the building official shall presume that a functional equivalent of a domestic family is limited to six or fewer persons. A property owner may rebut this presumption to allow more than six persons by submitting an application for special land use approval, subject to the standards set forth in this title.

"Farm" means all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming 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 under this chapter shall include a continuous parcel of more than ten acres 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 riding, or boarding stables or commercial dog kennels, shall not be considered a farm under this chapter unless combined with bona fide farm operations on the same continuous tract of land; and provided further, buildings, structures, or yard areas used for the keeping of animals shall be located not less than one hundred feet from a property line. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal, or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises. None of the provisions of this chapter is intended to conflict with those rights protected under the Michigan Right to Farm Act, MCL 286.471, et seq.

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

"Fence" means a manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

Fence, Ornamental. "Ornamental fence" means a man-made structure, the surface area of which is more than fifty percent open, such as wood picket fences or wrought iron fences. Ornamental fences do not include chain-link fences or fences of wire construction.

Fence, Privacy. "Privacy fence" means a manmade structure; the surface area of which is less than fifty percent open.

"Filling" means the depositing or dumping of gravel, earth, or other materials of any composition whatsoever on land, whether submerged or not, placed to alter land contours; displace water or fill a waterbody, water course or wetland; or place shoreline protection measures.

"Flood hazard" means a hazard to land or improvements due to overflow water having sufficient depth or velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

"Floodplain" means that area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred year recurrence frequency after total development of the watershed.

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

Floor Area, Usable. "Usable floor area" means for the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior wall. Where the layout of the interior floor plan has not been finalized, usable floor area shall be no less than eighty-five percent of the gross building floor area for the purpose of determining parking requirements.

"Frontage" means the linear dimension of a lot measured along the public road right-of-way line, private road access easement, or shared driveway.

"Funeral home or mortuary establishment" means 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.

(Ord. 08-05 § 1 (part), 2008)

18.24.050 Definitions G-H.

"Garage sale" means a temporary, short-term sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of a residential dwelling by the owner or occupant.

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

Garage, Private. "Private garage" means an accessory building or portion of a main building designed or used for the storage of motor vehicles, recreational equipment, home and lawn maintenance equipment and other household storage, all of which is owned and used by the occupant of the building to which it is accessory.

"Gasoline service station" means a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

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

"Greenbelt" means a planting of trees and shrubs to serve as a screening device between abutting land uses.

"Guarantee" means a cash deposit, certified check, irrevocable bank letter of credit.

"Hardship" means situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property in question not feasible under conditions imposed by this title. Hardship shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.

"Hazardous use" means any use which involves 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 listed in the State Building Code.

"Home occupation" means an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes, as further regulated herein.

"Hospice" means a principal use as a lodging place for the terminally ill where persons are housed and furnished meals and attendant care.

"Hotel" means a building or part of a building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk services, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

(Ord. 08-05 § 1 (part), 2008)

18.24.060 Definitions I-J.

"Impervious surface" means man-made material which covers the surface of land and substantially reduces the infiltration of stormwater to a rate of five percent or less. Impervious surface shall include pavement, buildings, and structures.

"Improvements" means those features and actions associated with a project which are considered necessary by the municipality to protect natural resources or the health, safety and welfare of the residents of the city and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage.

"Industrial" means of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

"Junk yard" means an area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking yards and includes any open area of more than two hundred square feet for storage, keeping or abandonment of junk.

(Ord. 08-05 § 1 (part), 2008)

18.24.070 Definitions K-L.

"Kennel" means any lot or premises on which more than three dogs, cats or other domestic animals, or any combination of more than three dogs, cats, or other domesticated animals are either permanently or temporarily boarded or bred and raised.

Large-Scale Church. See "Church, Large-Scale."

"Livestock" means domesticated animals and fowl, which includes, but is not limited to (without regard to the animal's gender or age) horses, sheep, cattle, mules, burros, goats, swine, poultry and fur-bearing animals being raised in captivity.

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

"Lot" means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this title. A lot may or may not be specifically designated as such on public records. Lot means the same as homesite and condominium in site condominium developments.

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

"Lot coverage" means the part or percent of the lot occupied by buildings, including accessory buildings.

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

"Lot lines" means the lines bounding a lot as defined as follows:

1. Front Lot Line. In the case of an interior lot, it is that line separating the lot from the street. In the case of through lot or corner lot, it is that line separating the lot from each street.
2. Rear Lot Line. The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. Side Lot Line. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

"Lot of record" means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record, ownership separate from that of the remainder thereof.

"Lot width" means the horizontal straight-line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

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

Lot, Flag. "Flag lot" means a lot that has access to a public right-of-way or private road access easement by means of a narrow strip of land.

Lot, Interior. "Interior lot" means any lot other than a corner lot.

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

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

(Ord. 08-05 § 1 (part), 2008)

18.24.080 Definitions M-N.

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

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

"Major thoroughfare" means an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan as designated on the city master plan for future land use.

"Manufactured housing" means any structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Manufactured housing does not include recreational vehicles or equipment.

"Marginal service road" means a roadway parallel to a major or collector thoroughfare as designated on the city of Wixom master plan which provides access to abutting properties and separation from through traffic.

"Marihuana" or "medical marihuana" means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.

"Master plan" means the city of Wixom's comprehensive community 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. Such plan shall be adopted by the planning commission in accordance with the Michigan Planning Enabling Act (PA 33 of 2008).

"Mechanical amusement device" means any machine or device which, upon the insertion of a coin, slug, token, plate, disc or other form of payment, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It includes mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey or similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, card games or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

"Medical marihuana activities" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of medical marihuana by a qualifying patient or primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law.

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

"Mini storage units" means storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects not including the warehousing of products or supplies.

Mobile Home. See "Manufactured Housing."

"Motel" means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

"Municipality" means the city of Wixom, Michigan.

"Nonconforming lot" means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the ordinance codified in this title but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

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

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

"Nuisance factor" means 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, particularly at night, passenger traffic, invasion of nonabutting street frontage by traffic, a burned-out structure, or a condemned structure.

"Nursery school" means a daytime facility which has as its main objective a development program for preschool children and whose staff meets the educational requirements established by the state.

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

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

(Ord. 08-05 § 1 (part), 2008)

(Ord. No. 2014-01, § 2, 1-28-2014)

18.24.090 Definitions O-P.

"Off-premise advertising sign" means a sign which contains a message related to a business or profession conducted or to a commodity, service, or activity not sold or offered upon the premises where the sign is located.

"Off-street parking lot" means a facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three vehicles.

"Open air business" means business and commercial uses conducted solely outside of any building unless otherwise specified herein. Examples of open air businesses include:

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1. Retail sales of garden supplies and equipment, including, but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture;
 2. Roadside stands for the sale of agricultural products, including fruits, vegetables and Christmas trees;
 3. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks;
 4. Outdoor display and sale of automobiles, recreational vehicles, garages, swimming pools, playground equipment, and similar goods.

"Open front store" means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term open front store shall not include automobile repair or gasoline service stations.

"Open space" means that part of a lot, which is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the site. This area is intended to provide light and air or is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to: lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

"Open/outdoor storage" means the storage of any materials or objects outside the confines of a building for a continuous period longer than twenty-four hours or more.

"Outdoor display" means the placement of objects that are for retail sale outside the confines of a building.

"Parking lot" means a facility providing vehicular parking spaces along with driveways, aisles and other paved areas for vehicular maneuvering. For the purpose of determining setbacks, parking lots shall not include driveways providing access to a roadway or dedicated service drives providing cross-access to adjacent lots.

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

"Pawnshop" means an establishment where a pawnbroker lends money on the security of personal property pledged and kept by the pawnbroker until the loan is repaid. A pawnshop can also include establishments where individuals sell personal items to the pawnbroker for cash instead of a loan. A pawnshop may also include the resale of items that were formerly pawned objects. A pawnshop that deals in precious metals and gems shall also be subject to the requirements for precious metal and gem dealers.

"Performance standards" means criterion developed to control nuisance factors.

"Planning commission" means the city of Wixom planning commission as established by the city of Wixom city council under provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

"Play structures" means a structure in which is

"Precious metal and gem dealer" means any place where a person engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public, including jewelry, precious gems, or items containing gold, silver, or platinum and subject to the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as amended. Any establishment that operates as a precious metal and gem dealer, either as a principal use or as an activity that is accessory to any other use of the property shall be considered a precious metal and gem dealer and subject to the requirements of this chapter.

"Primary caregiver" means a person who is at least twenty-one years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as further defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law.

"Principal building" means a building or structure in which is conducted the principal use of the lot or parcel on which it is situated.

"Principal use" means the main use to which the premises are devoted and the principal purpose for which the premises exist.

"Private home" means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child-placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

"Public utility" means a person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing, under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communication towers, devices and facilities are not defined as a public utility.

(Ord. 08-05 § 1 (part), 2008)

(Ord. No. 2014-01, § 2, 1-28-2014)

18.24.100 Definitions Q-R.

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law.

"Reception antenna" means 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.

"Recreational equipment" means travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats, boat trailers, snowmobiles, horse trailers, dune buggies, and other similar equipment.

"Recreational facility" means publicly owned or operated site or building, used or occupied predominantly for recreational purposes, such as: parks, play areas, indoor or outdoor swimming pools, bathing beaches, boating and fishing areas, winter recreation areas, nature study areas, community halls, and fairgrounds.

"Registry identification card" means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or a registered primary caregiver.

"Restaurant" means an establishment serving foods and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below.

1. "Restaurant with outdoor seating" means a use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk.
2. "Carry-out restaurant" means a restaurant, with no more than six tables offered for sit down dining, that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry-out restaurant differs from a drive-in or drive-through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.
3. "Drive-in restaurant" means an establishment where food, desserts or beverages are sold to the customers in a ready-to-consume state and where an employee exits the restaurant and delivers the

food to a customer in a parked automobile, for consumption in the automobile, while parked upon the premises or at other facilities provided for customers which are located on the premises.

4. "Drive-through restaurant" means an establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons through a window while in their motor vehicles, rather than parking their vehicle, for carry-out and consumption or use after the vehicle is removed from the premises.
5. "Standard restaurant" means a standard restaurant is a use that involves either of the following:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - b. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
6. "Cocktail lounge/bar/nightclub" means a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

"Retail establishment" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale.

"Ridge line" means the intersection of two roof surfaces forming the highest horizontal line of the roof.

"Ringlemann chart" means measurements of smoke in accordance with the United States Bureau of Mines standards.

"Roof" means the outside top covering of a building.

(Ord. 08-05 § 1 (part), 2008)

(Ord. No. 2014-01, § 2, 1-28-2014)

18.24.110 Definitions S-T.

"Satellite earth station" means a structure designed, intended or used to receive communications or other signals from geostationary, communications satellites or other extraterrestrial sources.

Senior Housing, Dependent. "Dependent senior housing" means a facility consisting of dependent and semi-independent dwelling units, each occupied by not more than two residents per dwelling unit, at least one of whom is fifty-five years of age or older. These facilities will typically have available central dining facilities, recreational facilities, supervised and unsupervised activities, housekeeping assistance, and full-time medical personnel to provide medical services, including but not limited to dietary and nutritional assistance and nursing care. See "Nursing and Convalescent Home."

Senior Housing, Independent. "Independent senior housing" means typically one- and two-bedroom apartments or condominiums designed to meet the needs of persons sixty-two years of age and older or, if more than one hundred fifty units, persons fifty-five years of age and older, and restricted to occupancy by them. These dwelling units are intended for those of qualifying age that do not need regular care and can generally maintain their own households on a daily basis.

"Setback" means the distance required to obtain minimum front, side or rear yard open space provisions of this title. Setbacks from a public street shall be measured from the existing or proposed right-of-way lines, whichever is greater, unless otherwise provided in this chapter.

Sexually Oriented Businesses. The following definitions shall apply to sexually oriented businesses:

1. "Adult arcade" means any place to which the public is permitted or invited wherein cash-operated, credit-operated, 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 "specified anatomical areas."
2. "Adult bookstore or adult video store" means 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 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 chapter, "principal business purpose" means:
 - i. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least thirty percent of the floor area, or
 - ii. The receipt of fifty percent or more of its revenues from the sale of the items listed above, or
 - iii. 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" means a nightclub, bar, restaurant or similar commercial establishment, whether or not alcohol is served, 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 or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."

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4. "Adult massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program nor a therapeutic massage practitioner. An adult massage parlor is considered a sexually oriented business for purposes of these regulations.
 5. "Adult motel" means a hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration and provides 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"; and which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or
 - b. Permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or
 - c. 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.
 6. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
 7. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities." This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
 8. "Adult use business" means an adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the building official, city manager, and/or the director of public safety, to be an adult use because of the similarities in the characteristics and activities of the business with regulated adult business uses, such as nudity, semi-nudity, exposure of "sexually explicit activities" and/or "specified anatomical areas." The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
 9. "Alcoholic commercial establishment" means any hotel, motel, tavern, restaurant, park, nightclub, cocktail lounge, burlesque house, bar, cabaret, taproom, club or other similar establishment licensed by the state of Michigan Liquor Control Commission, or where alcoholic beverages, including beer, are dispensed and/or consumed. This definition shall exclude a theater or auditorium.

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10. "Entertainer" means a person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.
 11. "Escort" means a person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual or that individual's guests.
 12. "Escort agency" means a person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
 13. "Establishment" means any of the following:
 - a. The opening or commencement of any sexually oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. The location or relocation of any sexually oriented business.
 14. "Licensee" means the individual listed as an applicant on the application of a sexually oriented business license, or a person whose name appears on a license to operate an adult use business.
 15. "Licensing officer" means the clerk of the city of Wixom or his/her designee.
 16. "Manager" means an operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the sexually oriented business.
 17. "Massage" means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefore. For purposes of this chapter, the term "bodywork" shall mean massage.
 18. "Nude model studio" means any place where a person appears in a state of nudity or displays "specific anatomical areas," and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include a 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.
 19. "Nudity or a state of nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
 20. "Operator" means the owner, licensee, manager or person in charge of any premises.
 21. "Peep booth" means an adult motion picture theater with a viewing room or cubical of less than one hundred fifty square feet of floor space.
 22. "Premises or licensed premises" means any premises that requires a sexually oriented business license and that is classified as a sexually oriented business.
 23. "Principal owner" means any person owning, directly or beneficially: (a) ten percent or more of a corporation's equity securities; (b) ten percent or more of the membership interests in a limited

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- liability company; or (c) in the case of any other legal entity, ten percent or more of the ownership interests in the entity.
24. "Private room" means a room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
25. "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
26. "Sexual encounter center" means a business or commercial enterprise that, as one 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
 - c. Permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.
27. "Sexually explicit activities" means any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - b. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
 - c. Masturbation, actual or simulated; or
 - d. Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or
 - e. The display of human genitals in a state of sexual stimulation, arousal or tumescence; or
 - f. The display of excretory function as part of or in connection with any of the activity set forth in subsections (27)(a) through (27)(e) of this definition.
28. "Sexually oriented business" means 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.
29. "Specified anatomical areas" means any of the following:

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- a. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
 - b. Human genitals in a state of sexual arousal, even if opaquely and completely covered.
30. "Specified criminal acts" means sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the state of Michigan or any other state, or crimes connected with another adult use business, including, but not limited to, the distribution of obscenity, prostitution and/or pandering.
 31. "Significant or substantial portion" means thirty percent or more of the term modified by such phrase.

"Shopping center" means a grouping of two or more business establishments developed in accordance with an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Signs. The following definitions are related to signs:

1. "Sign" means any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. Sign includes any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation, state or municipality) and any similar device of any type or kind, whether bearing lettering or not.
2. "Accessory sign" means a sign which pertains to the principal use of the premises.
3. "Billboard" means a sign other than an off-premises directional sign or political sign, which does not pertain to the principal use of the premises and which is regulated in accordance with the Highway Advertising Act, Public Act 106 of 1972, as amended, and this title.
4. "Changeable message sign" means a sign that provides a display created by electronic means such as lights, television, liquid crystal display or a reader board attached to a sign or the exterior of a wall where copy is changed manually.
5. "Community special event sign" means signs and banners, including decorations and displays celebrating a traditionally accepted patriotic or religious holiday, or special municipal or school activities.
6. "Construction sign" means a sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
7. "Decorative display" means a decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
8. "Freestanding sign" means a sign other than a ground sign or portable sign which is not attached to a building and is capable of being moved from one location to another on the site on which it is located.
9. "Gasoline price sign" means a sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.
10. "Ground sign" means a display sign supported by one or more columns, uprights or braces or mounted directly upon the ground surface and having a height not in excess of six feet.
11. "Development ground sign" means an entrance sign identifying a development and/or the occupants of a development in which more than one tenant or use occupies a site or sites in the development.

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12. "Marquee sign" means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
 13. "Nonaccessory sign" means a sign which does not pertain to the principal use of the premises.
 14. "Nonaccessory temporary development sign" means a sign advertising a real estate development consisting of five or more lots or parcels in one ownership.
 15. "Off-premises directional sign" means a sign which provides direction to a location in the city.
 16. "Pole sign" means a display sign supported by one or more columns, uprights or braces in the ground surface and having a height in excess of six feet.
 17. "Political sign" means a temporary sign relating to matters to be voted on in a local, state, or national election or referendum.
 18. "Portable sign" means a sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another. Signs utilized to be movable, other than from one zoning lot to another, shall be considered freestanding signs under this title.
 19. "Poster panel sign" means a type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.
 20. "Projecting sign" means a sign which is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall more than twelve inches.
 21. "Real estate development sign" means a temporary sign that is designed to promote a new real estate development (such as a subdivision or shopping center) that is under construction on the parcel on which the sign is located. The sign may also identify the designer, contractors and subcontractor, and material suppliers participating in construction on the property on which the sign is located.
 22. "Real estate sign" means an on premises temporary sign that makes it known that real estate upon which the sign is located is for sale, lease, or rent.
 23. "Roof sign" means a display sign which is erected, constructed and maintained above the roof of the building.
 24. "Temporary sign" means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 25. "Wall sign" means a display sign which is painted on or attached directly to the building wall.
 26. "Window sign" means a sign affixed to a window or within three feet of the window so as to be observable from the outside of the window.
 27. "Vehicle sign" means a sign attached to a vehicle or placed within or upon such vehicle which advertises products for sale other than the identification of the vehicle owner or operator.
 28. Sign Area. See Section 18.16.060.
 29. "Erect" means to build, construct, attach, hang, place, suspend, affix or paint.
 30. "Noncombustible material" means any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at that temperature.

31. "Sign face" means the area of display surface used for the sign message.

"Single housekeeping unit" means all of the associated rooms in a dwelling unit available to and occupied by all of the occupants with a single set of cooking facilities also available to and utilized by all of the occupants of the dwelling unit.

Site Condominium. See "Condominium."

"Special event" means the use of land for a temporary activity lasting no more than seven days, which in no way constitutes a change in the uses permitted in that zoning district, nor negatively impacts the existing and surrounding land uses.

"Storage" means something kept for future use. Any material, equipment or vehicles kept on a lot for more than forty-eight hours shall be considered storage.

"Story" means that part of a building, except a mezzanine as defined in this chapter, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling of the floor. A basement shall not be counted as a story.

Story, Half. "Half story" means an uppermost story lying under a sloping roof having an area of at least two hundred square feet with a clear height of no more than seven feet, six inches. For the purposes of this title, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

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

1. State Trunkline. These streets function as important shipping and travel corridors, and generally provide means for long distance trips, through-travel movements that serve to connect communities, and provide important links to the interstate system. The only trunkline is I-96, which traverses through the south end of the city.
2. County Primary (Arterial). County primary streets generally carry long distance, through-travel movements and provide access to important traffic generators, such as major employment centers, major residential areas, and shopping. County primary streets include Grand River Avenue, Pontiac Trail, and Wixom Rd.
3. Major Streets (Collector). These streets carry high traffic volumes and function as the link between streets of other classification, such as between trunklines and local streets. Major Streets include Loon Lake Rd. (from Wixom Road to City limits), Potter Rd. (from Wixom to Beck), Maple Rd. (from Hampton to Beck), West Rd. (from Wixom to Beck), Beck Rd. (Twelve Mile to Potter), Napier Rd. (from Grand River to Twelve Mile) and Charms Rd. (Wixom to Devonshire).
4. Local Streets. Local streets provide access primarily to individual properties and homes. All streets that are not classified as trunkline, arterial or collector streets are considered local streets.
5. Major Thoroughfare. Any state trunkline, county primary, arterial or major collector street as defined above.

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

"Structure, demountable" means a portable building, or demountable/transportable building that is designed and built to be movable rather than permanently located. Demountable structures may include, but are not limited to: structures that provide shelter (tents or marquees), platforms and supports for performers (stages), or viewing facilities (temporary seating or grandstands).

"Subdivide or Subdivision" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the

purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of land, of less than forty acres or the equivalent, and that is not exempted from the platting requirements of Public Act 288 of 1967 as amended. Subdivide or subdivision does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of Public Act 288 of 1967, as amended, or the requirements of the chapter.

"Submerged land" means land area located below the ordinary high-water mark of a stream, river, lake or pond. Submerged land shall not include land under a pond with an area of less than five acres or a manmade stormwater retention pond.

"Swimming pool" means any artificially constructed portable or non-portable pool; capable of being used for swimming or bathing, having a depth of two feet or more at any point and having a surface area of two hundred fifty square feet or more.

"Temporary use or building" means a use or building permitted by the planning commission to exist during a specified period of time, with a duration of no more than twelve months unless an extension is approved. The use of land for a temporary activity shall in no way constitute a change in the uses permitted in that zoning district, or negatively impact the existing and surrounding land uses.

"Traditional neighborhood design" means the integration of mixed uses (residences of all types, businesses, offices and public facilities) into a pedestrian-oriented neighborhood characterized by architecture reflecting the period from the colonial days to the 1940's.

"Traffic calming" means measures used, such as traffic circles and shortened street lengths, which encourage lower density vehicular traffic.

"Transition" for the purposes of this chapter, one or more of the following.

1. A zoning district which may serve as a district of transition, i.e., a buffer zone between various land use districts or land use types;
2. A residential rear or side yard lot or land parcel arrangement abutting a land use of more intense development character;
3. A device such as an earth berm, wall, screening fence, heavy shrub and tree planting or a combination of such devices providing a buffer between land use types.

"Tree" means a self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

1. "Canopy tree (deciduous)" means a deciduous tree which has a height of twenty-five feet or more, with branch structures that provide foliage primarily on the upper half of the tree and provide shade beneath the tree.
2. "Deciduous tree" means a tree that sheds its foliage at the end of the growing season.
3. "Evergreen tree" means a tree that has foliage that persists and remains green throughout the year.
4. "Ornamental tree (deciduous)" means a deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25) feet or less. Such tree is sometimes known as an understory tree.
5. "Height of tree" - where a minimum height is specified for a deciduous or evergreen tree, the height shall be measured from the top of the tree to the surrounding ground elevation or top of the ball (location where fabric containing root system meets the exposed trunk).

(Ord. 08-05 § 1 (part), 2008)

(Ord. No. 2016-03, § 1, 6-28-2016 ; Ord. No. 2020-02 , § 3, 7-14-2020)

18.24.120 Definitions U-V.

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

(Ord. 08-05 § 1 (part), 2008)

18.24.130 Definitions W-Z.

Wall, Obscuring. "Obscuring wall" means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this title.

"Watercourses" means any waterway or other body of water having reasonably well-defined banks, including rivers, streams, creeks, drains and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the zoning district map of the city and as further defined as streams and intermittent streams in the city report, dated September 1961 and entitled soil resources of Wixom.

"Wetlands" means lands generally or intermittently covered with water which, by nature of their surface and/or subsurface soil characteristics either contribute to the replenishment of subsurface water supply, or are self-contained water resources, including marshes, swamps and bogs, as shown on the zoning district map of the city and as further defined as soil resources group 7 in the city report, dated September 1961 and entitled Soil Resources of Wixom.

"Wholesale establishment" means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

Wireless Communication Towers. The following definitions are related to wireless communication towers:

1. "Alternative tower structure" means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
3. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
4. "Height" means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
5. "Pre-existing towers and pre-existing antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance codified in this title, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
6. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-

supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

"Yards" means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this title and as defined in this section.

1. Exterior Side Yard. A side yard abutting a street, parking area or courtyard.
2. Interior Side Yard. A side yard other than an exterior side yard.
3. Front Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
4. Rear Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage. A waterfront yard shall be considered a rear yard for purposes of setback and yard requirements.
5. Side Yard. An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
6. Waterfront Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the shoreline of a lake and the nearest point of the main building. Waterfront lots shall be considered to have a waterfront yard along the lake and a street front yard along the street frontage.

(Ord. 08-05 § 1 (part), 2008)

Chapter 18.25 ENACTMENT PROVISIONS

Sections:

18.25.010 Repeal of ordinances.

All ordinances or parts of ordinances in conflict herewith are repealed. The zoning ordinance adopted by the city council of the city of Wixom on the 27th day of January, 1998, and all amendments thereto, are repealed insofar as they conflict with this title. The repeal of the above ordinance and their amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

(Ord. 08-05 § 1 (part), 2008)

18.25.020 Severability clause.

This title and the various components, chapters, sections, subsections, sentences, and phrases thereof are declared to be severable. If any court of competent jurisdiction shall declare any part of this title to be unconstitutional or invalid, such ruling shall not affect any other provisions of this title not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this title to a particular parcel, lot, use, building, or structure, such ruling shall not affect the

application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

(Ord. 08-05 § 1 (part), 2008)

18.25.030 Enactment and effective date.

Public hearings having been held hereon by the planning commission and city council, the provisions of this title are effective, pursuant to the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006). This title shall become effective fifteen days from the date of publication of notice of adoption.

(Ord. 08-05 § 1 (part), 2008)