

**CITY OF DEXTER
ZONING ORDINANCE**

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CITY OF DEXTER
WASHTENAW COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENTS

Dexter Planning Commission
Adopted by City Council on June 15, 1995
Effective Date: July 2, 1995

Adopted Date:

June 12, 1995, Nov. 10, 1997
April 22, 1996
July 8, 1996
April 14, 1997
October 13, 1997
November 10, 1997
May 11, 1998
February 8, 1999
May 22, 2000
June 12, 2000
November 6, 2000
July 2, 2001
January 14, 2002
August 5, 2002
September 3, 2002
March 14, 2003
April 14, 2003
July 14, 2003
April 12, 2004
June 28, 2004
June 28, 2004
August 9, 2004
September 13, 2004
October 11, 2004
November 8, 2004
December 13, 2004

April 25, 2005
July 11, 2005
October 10, 2005

January 9, 2006
May 22, 2006
June 12, 2006

Effective Date:

December 1, 1997, Special Land Uses Art 8
May 13, 1996, Professional Business Art 14(A)
July 28, 1996
May 1, 1997
October 30, 1997
December 1, 1997, Art 15, VC, Village Commercial District
June 1, 1998, Art 15(B) Dexter-Ann Arbor Corridor
March 1, 1999, Art 7, Signs
June 15, 2000, Art 3 General Provisions; Art 6, Landscaping; Art 21, Site Plan Review
July 5, 2000, Art 14 (A), Professional Business District
November 21, 2000, Art 4, Nonconformities
August 13, 2001, Art 2, Definitions re: Rec. Center
Jan. 14, 2002, Art 21, Site Plan Review & Approval
August 25, 2002, Art 14, C-1 General Commercial re: Outdoor Seating
Sept. 23, 2002, Art 8, Special Land Uses re: Outdoor Seating
April 1, 2003, Art 5, Parking and Loading
May 1, 2003, Art 21, Site Plan Review and Approval
August 13, 2003, Art 3, General Provisions re: Fence Standards
May 1, 2004, Art 22, Administration and Enforcement re: Violations
July 15, 2004, Art 2, Definitions re: Sign Definitions
September 1, 2004, Art 7, Signs
September 15, 2004, Art 6 Landscaping
October 20, 2004, Art 4, Nonconformities
November 17, 2004, Art 2, Definitions
December 8, 2004, Art 20, Schedule of Regulations
January 12, 2005, Art 15 VC, 15A CBD, Central Business District; Art 5 Parking/Loading and 8, Special Land Use
May 25, 2005, Art 17, Research and Development District
August 10, 2005, Art 6, Landscaping; Art 7, Signs
November 9, 2005, Art 2, Definitions; Art 15, VC Village Commercial District; 15A, CBD, Central Business District
February 8, 2006, Art 23, Ordinance Amendments
June 20, 2006, Art 21, Site Plan Review and Approval
July 12, 2006, Art 7, Signs

Amendments Adopted:

July 5, 2006
October 9, 2006
December 11, 2006
February 12, 2007
July 9, 2007
August 13, 2007
September 10, 2007
November 12, 2007
January 14, 2008
March 10, 2008
May 12, 2008
February 9, 2009
August 10, 2009
September 14, 2009
February 8, 2010
March 8, 2010
April 12, 2010
August 23, 2010
October 11, 2010
June 27, 2011
May 14, 2012
June 11, 2012
July 23, 2012
September 10, 2012
May 27, 2014
July 14, 2014
December 12, 2014
December 14, 2015
February 22, 2016
November 28, 2016
November 28, 2016
December 12, 2016

Effective:

July 1, 2006, Article 1, Enacting Clause, Title, Purposes; Art 8, Special Land Uses; Art 23 Ordinance Amendments; Art 24 Board of Zoning Appeals
November 8, 2006, Art 3, General Provisions
January 10, 2007, Art 21, Site Plan Review and Approval
March 20, 2007, Art 7, Signs
August 7, 2007, Art 19, PUD Regulations
September 12, 2007, Art 21, Site Plan Review; Art 2, Definitions re: Open Space
October 10, 2007, Art 6, Landscaping Standards
December 12, 2007, Art 5, Parking and Loading
February 13, 2008, Art 6, Landscaping Standards
April 9, 2008, Art 8, Special Land Uses; Art10, R-1A & R-1B One Family Residential Districts; Art 12, R-3, Multiple-Family Residential District; Art 15, VC Village Commercial District; 15A, CBD, Central Business District re: Bed and Breakfast Inns
June 8, 2008, Art 3, General Provision re: Exterior Lighting Standards
March 11, 2009, Art 15D, Baker Road Corridor Overlay District; Art 14, C-1, General Commercial District; re: BRC Zoning Map Amendment
September 9, 2009, Art 18, Amend EP Environmental Protection to PP Public Park
October 28, 2009, Art 20, Schedule of Regulations re: public parks
March 10, 2010, Art 15D, BRC Baker Road Corridor,
March 31, 2010, Art 2, Definitions; Article 15A, CBD Central Business District
May 12, 2010, Art 17, RD Research and Development District
September 28, 2010, Art 7, Signs re: Temporary Signs
November 10, 2010, Art 7, Signs; Art 2, Definitions
July 27, 2011, Art 2, Definitions; Art 3, General Provisions
June 27, 2012, Art 6, Landscaping; Art 15B, ARC Dexter-Ann Arbor Road Corridor Overlay District; Art 15D, BRC, Baker Road Corridor Overlay District; Art 20, Schedule of Regulations
July 11, 2012, Art 14A, PB Professional Business District
August 29, 2012, Art 5, Parking and Loading
October 17, 2012, Art 2, Definitions re: Tasting Room
June 11, 2014, Art 9, Establishment of Zoning Districts and Map
July 30, 2014, Art 8, Special Land Uses; Art 10, R-1A and R-1B One Family Residential District
December 24, 2014, Art 8, Special Land Use; Art 11, VR Village Residential
December 30, 2015, Art 17, Research and Development District
March 9, 2016, Art 9, Establishment of Zoning Districts and Map, Zoning Map Amendment for First Street Park from R-3 and I-1 to PP, Public Park
December 15, 2016, Art 2, Definitions re: Lot Coverage
December 15, 2016, Art 17, RD Research and Development District re: Essential Services
December 28, 2016, Art 15, Village Commercial re: Commercial Outdoor Recreation Uses

Amendments Adopted:

Effective:

October 23, 2017	November 8, 2017, Art 1 Enacting Clause, Title, Purpose; Art 4 Non-Conformities; Art 8 Special Land Use; Art 19 PUD Regulations; Art 21 Site Plan Review; Art 22 Administration and Enforcement; Art 23 Ordinance Amendments; Art 24 Zoning Board of Appeals
February 22, 2018	March 15, 2018, Art 9, Zoning Map Amendment regarding Grandview Commons PUD
April 9, 2018	April 27, 2018, Art 2, Definitions; Art 11, VR, Village Residential District re: Temporary Employment Housing
June 25, 2018	July 11, 2018; Art 2, Definitions; Art 3, General Provisions; Art 15, VC Village Commercial District; Art 15(D), Baker Road Corridor Overlay District; Art 20, Schedule of Regulations
February 12, 2018	August 8, 2018; Art 9, Zoning Map Amendment regarding 150 Jeffords PUD
March 11, 2019	March 27, 2019; Art 3, re: Elimination of Medical Marijuana Home Occupations Regulations

ZONING ORDINANCE CITY OF DEXTER, MICHIGAN

An ordinance relative to the designation, regulation and restriction of the location and use of buildings, structures and land for agricultural, residence, commerce, trade industry or other purposes; the regulation and limitation of the height, number of stories and size of buildings and other structures, hereinafter erected or altered; the regulation and determination of the size of yards and other open spaces; the regulation and limitation of the density of population; and pursuant to the aforesaid purposes, to divide the City of Dexter into Zoning Districts of such number, shape and area as may be deemed best suited to carry out the provisions of this ordinance and provide for the enforcement thereof pursuant to Act 110 of the Public Acts of 2006, as amended, known as the Michigan Zoning Enabling Act.

THE CITY OF DEXTER ORDAINS:

ARTICLE I ENACTING CLAUSE, TITLE, PURPOSES

Section 1.01 ENACTING CLAUSE

An ordinance adopted under the authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act 110 of 2006 Public Acts of Michigan, to establish comprehensive zoning regulations for the City of Dexter, Washtenaw County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

Section 1.02 TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of The City of Dexter". The Zoning Map, referred to herein is entitled "Zoning Map, City of Dexter".

Section 1.03 PURPOSES

This ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety and general welfare;
- B. Protecting the traditional village character and stability of the residential, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;

- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of residents, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within the specified zoning district; the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the City of Dexter;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes, and odors, heat, dust, smoke, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Regulate the completion, restoration, reconstruction, extension or substitution of nonconforming uses.
- K. Encourage use of the land and natural resources in accordance with their character and capacity, thus preserving the sensitive and important environmental features in the City such as wetlands, rivers, topography, open space, mature vegetation and wildlife habitat. The ordinance acknowledges the importance of these features for the long term economic climate of all uses in the City and the overall quality of life for City residents.

Article XXIV

ZONING BOARD OF APPEALS

Section 24.01 CREATION

A Zoning Board of Appeals is hereby established in accordance with Act 110, P.A. 2006, as amended.

Section 24.02 MEMBERSHIP AND TERMS

- A. **Number of Members.** The Zoning Board of Appeals shall consist of not less than five members and no more than two alternate members to be appointed by the legislative body, and shall be composed of the following five members whose terms shall be as stated:
1. One member shall be a member of the Planning Commission and one member shall be a member of the City Council. The member of the City Council that serves on the Zoning Board of Appeals shall not serve as chairperson of the Zoning Board of Appeals.
 2. The remaining regular and any alternate members of the Zoning Board of Appeals shall be selected from the electors residing within the City. The members selected shall be representative of the population distribution and of the various interests present in the City.
- B. **Terms of Office.** The term of office for each member shall be for three years except for members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time they are members of the Planning Commission or City Council respectively, and the period stated in the resolution appointing them, whichever is shorter. A successor shall be selected and appointed by resolution of the City Council for any unexpired vacated position.
- C. **Employees/Contractors as Members.** An employee or contractor of the City Council shall not serve as a member of the Zoning Board of Appeals.
- D. **Removal of Members / Conflict of Interest.**
1. The City Council shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
 2. A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a

member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- E. **Alternate Members.** An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 24.03 MEETINGS

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary, or his representative, shall keep minutes of the proceedings, recording the vote of each member upon each question, and indicating absences and abstentions, and shall keep records of hearings and other official action. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

Section 24.04 APPEAL

The Zoning Board of Appeals shall hear and decide appeals from and a review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance. Such appeal shall be in writing and taken within such time as shall be prescribed by the Zoning Board of Appeals, by filing with the Zoning Administrator and with the Zoning Board of Appeals, a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the documents and records pertaining to the action being appealed. Decisions related to Planned Unit Developments or Special Land Uses shall not be appealed to the Zoning Board of Appeals

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the

appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee, as established by the City Council shall be paid to the City Clerk at the time the notice of appeal is filed.

Section 24.05 JURISDICTION

- A. **General Powers.** The Zoning Board of Appeals has the power to act on matters as provided in this Article and Public Act 110 of 2006, as amended. The specific powers of the Zoning Board of Appeals are enumerated in this section.
- B. **Delegated Duties.** To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- C. **Administrative Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. In exercising the powers set forth in this Article, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order requirements, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.
- D. **Interpretation.**
 - 1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the zoning map, taking into consideration the intent and purpose of this Ordinance and the Master Plan.
 - 2. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the rules of interpretation set forth in Section 2.01.
 - 3. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The Zoning Board of Appeals shall request the Planning Commission to review any ordinance amendment it deems necessary.
- E. **Variances.** Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties by reason of narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exception topographic conditions or other extraordinary or exceptional conditions of a property, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the dimensional provisions of this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial

justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless the requirements of Section 24.06 A. are met.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purpose of objectives of the master plan.
5. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.

No provision contained in this Section shall be construed to give or grant the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, to rezone or to grant use variances, such power and authority being reserved to the City Council in the manner provided under Public Act 110 of 2006, as amended.

F. Expansions, Alterations, and Substitutions: The Zoning Board of Appeals is required to determine whether a non-conforming structure may be enlarged, expanded, or extended or whether a non-conforming use can be substituted. In considering expansions, alterations, and/or substitutions related to non-conforming structures and uses, the Zoning Board of Appeals shall review the following criteria:

1. The reasons for a non-conformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a structure that is non-conforming due to lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the existing non-conformity, except as permitted under a variance.
2. The existing and proposed uses of such buildings and structures shall be permitted in the district in which situated.
3. The proposed improvement shall conform to all requirements of the district in which situated.

4. The retention of the non-conforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;
5. The proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare; and
6. The proposed improvement is reasonably necessary for continuation of the use on the lot.
7. The Zoning Board of Appeals shall have authority to require modification of the non-conformity, where such requirement is reasonable, as a condition of approval. The Zoning Board of Appeals may attach other conditions of approval which it deems necessary to protect the public health, safety, and welfare.
8. All expansions permitted under this Section shall meet all requirements of Article XXI, herein, Site Plan Review, if a site plan is required. The site plan may be a final site plan, and shall be first reviewed by the Planning Commission. Upon completion of its review, the Planning Commission shall transmit the site plan and a summary of its review to the Zoning Board of Appeals. The Zoning Board of Appeals shall then act upon the request and return the site plan and the Board's findings on the request to the Planning Commission for its action.
9. A structure which does not conform to zoning ordinance regulation shall not substitute for, or replace, any conforming or non-conforming structure.
10. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Zoning Board of Appeals, provided that no structural alterations are made, and that such nonconforming use is more appropriate than the existing non-conforming use in the district in which it is located. The Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the intent of this Ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

Section 24.06 STANDARDS FOR VARIANCES AND APPEALS

Variations or reversal on appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the Zoning Board of Appeals; however, all of the applicable criteria must be found by the Zoning Board of Appeals in order to receive a variance or appeal.

A. Criteria Applicable to Variances.

1. **Practical Difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other

dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

2. **Substantial Justice.** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.
 3. **Public Safety and Welfare.** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured. The granting of such variance or modification will not be detrimental to the public welfare or injurious to the property or improvement in such zone or district in which the property is located.
 4. **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 5. **No Safety Hazard or Nuisance.** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
 6. **Relationship to Adjacent Land Uses.** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to the purpose and objectives of the master plan, prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.
- B. **Criteria Applicable to Appeals.** The Zoning Board of Appeals shall reverse an order of an Enforcement Official only if it finds that the action or decision appealed (Also refer to Section 24.06A for decision criteria):
1. Was arbitrary or capricious, or
 2. Was based on an erroneous finding of a material fact, or
 3. Constituted an abuse of discretion, or

4. Was based on erroneous interpretation of the Zoning Ordinance or zoning law.
5. Appeals from denial of Zoning Board of Appeals may be taken to Washtenaw County Circuit Court.

Section 24.07 ORDERS

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such an order, requirement decision, or determination as ought to be made, and to that end, shall have all the powers of the administrative official or body from whom the appeal is taken.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or City Council shall not participate in a public hearing on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirements, decision, or determination of the administrative official or body, decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the Zoning Ordinance.

Section 24.08 NOTICE

The Zoning Board of Appeals shall make no determination, except in a specific case, until after a public hearing. Notice of the public hearing shall be published in the manner required by Section 22.08 Notices.

Section 24.09 EFFECTIVENESS

No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than 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, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

Section 24.10 APPEAL OF BOARD OF ZONING APPEAL DECISION

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Washtenaw County Circuit Court as provided in Act 110 of Public Acts of Michigan of 2006, as amended. An appeal under this section shall be filed within whichever of the following deadlines comes first:

- A. Thirty days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson.
- B. Twenty-one days after the Zoning Board of Appeals approves the minutes of its decision.

ARTICLE II

DEFINITIONS

Section 2.01 INTERPRETATION

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
- B. The present tense includes the future tenses. the singular number includes the plural and the plural includes the singular.
- C. The word “shall” is mandatory, the word “may” is permissive. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be “used” or “occupied”.
- D. Any word or term not defined herein shall have the meaning of common or standard use, which is reasonable for context in which used herein.
- E. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Zoning Board of Appeals.

Whenever used in these Zoning Regulations, the following words and phrases shall have the meaning ascribed to them in this Section:

Section 2.02 DEFINITIONS

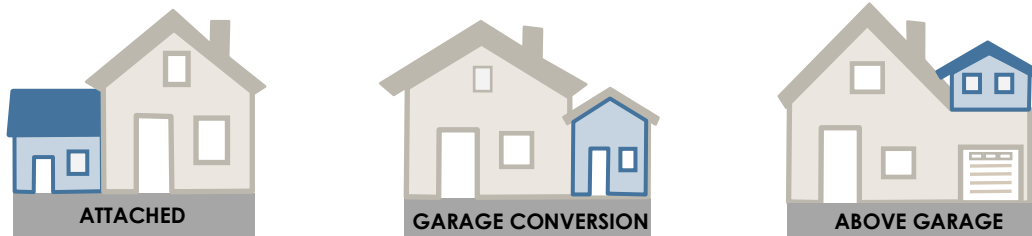
Accessory use, building, or structure: A use, building, or structure, which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related and is devoted exclusively to an accessory use.

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

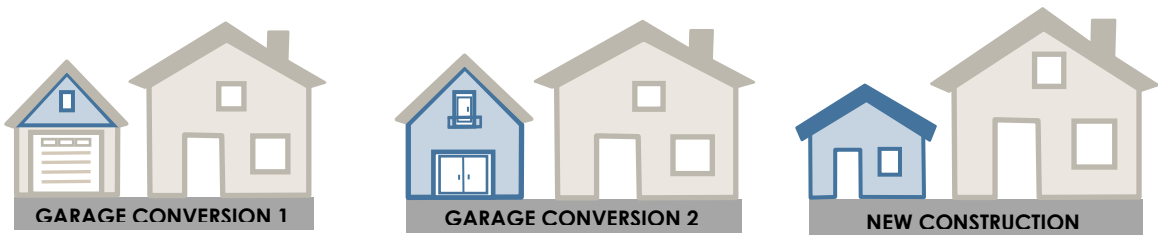
- A. Residential accommodations for servants and/or caretakers within the principal building.

B. Accessory dwelling units (ADUs), also known as accessory apartments, second units, garden apartments, mother-in-law suites, or granny flats are additional living quarters, which are located on single-family lots and are independent of the primary single-family dwelling unit, and which are for not more than one family. ADUs are separate living spaces equipped with kitchen and bathroom facilities, which depending on their location relative to the primary dwelling unit are attached to or detached from the primary dwelling unit or located within the interior of the primary dwelling unit. ADUs are classified into three categories and further defined as follows:

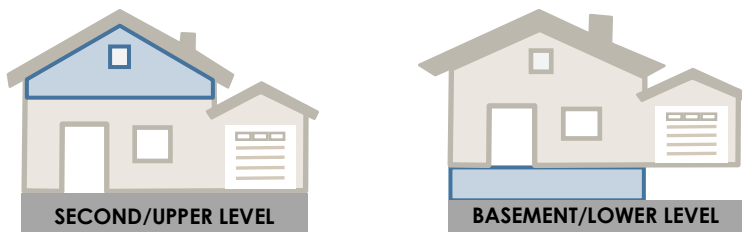
a. Attached ADUs are living spaces that are added onto the primary dwelling. An attached ADU may be located to the side or rear of the primary structure, as a new addition or as a conversion of an attached garage or as a new addition constructed on top of an attached garage.



b. Detached ADUs are living spaces that are structurally separate from the primary dwelling. They can be constructed over or within an existing accessory structure, or through the conversion of an existing detached accessory structure, such as a detached garage or as a new accessory stand-alone structure separate from the primary dwelling and any other accessory structures.



c. Interior ADUs are another type of attached ADU, with living spaces that are located within the primary dwelling, and are typically built through the conversion an existing space within a primary dwelling, such as, but not limited to an attic or basement.



- C. Accessory short-term rental housing. See “Housing, Accessory Short-Term Rental.”
- D. Outdoor display areas, temporary.
- E. Outdoor display areas
- F. Outdoor service areas.
- G. Swimming pools for the use of the occupants of a residence or their guests.
- H. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- I. 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.
- J. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- K. 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.
- L. Uses clearly incidental to a principal use such as offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- M. Accessory signs, subject to the City Sign Ordinance for the district in which the zoning lot is located.

Act: The term "Act" or "doing of an act" includes "omission to act" and for the purpose of this Ordinance does not include legislation.

Adult foster care facility: A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

- A. **Adult Foster Care Home:** Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- B. **Adult Foster Care Small Group Homes:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.

- C. **Adult Foster Care Large Group Family:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- D. **Congregate Care Facility:** See "Housing for the Elderly."

Adult day care: A facility, which provides care for over twelve (12) adults for less than 24 hours.

Adult regulated uses: As used in these Zoning Regulations, the following definitions shall apply to adult regulated uses:

- A. **Adult physical culture establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
 - 1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - 2. electrolysis treatment by a licensed operator of electrolysis equipment;
 - 3. continuing instruction in martial or performing arts, or in organized athletic activities;
 - 4. hospitals, nursing homes, medical clinics, or medical offices;
 - 5. barber shops or beauty parlors and salons, which offer massages to the scalp, the face, the neck or shoulders only;
 - 6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
 - 7. a masseuse licensed by the State of Michigan and not engaged in massaging "specified anatomical areas" or engaged in "specified sexual activities" as described in this section.

- B. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- C. **Cabaret:** An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment, which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- D. **Adult motion picture theater or adult live stage performing theater:** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- E. **Adult model studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- F. **Adult motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- G. **Adult motion picture arcade or mini motion picture theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

- H. **Adult, nude, partially nude dancing:** A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- I. **Massage parlor or massage establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- J. **Adult personal service business:** A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- K. **Adult outdoor motion picture theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- L. **Specified anatomical areas:** Portions of the human body defined as follows:
1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
 2. human male genitals in a discernible turgid state, even if completely and opaquely covered.

M. **Specified sexual activities:** The explicit display of one or more of the following:

1. human genitals in a state of sexual stimulation or arousal;
2. acts of human masturbation, sexual intercourse, or sodomy;
3. fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast;

Alley: A strip of land dedicated to public use, generally for the purpose of providing vehicular access to the rear of properties to which the principal access is provided by an abutting street.

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

Animal hospital: See Clinic, veterinary.

Apartment: See Dwelling, multiple-family.

Arcade: The use of a building or a portion of a building for the location, operation, and placement of six (6) or more mechanical amusement devices. For the purposes of this definition, mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile or vehicle dealership: A business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, motorcycles or other similar motorized transportation vehicles. An automobile or vehicle dealership may maintain an outdoor display and sales area of its inventory of new and/or used automobiles and vehicles for sale or lease. Accessory uses to an automobile or vehicle dealership may exist on-site, such as, but not limited to maintenance, repair and service areas, and parts storage, all within an enclosed building.

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

Automobile service center (minor maintenance and repair): A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from an automobile service station (i.e. gas station without repair).

Automobile service (gasoline) station: An establishment, which includes buildings and premises for the primary purpose of retail sales of gasoline. An auto service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

Automobile wash: Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production fine 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.

Basement: 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. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

Bed-and-breakfast: A single family dwelling which is owner occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

Bedroom: A room or space used or intended to be used for sleeping purposes.

Block: 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.

Board of Appeals: The Board of (Zoning) Appeals of the City of Dexter.

Boarding or rooming house: A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

Buildable area: The space remaining on a lot after compliance with the minimum required setbacks of the Ordinance.

Building: 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. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

Building envelope: The area of a lot, which is defined by the minimum setback requirements within which building construction is permitted by the terms of these Zoning Regulations.

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

Building line: A line formed by parallel to the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building, main or principal: A building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

Caliper: The diameter measured at four and one-half (4.5) feet above the natural grade for existing trees; twelve (12) inches above the average surrounding grade for new trees over four (4) inches in caliper and six (6) inches above the average surrounding grade for trees less than four (4) inches in caliper.

Care organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. **Child care center or day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less that two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, 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 institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. **Family foster care or family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- C. **Group foster care or family group home:** A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- E. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Carport (attached): A roofed structure attached to a principal structure providing space for the parking or storage of currently licensed and registered motor vehicles, having no doors and open on at least one (1) side.

Carport (detached): A free standing roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on one (1) side and not more than 75% enclosed on the opposite side.

Cemetery: Land used or intended to be used for burial of the human dead including columbariums, crematories, and mausoleums and dedicated for such purposes.

Central Sanitary Sewerage System: Any person, firm corporation, municipal department or board duly authorized to furnishing under federal, state or municipal regulations to the public sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

Central Water System: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

Church (mosque or temple, etc.): Any structure wherein persons regularly assemble for religious activity.

Clinic, medical: A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but shall not include facilities for in-patient care or major surgery.

Clinic, veterinary: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of animals, including those in need of medical or surgical attention.

Clinic, veterinary:

Small Animal Clinic: A facility engaged in the prevention and treatment of animal diseases and ailments in common domestic house pets (see definition of pet). A clinic shall not board animals overnight except when the animal is recovering from treatment rendered in the same clinic. No outdoor boarding shall be permitted. Farm animals including horses, cattle, sheep swine and similar livestock are not to be treated at a small animal clinic.

Large Animal Clinic: A facility engaged in the prevention and treatment of animal diseases and ailments in farm animals, including horses, cattle, sheep, swine and similar livestock. A clinic shall not board animals overnight except when the animal is recovering from treatment rendered in the same clinic. No outdoor boarding shall be permitted.

Club, private or fraternal organization and lodge halls: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in these Zoning Regulations.

Commercial use: An occupation, employment or enterprise that is carried on for profit by the owner.

Commercial vehicle: Any vehicle possessing commercial license plates and which falls into one or more of the categories listed below:

- A. truck tractor;
- B. semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- C. vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks;
- D. tow trucks;
- E. commercial hauling trucks;
- F. vehicle repair service trucks;
- G. snow plowing trucks;
- H. any vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

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

- A. **Condominium act:** Shall mean Public Act 59 of 1978, as amended.
- B. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- C. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

- D. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. **Common elements:** Portions of the condominium project other than the condominium units.
- F. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- G. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- I. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- J. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. **Master deed:** 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.
- M. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Congregate housing: See Housing for the elderly.

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

Convalescent home: See Nursing Home.

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

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

Cul-de-sac: See Street.

Deck: A platform, constructed of wood, which is typically attached to a dwelling unit, which is commonly used for outdoor leisure activities.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land excluding area devoted to public ROW or easements. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage comprised of open water, land within the 100-year floodplain elevation, and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.

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

Development: 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: 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 Ordinance.

Drive-through: An establishment so developed that some portion of its retail or service character is dependent upon providing a staging area and service window specifically designed for serving motorists while in a motor vehicle with carry-out and consumption or use after the vehicle is removed from the premises (see also definitions for restaurants).

Dwelling, accessory apartment: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- D. A manufactured dwelling may be a mobile home, defined as a type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used 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. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of these Zoning Regulations.

Dwelling, multiple-family: A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- B. **Efficiency unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, one-family or single-family: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, two-family or duplex: A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

Dwelling unit, single-family attached or townhouse: A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Erected: 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: 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 system, collection, communication, supply or disposal systems, including poles, wires, water towers, lift stations, iron removal facilities, wells, water mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall not include storage yards, cellular telephone towers, recycling centers, commercial reception towers, air quality monitoring stations, propane sales, school bus parking yards, electrical towers, sales or business offices, or commercial buildings or activities or other similar uses.

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

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

Family: means either of the following:

- A. 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.

B. 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 operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, 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. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

Fence: A structure of definite height and location constructed of wood, masonry, stone, wire, metal or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls (see Sec. 3.18 Fences).

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

Flood Plain: The area adjoining a river, stream, water course, or lake which is inundated by a flood discharge which results from a 100 year storm of a 24 hour duration. The flood plain shall include the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.

Floor Area, Gross – The total constructed area of a building. This area is computed by measuring to the outside finished surface of permanent outer building walls or from the centerline of walls separating two (2) buildings without any deductions except as noted. All enclosed floors of the building, including basements, garages (heated), mechanical equipment floors, penthouses, balconies, mezzanines, enclosed porches, accessory buildings attic floors space providing head room of at least 7’6” (whether or not floor has been installed) and the like are calculated.

Floor Area, Gross (for the purposes of computing parking only) – Gross floor area shall be the sum of the horizontal areas of each story of the building, measured from the exterior surfaces of the exterior walls. Gross floor area shall include all spaces noted above except for: exterior porches, attached garages, attics and basements that cannot accommodate commercial or office operations other than unoccupied incidental storage.

Fraternal organization: See Club.

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

Garage, service: 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.

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

Gasoline service station: 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: 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.

Group home: See Care Organization.

Guest bedroom: A room used or intended to be used by one or more guests for living or sleeping purposes.

Gym or gymnasium: A room or building equipped for gymnastics, exercise or sport.

Habitable Space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hazardous uses: All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in the most recent edition of the Building Code adopted by the City.

Height of building: See Building Height.

Home occupation: An occupation or professional that is customarily incidental and secondary to the use of the dwelling. It is customarily conducted within a dwelling, carried out by its occupants utilizing equipment customarily found in a home and, except for a sign allowed by this Ordinance, is generally not distinguishable from the outside.

Hospital: A facility offering 24-hour emergency, inpatient and outpatient care and services for observation, diagnosis and active treatment of patients under the care and supervision of physicians and professional medical staff. The term hospital shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neo-natal care, children's hospitals and ophthalmology centers.

Hotel: 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 occupancy by transient guests, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Housing, accessory short-term rental: A dwelling unit or portion thereof, or an accessory apartment, that is occupied by a Permanent Resident and is rented or leased to transient guests for a period of fewer than thirty (30) consecutive calendar days per rental period. Consecutive month-to-month rentals or leases shall not be considered accessory short-term rental housing.

Housing, temporary employment: Housing for employees of theatre, where those employees occupy the housing on a temporary basis, during a theatre's production run. Short-term rentals are not included in this definition.

Housing, vacation rental: A dwelling unit that is not occupied by a Permanent Resident and is rented or leased to transient guests for a period of fewer than thirty (30) consecutive calendar days per rental period.

Housing for the elderly: Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55). Housing for the elderly may include the following:

- A. **Senior apartments:** Multiple-family dwelling units occupied by persons 55 years of age or older.

- B. **Elderly housing complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- C. **Congregate housing:** A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- D. **Dependent housing facilities (nursing homes):** Facilities, which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Indoor Recreation: An enclosed establishment, which provides indoor exercise facilities including court sport facilities; team sports activities; billiard halls; skating rinks; arcades; bounce arenas; climbing facilities; indoor golf; swimming facilities; bowling; shooting/archery ranges and similar activities.

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

Industry, light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Ingress and egress: As used in these Zoning Regulations, "ingress and egress" generally is used in reference to a driveway, which allows vehicles to enter or leave a parcel of property, or to a sidewalk, which allows pedestrians to enter or leave a parcel of property, a building, or another location.

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

Junk yard: An area where waste, used or second-hand 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 (200) square feet for storage, keeping or abandonment of junk.

Kennel: Any lot or premises on which four (4) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating commercial kennels.

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

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material.

Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

- A. **Berm:** A raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- B. **Buffer:** strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these zoning regulations.
- C. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Washtenaw County, Michigan.
- D. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- F. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

- G. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
- H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, fiber, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- I. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- J. **Planting:** A young tree, vine or shrub or other plant material that would be placed on or in the ground.
- K. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- L. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- M. **Sod:** An area of grass-covered surface soil held together by matted roots.
- N. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan.
 - 1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 - 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- O. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

Live/Work Units: A combined live/work space or integrated living unit and working space with an internal connection between the living unit and working space, occupied and utilized by a single family, in a commercial or mixed used zoning district. Examples of live/work units include the following types:

- A. **The Live-Within Type:** A workplace and living area completely overlapping, such that the demarcation line can be adjusted continuously on a daily cycle.

- B. **The Live-Above Type:** The workplace is below the residential quarters. The separation between the two functions is complete, allowing the commercial section to be independently leased out for limited use.
- C. **The Live-Behind Type:** The workplace in front of the residential quarters, thereby liberating the rear part of the lot for a conventional house. The demarcation between the two uses is complete, allowing the workspace to be leased to a separate entity for limited use.
- D. **The Live-In-Front Type:** A single-family house where the workplace is typically behind the living quarters, along a rear alley. The house is intended to be fully compatible with a conventional house, with freestanding work quarters suitable for restricted uses. The demarcation between the two uses is adjustable to changes in the family life.

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

Local agent: A person that is authorized by the owner of a vacation rental to manage said vacation rental.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A condominium lot.
- E. A piece of land described by metes and bounds.

Lot Area: The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot, contiguous: Lots adjoining each other.

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) 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 (135) degrees.

Lot coverage: The part or percent of the lot occupied by buildings and/or structures, including accessory buildings and structures, such as, but not limited to decks, stairways, porches, breezeways and swimming pools, but excluding sidewalks and driveway within non-required yards. (effective 2016-12-15)

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

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

Lot, interior: Any lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein:

- A. **Front lot line:** In the case of an interior lot, is the line separating said lot from the street. In the case of a through or corner lot, is that line separating said lot from either street.
- B. **Rear lot line:** That lot line opposite the front lot fine. In the case of a lot pointed at the rear, the rear lot fine for purposes of measuring setbacks shall be along all lines on the opposite side of the lot from the front lot line as determined by the Zoning Administrator.
- C. **Side lot line:** Any lot line other than the front lot line or rear lot fine. A lot line separating the "side" of a structure from a street is a front lot fine (i.e. corner lots have two front lot lines). A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, through: Any interior lot having frontage on two (2), more or less, parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot of Record: 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: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

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

A zoning lot shall satisfy this Ordinance 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 (1) or more lots of record.

Manufactured home: A dwelling unit, which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

Marijuana: Marijuana, also known as Marihuana, also known as Cannabis. The term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marijuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marijuana Collective, Cooperative or Dispensary: Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or "cooperative" shall not apply to an individual registered primary caregiver that provides necessary care and medical marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marijuana collective, cooperative or dispensary" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirm; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan.

Marijuana Dispensary or Dispensary: See Marijuana Collective, Cooperative or Dispensary.

Master plan: The Comprehensive Community Plan adopted by the Planning Commission 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.

Mechanical amusement device: Any machine or device, which operates as a game, entertainment, contest of skill, or amusement of any kind, and which has the following characteristics:

- A. The device may be identified as a video, electronic or mechanical device.
- B. The device may be operated and/or initiated upon the insertion of a coin, token, ticket, slug, plate, disc, key, or through the payment of a price.
- C. The device and the playing thereof offers no direct or automatic payoff or the return of money, goods, or services.
- D. This definition does not apply to the following:
 - 1. a vending machine, which does not incorporate gaming or amusement features;
 - 2. musical devices or coin operated radios; or
 - 3. television sets in private quarters.

Medical Use of Marijuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Mobile home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a trailer coach (recreational vehicle).

Mobile home sales: A person, other than a manufacturer, engaged in the business of buying, selling, exchanging, leasing, or renting mobile homes.

Mobile home park: A parcel or tract of land, under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis and including all appurtenances that are incidental to the occupancy of a mobile home.

Modular home: A premanufactured unit assembled of materials or products intended to comprise all or part of a building or structure and is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

Mortuary or funeral home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space, but typically not cooking facilities. 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. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Natural features: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Noncommercial Parks and Recreational Facilities – Any developed land used for active and/or passive recreational pursuits, within the jurisdiction and control of a governmental agency; commonly referred to as a “public park”. (effective May 26, 2016)

Nonconforming use and building: A use and/or a building, lawfully existing at the time of adoption of this Ordinance or any subsequent amendment hereto, which does not conform to the use, height, bulk placement, or yard provisions of the zoning district in which it is situated (see Article IV Non-Conformities).

Nursery, plant materials: 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 Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, illumination, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursing home (convalescent or rest home): A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

Occupancy, change of: The term "change of occupancy" or "change of use" shall mean a discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

Occupied: Used in any manner at the time in question.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Off-street loading space: A facility or space which permits the standing, loading, or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

On-street loading space: A location within the public street right-of-way which has been approved by the City for the standing, loading or unloading of trucks, vans or other vehicles.

Off-street parking lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

On-street parking spaces: Spaces designated and signed for public parking within the public street right-of-way.

Open Air Business: A business that is conducted primarily outdoors. Unless otherwise specified herein, open air-businesses include, but are not limited retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, hummus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and home improvement equipment, such as lawn mowers, fertilizer spreaders, lawn rollers, etc.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Open space: Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward except for living plant material recreational facilities, permitted signs, sidewalks, bike paths, and necessary drives and utility lines, unless as otherwise provided in this Ordinance. Where open space is required, no more than fifty percent (50%) of the required area shall be comprised of lakes, ponds, regulated wetlands or floodplain. Exceptions: The following structures may be located anywhere on the lot: open and unroofed terraces, patios, stoops and steps, ramps for handicapped access, awnings, flag poles, trellises, retaining walls, fountains, outdoor cooking equipment, sidewalks, mailboxes, light poles, and fences in accordance with Article 3. In residential districts, the following types of structures may be located anywhere on the lot except in required front open space; fire escapes, and mechanical equipment. Certain architectural features such as cornices, eaves, gutters, and chimneys may project two (2) feet into required open space.

Outdoor Cafes: See **Outdoor Service Area**

Outdoor Display Areas: An area of 550 square feet or more in size used for the display of goods, products or other materials, typically not in a fixed position and capable of rearrangement, designed for the purpose of sale, rent, lease or exhibit by the principal permitted business whose goods, product or other materials are displayed and which are not removed daily at the time of or prior to the close of business.

Outdoor Display Area, Temporary: An area of less than 550 square feet used for display and sale of merchandise, located outdoors; typically on a sidewalk facing the street or parking lot, which is directly adjacent and accessory to, but not located within the interior building walls of the principal retail establishment, for the purpose of sale, rent, or lease during the hours of operation of the retail establishment, where retail goods and merchandise are removed daily, at the time of or prior to the close of business.

Outdoor Dining and Beverage Service: See **Outdoor Service Areas**

Outdoor Eating Areas: See **Outdoor Service Areas**

Outdoor Seating: See **Outdoor Service Areas**

Outdoor Service Areas: A porch, patio, deck, sidewalk, parking lot, parking space, or other public or private land area used for seated dining and beverage service, which is adjacent and accessory to, but not located within the interior building walls of food and/or beverage establishments.

Outdoor storage: The keeping, in an unroofed area or not within a fully enclosed building, of any goods, junk, material, merchandise or vehicles for more than 24 hours.

Outlot: A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

Parcel: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

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

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations and the approved plans and specifications of a development.

Permanent resident: A person who occupies a dwelling unit for at least sixty (60) consecutive days with intent to establish the dwelling unit as his or her primary residence. A Permanent Resident may be an owner or a lessee.

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

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

Pervious surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Pool or billiard hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.

Planning Commission: The City of Dexter Planning Commission.

Plug-In Electric Vehicle Stations: Definitions for Plug-In Electric Vehicle Stations include the following:

- A. **Accessible electric vehicle charging station** means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- B. **Alternating current (AC) Level 1 Electric Vehicle Supply Equipment (EVSE)** means an AC charging station or device that uses 120V AC power.
- C. **AC Level 2 EVSE** means an AC charging station that uses 240V AC power.

- D. **Battery charging station** means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- E. **Battery Electric Vehicle (BEV)** means a vehicle that relies on a battery for 100 percent of the time and must be plugged in to recharge.
- F. **Charging levels** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:
 - (1) Level-1 is considered slow charging. Voltage including the range from 0 through 120.
 - (2) Level-2 is considered medium charging. Voltage is greater than 120 and includes 240.
 - (3) Level-3 is considered fast or rapid charging. Voltage is greater than 240.
- G. **Charge coupler** means the connector and cord set which connects the vehicle to supply power from the charging station.
- H. **Direct Current (DC) Fast Charge** means a Level-3 charging station capable of charging a PEV's battery to 80% in less than 30 minutes. DC fast chargers typically use a three-phase service at 208V AC or higher, with output levels between 2550kW.
- I. **Electric Vehicle (EV)** means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
- J. **Electric Vehicle Charging Station (EVCS)** means a public or private parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use.
- K. **Electric vehicle charging station – private restricted use (EVCS-PRU)** means an electric vehicle charging station that is (1) privately owned with restricted access (e.g., single-family and two-family dwellings, multiple-family dwellings, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
- L. **Electric vehicle charging station – public use (EVCS-PU)** means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).

- M. **Electric vehicle infrastructure** means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- N. **Electric vehicle parking space** means any marked parking space that identifies the use to be exclusively for parking of an electric vehicle.
- O. **Electric Vehicle Supply Equipment (EVSE)** means the equipment used to charge the battery onboard a vehicle, commonly referred to as a charging station.
- P. **Non-electric vehicle** means any motor vehicle that does not meet the definition of electric vehicle.
- Q. **Plug-in Electric Vehicle (PEV)** means a vehicle that draws electricity from a battery with a capacity of at least four kilowatt hours and is capable of being charged from an external source.
- R. **Plug-in Hybrid Electric Vehicle (PHEV)** means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

Principal use: The main use to which the premises are devoted and the principal purpose for which the premises exist. 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.

Property lines: The lines bounding a lot; the lot lines.

Public utility: A public corporation, franchise, 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, telephone service (excluding cellular phone facilities), cable television services, telegraph, transportation, or water.

Reasonable access: An access management term defined as ensuring a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent their visiting an establishment. Reasonable access may not always be the most direct access, but may involve use of a shared driveway or service drive.

Reception antenna: An exterior apparatus that is capable of receiving communication for radio or television purposes including satellite reception antennas but excluding facilities considered to be essential public service facilities or those preempted from City regulation by applicable state, FCC or other federal laws or regulations.

Recreation land: Any publicly or privately owned lot or parcel that is utilized for recreational activities, such as, but not limited to, camping, swimming, picnicking hiking, nature study, hunting, boating, and fishing.

Recreational vehicle: "Recreational Vehicles" shall include the following:

- A. **Travel trailers:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel recreational and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.
- B. **Pickup camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel recreational and vacation uses.
- C. **Motor home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. **Folding tent trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- E. **Boats and boat trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. **Other recreational equipment:** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recognizable and substantial benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

Recycling center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products. This use is distinct from a junkyard or a salvage yard.

Residential Cluster Development: A grouping of single-family residences on lots where area and width requirements have been reduced below the minimums required in the district in which located, with the excess land area which results from the lot size reductions placed into common open space. (See Section 8.11, Special Land Use Specific Requirements)

Restaurant: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a drive-through restaurant.
- D. **Restaurant, open-front:** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.
- E. **Restaurant, sit-down:** A standard restaurant is a business establishment whose method of operation involves either:
 - 1. the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
 - 2. the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

F. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retention basin: A pond, pool or basin used for the permanent storage of storm water runoff.

Right-of-way: The strip of land which an dedicated easement exists to allow facilities such as roads, crosswalks, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other similar uses.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

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

Seasonal or Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Dexter or by a non-profit Dexter community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Service drive: Any private road that is generally parallel to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Semi-trailer: A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Service truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: Is the distance required to obtain the minimum required distance between the front, side or rear lot lines and the building lines or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this ordinance. (Refer to the Schedule of Regulations, Article XX, for minimum setbacks).

Shopping center: A grouping of retail businesses and service uses on a single site with common parking facilities.

Shoreline: The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two (2) square feet shall not be considered signs.

For the purpose of this Ordinance, sign shall also include the following terms:

Abandoned Sign: A sign which no longer directs or exhorts any person, or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of lightweight fabric or similar material that is attached to a pole or a building at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: An off-premises sign with an area in excess of two hundred (200) square feet.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of other permanent material.

Building Sign: Any sign attached to any part of a building, as contrasted to a ground sign. Building signs shall include the following types of signs as defined in this section: Canopy, Projecting, Wall, permanent window, and channel letter signs.

Business Center Sign: A sign which identifies a group of two (2) or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of the individual establishments and which have common parking facilities, or which is a platted business subdivision.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.

Casual Sales Sign: A temporary sign used for special sales, not scheduled with any regularity, and includes home garage sales, attic sales, flea market sales and other occasional casual sales whether or not commercially oriented. The sign must be located on the same lot as the special sale.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than one (1) time per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Channel Letter Sign: Any sign installed as a cabinet or as individual letters, with self-contained illumination. Some channel letters may be mounted on a raceway (wire way) while others may be mounted flat against the building wall. Channel letter signs shall not exceed more than twelve (12) inches from the building wall.

Commercial Activity Signs: A temporary sign which includes signs advertising the opening of a new business, sales, change in hours of operation, or the conduct of commercial activities during other than regular business hours. Temporary banners are included in this definition.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Community Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Dexter or by a non-profit Dexter community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, youth enrichment, community education, civic celebration, or cultural or community enrichment.

Flag: Any fabric or banner containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Ground Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of a zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "handicap," "no hunting," "no trespassing" and other similar directives. No commercial message shall be considered incidental.

Incidental Business Sign: Signs associated with the drive-thru portion of a business, such as a menu-board sign.

Institutional Sign: Temporary signs announcing any youth enrichment, charitable, educational or religious event or function, including special events and community special events.

Integral Sign: Integral signs are names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure.

Non-conforming Sign: Any sign that does not conform to the requirements of this Ordinance.

Off-site Sign (off-premises sign): A sign other than an on-site sign.

On-site Sign (on-premises sign): A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Political Sign: A sign relating to the election of a person to public office or relating to a political party or relating to an issue or matter to be voted upon at an election called by a public body. Political signs are considered temporary signs.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

Projecting Sign: Any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall, with the exception of channel letter signs.

Real Estate Sign: A sign advertising that the property said sign is located upon is for sale, rent or lease. Real estate signs are considered temporary signs.

Residential Development Sign: A sign at the entrance of a residential development for the purposes of identifying a subdivision, site condominium, multiple family development, or mobile home park.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: A sign that is intended to be displayed for a limited period of time.

Wall Sign: Any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about a community activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Political signs, or other non-commercial advertising, shall not be deemed to be window signs for the purpose of this ordinance and shall not be subject to the provisions regulating window signs in this ordinance.

Site development plan: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; pedestrian and vehicular circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Special land use: Any land use, which requires approval by the City Council according to the standards listed in this Ordinance, and as authorized in the City or City Zoning Act.

Stable, commercial: A facility for the rearing and housing of horses, mules, ponies or for riding and training academies.

Stable, private: An accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and their guests, without remuneration, hire or sale.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Washtenaw County, the State of Michigan or the federal government, but which meets the requirements of these Zoning Regulations or has been approved as a private road by the City under any prior ordinance.
- B. **Public street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Washtenaw County, State of Michigan or the federal government.
- C. **Arterial road:** A road, which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.

- D. **Collector street:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- E. **Cul-de-sac:** A road that terminates in a vehicular turnaround.
- F. **Local or minor street:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street line (right-of-way line): The dividing line between the street and a lot.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, access drives, sidewalk, street directional or street name sign, and landscape improvements. Essential public utility poles, regulatory signs, necessary drives, sidewalks, bike paths, permitted parking, permitted signs and landscaping are not considered structures within required setback open spaces.

Structural addition: Any alteration that changes the location of the exterior walls or area of a building.

Subdivision plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Substance abuse treatment facility: Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

Substantial improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not however include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming pool: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and with a surface area greater than two hundred fifty (250) square feet, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Tasting room: An establishment that allows customers to taste samples of wine, beer or other alcoholic beverage manufactured on site or that has a State of Michigan issued liquor license as a tasting room. A tasting room may include wine, beer, or other alcoholic beverages and related item sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Control Board as bars, nightclubs, taverns, restaurants or Class C liquor licenses are not included within this definition.

Temporary building: A building, which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements listed in the County Building Code, as amended.

Temporary uses and seasonal events: Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

Theater: An enclosed building used for presenting performances or motion pictures, which are observed by paying patrons from seats situated within the building.

Time Limits: Time limits stated in this Ordinance shall mean calendar days, weeks, months or years, whichever are applicable, unless otherwise specified herein.

Topographical map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Townhouse: A residential structure, or group of structures, each of which contains three (3) or more attached one family dwelling units with individual rear yards and or front yards designed as an integral part of each one family dwelling unit.

Toxic or hazardous waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

Transient guest(s): A person who occupies a dwelling unit or portion thereof for not more than 30 days.

Transition zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Urgent medical care center: A medical clinic, which offers emergency type care.

Use: 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.

Utility trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Veterinary hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding for treatment.

City Council: The governing body of the City of Dexter, Michigan.

Wall: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. A wall shall be a solid durable structure of masonry or concrete with a continuous foundation in contrast to a fence which may be constructed of wood.

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

Wetland: shall mean land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to any lake, pond, river or stream.
- B. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

Warehouse: A building used primarily for storage of goods and materials.

Wholesale sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

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

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

Zoning Act: The Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

Zoning Administrator: The City Official(s) designated by the City Council to administer and enforce the City Zoning Ordinance of the City or his or her designee.

Article III

GENERAL PROVISIONS

Section 3.01 ADMINISTRATIVE REGULATIONS

A. Scope of Regulations

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Zoning Compliance for the use for which the building was originally designated, subject thereafter to the provisions of Article IV concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. Minimum Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

C. Relationship To Other Ordinances or Agreements

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare.

E. Continued Conformity With Yard and Bulk Regulations

1. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have (a) narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.
3. No part of yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

F. Division and Consolidation of Land

The division and consolidation of land shall be in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended. No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

G. Unlawful Buildings, Structures, Site Designs and Uses

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

Section 3.02 ACCESSORY STRUCTURES

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- A. Relation to principal building:** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- B. Maximum number and coverage:** There shall be a maximum of one (1) detached building of over one hundred (100) square feet and a maximum of two

(2) total detached accessory buildings on any lot. The combined total of all accessory buildings, structures and uses, excluding swimming pools, shall occupy a maximum of twenty five percent (25%) of a required rear yard (as defined by minimum setbacks).

- C. Restrictions on placement:** Accessory buildings shall not be erected in any right-of-way, easement, or required front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In the case of attached residential dwelling developments, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission recommends approval of the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- D. Required setbacks (attached):** Where the accessory building, structure or use is structurally attached to a principal building, structure or use (e.g. a deck, garage or breezeway), it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses.
- E. Required setbacks (detached):** Detached accessory buildings shall be at least ten (10) feet from any principal building or other accessory building or public street right-of-way line, at least three (3) feet from any side or rear lot line, at least fifty (50) feet from any shoreline and at least ten (10) feet from the boundary of a wetland regulated by the Michigan Department of Natural Resources or the federal government.
- F. Maximum, height:** The maximum building height of any detached accessory building or structure in any One-Family Districts shall be fourteen (14) feet, measured from the average height between the eaves and the ridge. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals' review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- G. Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.
- H. Restrictions on use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation, unless otherwise specified by this Ordinance.
- I. Permit required:** Any accessory building or structure greater than one hundred (100) square feet shall require a Zoning Compliance Permit.

Section 3.03 LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT

A. Incompletely Constructed Structures

Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a Certificate of Final Zoning Compliance and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with Section 3.06.

Section 3.04 SINGLE FAMILY DWELLING DESIGN STANDARDS

Single family dwellings, whether mobile homes, manufactured homes, modular homes or site ("stick") built homes, located outside a mobile home park, shall conform to the standards of this Section in addition to HUD standards or the County Building Code, as appropriate. In order to preserve the substantial investment of property owners in single-family neighborhoods, single-family homes erected in residential districts shall be similar in appearance to the exterior design and appearance of existing detached single family homes in the surrounding area.

The standards herein are intended to prevent dissimilar dwelling designs which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Dexter Master Plan.

- A. **Code compliance:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
- B. **Building permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the County Building Code and other building regulations.
- C. **Certification:** If the dwelling unit is a mobile home, the mobile home must either be (1) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department 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 (3) above, and found, on inspection by the

Zoning Administrator or their designee, to be in excellent condition and safe and fit for residential occupancy.

- D. Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in Article XX for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
- E. Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
- F. Undercarriage:** In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to its permanent foundation. The foundation or skirting shall fully enclose the towing mechanism, undercarriage and chassis.
- G. Architectural Compatibility:** In the event that such dwelling unit shall be a manufactured, modular or mobile home as defined herein, each such home shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding area. Surrounding area shall be defined as within five hundred (500) feet of the subject dwelling unit; with measurements made from the edge of the lot in each direction. The determination shall be made by the Zoning Administrator based on the following factors:
1. The residential floor area of the proposed dwelling shall be at least seventy five percent (75%) of the average square footage of constructed single-family dwellings in the surrounding area.
 2. The type of material used in the proposed dwelling is not grossly dissimilar to the type of materials used in single family homes in the surrounding area, provided the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel.
 3. The design and position of windows shall not be grossly dissimilar in relation to other single-family homes in the surrounding area.
 4. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

5. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling.
6. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the City and County Building Code (BOCA).
7. An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision.
8. The above standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

H. Sewage disposal and water supply: Each such dwelling unit shall be connected to a public sewer and water supply.

I. Exceptions: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 3.05 HOME OCCUPATION

- A. A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions.
1. Application and approval of the home occupation is received from the City of Dexter in accordance with this section.
 2. Certain uses by the nature of their operation have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations: medical care services (unless otherwise permitted by law and City ordinance), mortuaries, funeral homes, tea rooms (café's & coffee houses), antique shops, restaurants, private clubs, veterinary clinics, animal grooming establishments, barbers shops or beauty parlors with more than one stylist, clinics or hospitals, commercial stables or kennels, real estate offices, restaurants, vehicle repair or painting shops, retail sales, landscape installation and maintenance businesses, snow removal businesses, construction contractors, trailer rentals, funeral homes, nursing homes, private clubs, adult regulated uses and repair shops in general. However, this section is not intended to prohibit offices

related to the administration of construction contracting, landscaping, maintenance, or snow removal businesses. Note, this list does not include every use that is prohibited as a home occupation.

3. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25%) of the floor area of the dwelling unit may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.
4. A home occupation shall be conducted completely within the principal structure.
5. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas, including the expansion of off-street parking areas in excess of residential standards.
6. No article shall be sold or offered for sale on the premises except such as is primarily produced within the dwelling.
7. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
8. Signs not customarily found in residential areas shall be prohibited. However, one (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.
9. There shall be no deliveries to or from a home occupation with a vehicle larger than a 15,000-pound truck with not more than two (2) axles.
10. In no case shall a home occupation be open to the public earlier than 8:00 a.m., nor later than 7:00 p.m.
11. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises. The home occupation shall not be visible from the street.
12. Bed & Breakfast operations shall be permitted in Residential Districts as regulated in Section 3.26 of this Ordinance.
13. No more than one other person shall be employed or involved with such activity on premises other than a member of the immediate family residing in the dwelling unit.
14. Services and transactions shall be conducted by appointment only, walk-in retail trade shall be prohibited.

Section 3.06 TEMPORARY STRUCTURES AND USES

A. General Requirements

Temporary buildings and structures shall comply with the following requirements:

1. Temporary Structures Used for Residential Purposes

A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Zoning Administrator.

Also, a mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

- a. Such permits may be issued by the Zoning Administrator for up to six (6) months in duration and may be renewed for a period of up to six (6) months, provided that work is proceeding in an expeditious manner.
- b. The total duration of a temporary permit shall not exceed twelve (12) months.
- c. Temporary structures shall comply with the setback standards for the district in which they are located.
- d. The Zoning Administrator shall approve electrical and utility connections to any temporary structure.
- e. An approved temporary structure may be moved onto a site fourteen (14) days prior to commencement of construction and shall be removed within fourteen (14) days following issuance of a Certificate of Occupancy for the permanent dwelling.

2. Temporary Structures Used for Nonresidential Purposes

Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Zoning Administrator. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

3. Permits

Permits for the utilization of temporary structures shall be issued by the Zoning Administrator. The permit shall specify a date for the removal of the temporary structure, and the Zoning Administrator shall require posting of a bond to ensure removal. A Certificate of Occupancy shall be required for such structures.

- a. The applicant shall furnish the City with a performance guarantee in the amount of five hundred dollars (\$500.00) to assure removal of the temporary structure.
- b. The Zoning Administrator may require a performance bond to assure proper clean-up.

4. Use as an Accessory Structure

A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

5. Special Events and Other Temporary Uses

The Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses, as defined in Article II of this Ordinance, subject to the following general conditions:

- a. Adequate off-street parking shall be provided.
- b. The applicant shall specify the exact duration of the temporary use.
- c. Electrical and utility connections shall be approved by the Zoning Administrator.

The following conditions apply to specific temporary uses:

- a. Carnival or Circus
 - Maximum duration: 10 days.
 - Operator or sponsor: Non-profit entity
 - Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- b. Sidewalk Display and Sale of Bedding Plants
 - Maximum duration: 90 days.
 - Location: In commercial districts only.
 - Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
- c. Christmas Tree Sales
 - Maximum duration: 45 days.

- Location: Shall not be located in or adjacent to any developed residential area.
- Clean-up: Stumps, branches, and other debris shall be completely removed from site.

Section 3.07 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

A. General Requirements

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

1. Determination of Compatibility

In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

2. Conditions by which Use May Be Permitted

If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

Section 3.08 YARD AND BULK REGULATIONS

A. General Regulations

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

1. Minimum Lot Size

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot

size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

2. Number of Principal Uses per Lot

Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single-family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Article II.

3. Clear Vision Areas

All corners at an intersection of two public streets shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and landscaping. The clear vision zone shall be provided vertically between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets. The clear vision area shall be provided within a triangular area twenty-five (25) feet in length measured along abutting public street right-of-way lines with the third side being a line connecting these two sides. A non-obscuring fence may have a maximum height of thirty-six (36) inches in a clear vision zone.

4. Relocation of Existing Buildings Into the City

No existing building or structure shall be relocated upon any parcel or lot in City of Dexter unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

Section 3.09 STREETS, ROADS AND OTHER MEANS OF ACCESS

- A. In all districts, every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty (60) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance. This provision does not include alleys.

- B. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

- C. Curb cuts and driveways may be located only upon approval by the Zoning Administrator and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

- D. Concrete curb and gutter shall be required for all private roadway and parking lot construction in the City of Dexter. This requirement shall apply to all zoning districts in the City with the following exception:

In RD district, private roadway and parking lots may be constructed without concrete curb except for the approach and the first fifty (50) feet beyond the radii of any approach connecting a private drive to a public street. In the absence of concrete curb and gutter, site improvements must be designed, engineered, and constructed in such a manner as to properly and completely collect and convey all on-site storm-water runoff to approved points of discharge.

- E. Concrete curb and gutter shall be constructed to a configuration, dimension, and material which complies with the Michigan Department of Transportation Standard Plan Curb and Gutter, either Detail C4 or D2, as such standard may be amended from time-to-time and the City engineering standards.
- F. Proper storm management shall be installed with all roadway and parking lot construction which requires concrete curb and gutter. The storm water runoff from all proposed site development shall be collected and conveyed by means of storm sewers to approved points of discharge. Where an approved point of discharge is not available to a development site as determined by City engineers, such necessary improvements shall be constructed or installed so as to properly and safely dissipate or retain storm water runoff on-site.

Section 3.10 ESSENTIAL PUBLIC SERVICES

Essential services buildings and structures 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 the list of uses within each zoning district or in any other City Ordinance provided it is the intent of this section to ensure conformity of all buildings, structures uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.

Public and on-Site Utilities: Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the City.

The location and installation of wireless communication towers, poles, and related facilities is not considered an essential public service as defined and regulated by this ordinance. Regulations pertaining to the location, construction, and use of wireless communication facilities within the City may be found in Section 3.26 of this zoning ordinance.

Section 3.11 PROPERTY MAINTENANCE

Every parcel of property including buildings, vacant or occupied, and every part thereof, shall be kept clean and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, area of alleys connected therewith or belonging to the same. The owner of every dwelling shall be responsible for keeping the entire building free from vermin. The owner shall also be responsible for complying with the provision of this section except that the tenants shall be responsible for the cleanliness of those parts of the premises which they occupy and control. Any hazardous places that are necessary during the construction must be fenced or boarded up. Property owners and/or occupants shall be held responsible for the condition, cleanliness and maintenance of the areas between their lot lines and adjoining streets and curbs, where existing.

Section 3.12 SIDEWALKS

For all developments requiring site plan approval, except those located in the RD District zoning classification, either a new public concrete sidewalk or the reconstruction of existing sidewalks shall be required to be constructed to City engineering standards along the perimeter of the lot which abuts any paved public right-of-way. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways. The planning commission may waive the requirement for sidewalks in areas not already served by sidewalks or if the installation of sidewalks would serve no public benefit.

If existing infrastructure, natural impediments, topography or mature trees would make construction of a sidewalk impractical and the City concurs in such a determination, the Owner shall be required to provide the sidewalk in an alternative on-site route which adequately provides a proper connection to the existing City sidewalk system.

Section 3.13 NATURAL FEATURES PRESERVATION: WETLANDS

The City of Dexter intends to promote compliance with Part 303 Wetlands Protection, of the Natural Resources and Environmental Protection Act of 1994, Public Act 451 as amended. The City encourages placement of buildings to protect Michigan Department of Environmental Quality regulated wetlands and non-regulated wetlands between two acres and five acres in size. The City intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the Dexter Master Plan.

- A. Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetlands or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDNR, may result in a stop work order issued by the City and/or require restoration of the wetland in accordance with MDNR standards.

- B. Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size, particularly those with standing water or considered to be important wildlife habitat.
- C. Where stormwater is planned to drain into a wetlands, a approved filtration method shall be used to control runoff of sediment and the wetlands. Maintenance of these material shall be addressed in a deed or as a condition of site plan approval.
- D. Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section or the MDNR regulations.

Section 3.14 NATURAL FEATURES PRESERVATION: GRADING, REMOVAL AND FILLING OF LAND

Any grading which changes site elevation by more than three (3) feet, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of the Zoning Administrator in accordance with a topographic plan, approved by the Zoning Administrator and City engineer, submitted at a scale of not less than one (1) inch equals fifty (50) feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Zoning Administrator. Such certificate may be issued in appropriate cases upon the filing with the application of a performance or surety bond in an amount as established by the Zoning Administrator sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses. The form of the bond shall be approved by the City Attorney. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Zoning Administrator.

Section 3.15 RECEPTION ANTENNAE

In all zoning districts, the installation or use of a reception or transmission antenna facility shall be permitted only as an accessory use, and only when meeting the standards of this section. Upon review of the application, the Zoning Administrator shall grant approval if it is found that the plans comply in all respects with this Ordinance. It is the intent and purpose of this section to provide reasonable regulations for the mounting of reception antenna facilities.

- A. **Intent:** The intent of this section is to regulate reception antenna facilities to achieve the objectives listed below.
 - 1. Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from building or structural mountings due to wind load, snow load or other factors.

2. Promote utilization of ground mounting for antennae facilities where reasonably feasible.
3. Require screening of ground-mounted facilities and minimize visibility to roof or structure mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.
4. Exclude from provisions of this section, conventional VHF and UHF television antennae, FM reception antennae and short wave radio antennae used by amateur radio operators based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; amateur radio operators provide benefits to emergency service providers, and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility.
5. Balance regulations on the placement and manner of reception antenna installation to the minimum required to achieve the objectives herein.
6. Promote and protect the public health, safety and welfare by the exercise of City police powers in relation to a property owner's right to construct and use reception antennae to receive signals without reasonable restriction.

B. Ground-mounted facilities shall be subject to the conditions listed below.

1. The maximum diameter shall be ten (10) feet for a dish type receiver where diameter can be measured.
2. The maximum height of any part of the facility shall be fourteen (14) feet.
3. The antenna facility shall be located only in the rear yard and shall not be located in a required yard setback area.
4. An antenna facility within fifty (50) feet of a residential property line or public street right-of-way shall be screened from view by a wall, fence, berm, evergreen plantings, or a combination of these elements, provided, if there is no conforming location on the property where the facility may be so obscured from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Zoning Administrator or if the antenna is mesh type, screening need not exceed six (6) feet in height.
5. The color of all antennae shall be of tones similar to the surroundings. Ground-mounted antennae shall not be white unless they are of a mesh type or unless the background consists primarily of a white building. Bright colors shall not be used in any instance.

6. If a usable signal cannot be obtained by locating the antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Board of Zoning Appeals provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.
7. All electrical and antenna wiring shall be placed underground, where applicable, and grounded to meet County Building Code requirements.
8. The antenna shall be located and designed to meet manufacturer specifications to withstand a wind force of one hundred (100) miles per hour.
9. No advertising or identification display shall be placed on any portion of the antenna or tower except the name and logo of the manufacturer and the serial number.

C. Roof or structure mounted facilities in residential districts: In one-family residential districts, reception antenna facilities mounted on a roof of a building, or on a structure more than three (3) feet in height, shall be subject to the following regulations.

1. The antenna facility itself shall not be larger than ten (10) feet in height or diameter width. Moreover, the facility shall be of perforated, mesh or rod and/or pole construction, and shall not be of solid sheet or panel construction.
2. A roof-mounted antenna facility shall be located on that portion of the roof adjacent to the rear yard on the property, and a structure-mounted facility shall be located in the rear yard area but shall not be located in a required yard setback area.
3. No part of the antenna facility shall extend higher than three (3) feet above the ridge and/or peak of the roof, but in no event higher than the maximum height limitation in the zoning district in the case of a building mounted facility; and/or seventeen (17) feet above grade in the case of a structure mounted facility.

D. Roof or structure-mounted facilities not situated in residential districts.

1. Roof mounted reception antenna shall be a maximum ten (10) feet in diameter.
2. The top of the antenna shall be within the maximum height for principal buildings permitted in the district.
3. Reception antennae shall be of a color to match the building.

4. No advertising may be applied or attached to the antenna.
- E. Interpretation guidelines.** The provisions of this section shall be interpreted to carry out the stated objectives of this section, and shall not be interpreted so as to impose costs on the applicant which are excessive in light of the purchase and installation cost of the antenna facility and accessory equipment.
- F. Exemption.** Up to three (3) conventional VHF or UHF television antennae, FM reception antennae and antennae used by amateur radio operators licensed by the FCC which have width and height dimensions of not more than one hundred thirty-five (135) inches and ten (10) feet, respectively, which are situated on that portion of the roof adjacent to the rear yard on the property, and which do not extend higher than three (3) feet above the ridge and/or peak of the roof or the maximum height limitation in a residential zoning district or ten (10) feet above the roof in a nonresidential district, shall be exempted from the requirement of applying for and receiving approval under this section.
- G. Variance.** If a hardship or practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this ordinance is impossible because satellite reception signals are blocked, then a variance may be sought from the Zoning Board of Appeals.

Section 3.16 DUMPSTER AND WASTE RECEPTACLES

Dumpster, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

- A. Location:** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district and in such a way that they are not easily damaged by the refuse device. The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public street or adjacent residential districts.
- B. Access:** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- C. Base Design:** The receptacle base shall be at least twelve (12) feet (twenty feet for a dual dumpster corral) by eight (8), constructed of six (6) inches of reinforced

concrete pavement. A base apron shall extend ten (10) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

D. Enclosure: Waste receptacles shall meet the following standards:

1. Each waste receptacle shall have an enclosing lid or cover.
2. Waste receptacles shall be enclosed on three (3) sides with a gate on the fourth side. A gate shall not be required if the opening of the enclosure is not visible from the public street or a residential district, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition.
3. The enclosure shall be constructed of brick, concrete or decorative precast panel with brick effect or a wooden enclosure provided the lumber is treated to prevent decay or is determined by the Zoning Administrator to be durable and suitable for outdoor use with a maximum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle.
4. Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.
5. The enclosure shall be screened with five (5) foot high evergreens planted a minimum of six (6) feet apart wherever the enclosure wall is visible to a public street or residential district. See section 6.09 waste receptacles and mechanical equipment screening.

Section 3.17 FENCES

Fences are permitted subject to the following regulations:

- A. Permits:** The erection, construction or alteration of any fence shall require a permit and shall be approved by the Zoning Administrator in compliance with the provisions of this Ordinance. All applications for fence permits shall be submitted to the Zoning administrator and shall be accompanied by the fence design information and a survey showing the location of the proposed fence. Fences located within the front, side or rear yards may be erected directly on the property line, unless otherwise mentioned in this ordinance, with the submission of written consent from all adjacent property owners or a certified survey verifying the location of the property lines. The fee for the fence permit shall be set by resolution of the City Council.
- B. General Fence Requirements:**
1. Fence height shall be measured from the surrounding grade at every point along the fence line.

2. Chicken wire fences are strictly prohibited.
3. Fences that have one finished and one decorative side shall be erected with the finished or decorative side facing to the exterior of the lot to which the fence is associated. Any reconstruction of a non-conforming fence shall require a permit and must meet current ordinance standards, unless otherwise specified in the ordinance.
4. There shall be a maximum of one fence per property line.
5. Fence ownership shall be determined by the fence permit applicant.

C. Location in front yards*: Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of thirty-six (36) inches, provided that for corner lots adequate clear vision is provided as described in Section 3.08. No front yard fence shall be erected closer than six (6) inches to any public sidewalk or the property line, and shall not cross any public rights-of-way. Front yard fences are to be ornamental fences of approved materials, of a design as to be non-sight obscuring and of a fence type listed below:

1. Post and rail
2. Split rail
3. Picket
4. Wrought iron
5. Other types of ornamental fences must be approved by the Planning Commission prior to placement in the front yard area.

*Exception – Corner lot are defined as having two (2) front yards. Both street frontages on a corner lot are considered the front yard. For the purpose of front yard fencing on corner lots, fences are permitted to meet the side yard fence requirements from the rear building line to the rear lot line. Four (4) foot fencing is not permitted past the rear building line.

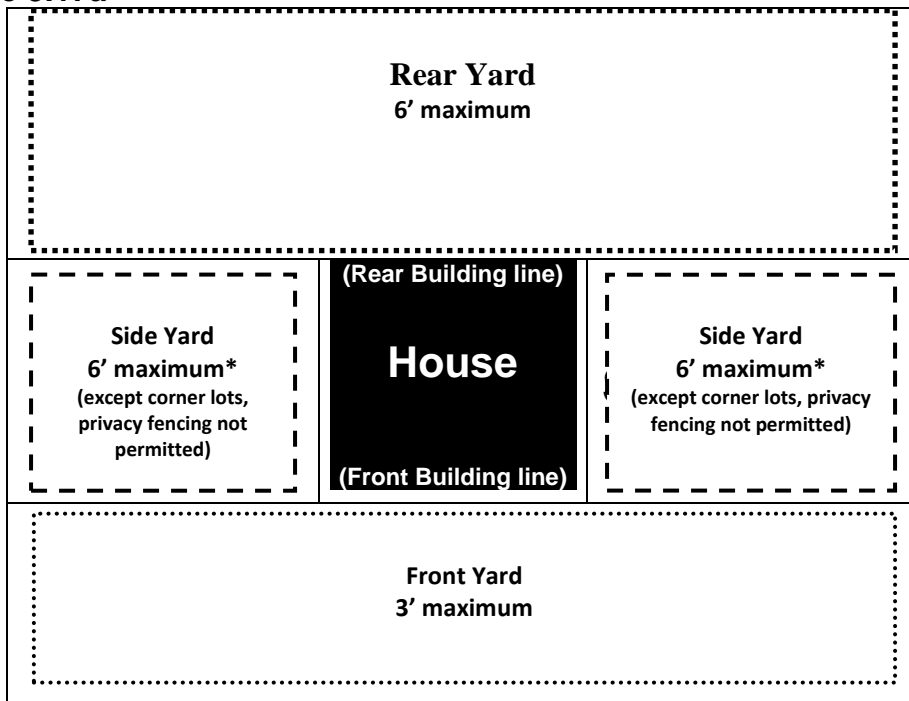
D. Side Yard fence standards: Fences may be located in the side yard up to a height of six (6) feet, four (4) feet for corner lots. Fences shall only extend along the side property line equal distance to the length of the principle building and not extend beyond the front building line. A six (6) foot fence may extend perpendicular from the property line to the front building line. (refer to Figure 3.17a).

E. Rear Yard Fence standards: Privacy fences may be erected in a rear or side yard on any lot of record provided the privacy fence does not extend beyond the rear building line. Privacy fences shall be a maximum of six (6) feet in height measured from the surrounding grade at every point along the fence line. All other fence types are permitted (refer to Figure 3.17a).

F. Prohibition in right-of way: Fences shall not be erected in public rights-of-way.

- G. **Location/height in industrial districts:** Fences in I-1, and RD Districts with a maximum height of eight (8) feet may be located in any yard except the front yard provided such fences shall be located on parcels with a principal building containing an approved industrial use, the fence is maintained in good condition and does not constitute an unreasonable hazard or nuisance.
- H. **Public fences:** Fences which enclose public parks, public institutions, playgrounds or other public areas, may be a maximum eight (8) feet in height, measured from the surrounding grade at every point along the fence line. Such fence shall not obstruct vision to an extent greater than twenty-five (25%) percent of the total fence area.
- I. **Restrictions:** Fences shall not contain electric current or charge of electricity. Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence. Fences protecting public utilities and property may use barbed wire or other security fencing measures.
- J. **Maintenance:** All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence, which is not maintained, as determined by the Zoning Administrator, shall be removed or replaced (any required fence shall be replaced) at the owner's expense.

Figure 3.17a



Section 3.18 RECREATIONAL VEHICLE PARKING AND STORAGE

The outdoor parking or storage of a mobile home, camper trailer, motor home, race cars, snowmobiles, boats, ATV's and similar recreational vehicles for periods exceeding forty-eight (48) hours in the front yard on lands not approved for such use is prohibited, except that the Zoning Administrator may issue a temporary permit which shall allow the parking of such a recreational vehicle on private property for a period not exceeding two (2) consecutive weeks. Any parked or stored recreational vehicle shall be legally operable and licensed and shall not be connected to any sanitary facilities. Recreational vehicles may be stored over 48 hours provided the vehicles shall be stored only within the confines of the rear yard or side yard when behind the front building line of the principal building; and shall further comply with the side and rear yard setback applicable to accessory buildings.

Section 3.19 EXTERIOR LIGHTING

Site Lighting Requirements: Exterior site lighting shall be permitted in any zoning district subject to the restrictions provided in this section.

- A. **Purpose and Intent.** The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent of this section is to encourage lighting that provides safety and security; also to prevent glare on public roadways, protect the privacy of residents; and reduce atmospheric light pollution and light trespassing.
- B. **Definitions:**
- 1) **FULLY SHIELDED FIXTURE.** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.
 - 2) **LIGHTING DIAGRAM.** A plan showing all exterior proposed on-site lighting and the area to be illuminated by each lighting source. The lighting diagram will also show proposed site lighting - location, type, height, intensity, direction, and typical details.
 - 3) **GLARE.** Light that causes annoyance, discomfort, or loss in visual performance and ability because the luminance is sufficiently greater than the luminance to which the human eyes are adapted.
 - 4) **OUTDOOR LIGHTING FIXTURE.** An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot, flood, and area lighting.

- 5) RECESSED CANOPY FIXTURE. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

C. Outdoor Lighting Compliance Statement. The applicant for any permit work involving outdoor lighting fixtures governed by this Section shall submit, as a part of the site plan, evidence that the proposed work will comply with this Section. This information shall contain but not be limited to the following:

- 1) The location, height, make, model, lamp type, intensity, direction, and wattage of each outdoor lighting fixture overlaid on the proposed site plan; and
- 2) A photometric lighting diagram indicating the outermost limits of exterior illumination provided by all exterior lighting sources on a site. (in foot candles)
- 3) Additional information that the City may determine is necessary, including but not limited to illuminance level profiles.

D. Approved Materials and Methods of Construction. The provisions of this section are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Section, provided any such alternate has been approved. The City may approve any such proposed alternative provided it:

- 1) Provides at least approximate equivalent to the applicable specific requirement of this Section; and
- 2) Is otherwise satisfactory and complies with the purpose and intent of this Section.

E. General Requirements.

- 1) All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary as determined by the City. Outdoor lighting in residential districts shall be exempt from the provisions of this subsection, PROVIDED that any on-site lighting does not project onto adjacent properties or create glare on an adjacent roadway and motorists.
- 2) Auto/Truck filling stations. Island canopy ceiling fixtures shall be recessed.
- 3) Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak

type lighting shall be prohibited.

- 4) On-site lighting, i.e., parking, building lights, etc. shall conform to the following regulations:
- a. It is the goal of the City to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the character of the City.
 - b. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
 - c. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.

Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The City Council, after receiving a recommendation from the Planning Commission, may allow for an increased level of lighting above maximum permissible levels when the Council determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.

For the purposes of this ordinance, all lighting measurements shall be taken at ground level.
 - d. For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of twenty (20) feet measured from the ground level to the centerline of the light source. The City Council, after receiving a recommendation from the Planning Commission, may allow a pole height up to twenty-two (22) feet when the Council determines that the applicant has demonstrated that greater height is necessary.
 - e. Signs shall be illuminated only in accordance with the regulations set

forth in this ordinance. In addition, signs within residential districts shall not be illuminated.

- f. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
- g. Street lighting in all subdivisions, site condominiums, or other development is required. All street lighting shall conform to the City's Community Street Lighting Program. The City Council, after receiving a recommendation from the Planning Commission, may allow deviations to City street lighting standards when the Council determines that the applicant has adequately demonstrated that alternative lighting plans will meet the intent and purpose of this ordinance and will provide sufficient lighting necessary for safety and security purposes.

F. Exemptions. The following uses shall be exempt from the provisions of this ordinance:

- 1) Roadway and airport lighting;
- 2) Temporary circus, fair, carnival, or civic uses;
- 3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
- 4) Temporary lighting and lighting associated with agricultural activities.

Section 3.20 PERFORMANCE STANDARDS

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts shall comply with the following performance standards:

A. Fire Hazard

- 1. Does not constitute a fire hazard per se;
- 2. Complies with the applicable laws of the State of Michigan (Act 207, P.A. 1941, as amended) and the rules and regulations promulgated thereunder by all authorized agencies - state and local.
- 3. Is protected by adequate and proper fire suppression and fire fighting equipment;
- 4. Provides isolated and approved storage for all flammable, explosive and corrosive materials and substances.

B. Water Pollution

1. Conforms to the applicable laws of the State of Michigan, (Act 245, PA. 1929, as amended) and rules and regulations promulgated thereunder by an authorized agency - state and local.

C. Air Pollution

1. Conforms to the applicable laws of the State of Michigan, (Act 250, PA 1965, as amended, and Act 348, P.A. 1965, as amended).
2. Does not emit or cause fumes, gas, mist, odor, smoke, vapor, and dust including road or other earth dust or any combination thereof in excess of minimum standards established under the authority of the laws of the State of Michigan, or in such volume as to create a public nuisance.

D. Noise Abatement

1. Is provided with noise abatement materials and equipment;
2. Will not generate unpleasant and objectionable noise greater in volume or intensity than the average traffic noises at exterior property lines;

E. Vibrations: No vibrations shall be permitted which are discernible without instruments on any adjoining lot or property.

F. Glare: No direct or reflected glare shall be permitted which is visible from any property, or from any public street, road or highway.

G. Radioactive Hazards: Any use or operation which involves the use, possession, or transportation of any form of radioactive materials or substances is expressly prohibited unless the use is in conformity to specifications, regulations and standards promulgated by the Nuclear Regulatory Commission of the United States and by the Michigan Department of Public Health or their successors.

H. Electrical Disturbances: Manufacturing and processing machinery, other equipment and domestic appliances using electrical power which generates radio frequency interferences at levels in excess of those approved by the Federal Communications Commission are prohibited.

I. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams. Any use of land shall be in accordance with the provisions of the Soil Erosion and Sedimentation Control Act of 1972, Act 347, P.A. 1972.

Section 3.21 SANITARY SEWER AND WATER FACILITIES

All uses put in place on or after the effective date of adoption or amendment of this Ordinance in any district, shall be connected to the public sanitary sewer and water supply systems. On-site facilities and privately owned and operated sewer and water systems are prohibited. Any on-site system which is legal at the time of adoption of this Ordinance may be kept in operation until such system fails. Upon failure of such on-site system the use must be connected to the public system.

Section 3.22 COMPLETION OF CONSTRUCTION

Nothing in this ordinance shall require a change in plans, construction, or designated use of any building for which actual construction was lawfully beginning prior to the effective date of operation of this Ordinance or later amendment which may apply.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be in effect three hundred sixty-five (365) days following the effective date of adoption or amendment of this ordinance, unless a permit for the actual construction of a new building has been issued by the Zoning Administrator.

Where a building permit has been issued in accordance with the law within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to provisions of Article IV, Nonconformities, herein, if applicable.

Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than twelve (12) months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

Section 3.23 ENGINEERING DESIGN SPECIFICATIONS

The Dexter City Council shall, by ordinance, establish comprehensive, minimum engineering design specifications for site improvements applicable to all zoning districts in the City of Dexter. These standards shall constitute the minimum requirements adopted for promotion and preservation of the public health, safety, and general welfare of the City of Dexter. The standards shall not repeal, abrogate, annul or in any manner interfere with existing regulations, ordinances, or laws of the City of Dexter, nor conflict with any statutes or regulations of the State of Michigan or Washtenaw County; provided,

that these standards shall control where they impose higher standards than provided by said existing regulations, ordinances, statutes, or laws. Proprietors are encouraged to design facilities which take into consideration actual site conditions. Where such conditions warrant, the proprietor is encouraged to design and construct improvements which are compatible and appropriate and not merely in compliance with the standards.

The minimum engineering design specifications may, by ordinance of the Dexter City Council, be amended from time-to-time to reflect updates in the accepted state of construction standards, materials, and design.

Section 3.24 WIRELESS COMMUNICATION FACILITIES

It is the general purpose and intent of the City of Dexter to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempts have been made to balance these potentially competing interests and promote the public health, safety and welfare.

A. Definitions

1. **Wireless Communication Facilities** shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
2. **Attached Wireless Communications Facilities** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
3. **Wireless Communication Support Structures** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- 4. Collocation** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

B. Authorization. Subject to the standards and conditions set forth in this section, wireless communication facilities shall be permitted uses in the following circumstances. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

- 1. Permitted Uses By Right.** The following uses are specifically permitted:
- a. Antennas or towers located on property owned, leased, or otherwise controlled by the City, provided a license or lease authorizing such antenna or tower has been approved by the City Council.

2. Administratively Approved Uses.

- a. Locating a tower or antenna, including the replacement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.
- b. Locating antennas on existing structures or towers consistent with the terms below:
- (i) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multiple family structure of eight or more dwelling units, provided the antenna: does not exceed more than thirty (30) feet above the highest point of the structure; complies with all applicable FCC and FAA regulations; and complies with all applicable building codes.
- (ii) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning administrator. A tower which is modified or reconstructed to accommodate the collocation of additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole. An existing tower may be modified or rebuilt to a taller height not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

- (iii) A tower which is being rebuilt to accommodate the collocation of an additional antenna. Such towers may be moved onsite within fifty (50) feet of its existing location. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

- 3. **Uses Approved by Special Use Permit.** If a tower is not a permitted use or permitted administratively as defined in items 1 and 2 of this subsection, a special use permit shall be required for the construction of a tower or the placement of an antenna.

C. **Standards for Approval.**

- 1. **Administratively Approved Uses.** The following provisions shall govern the issuance of administrative approval for towers and antennas:
 - a. The Zoning Administrator may administratively approve only those uses stipulated in this ordinance.
 - b. Each applicant for administrative approval shall apply to the zoning Administrator providing the information set forth in this ordinance and a non-refundable fee as established by Resolution of the City Council to reimburse the City for the costs of reviewing the application.
 - c. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Section 3.26 C.
 - d. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approval or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
 - e. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements, up to fifty percent (50%).
 - f. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

- g. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Article 8 prior to filing an appeal that may be available under this ordinance.

- 2. **Special Use Permits.** Applications for special use permits under this section shall be subject to the procedures and requirements of Article 8 of this Ordinance. In granting a special use permit, the City Council may impose conditions to the extent the Council considers such conditions to be necessary to minimize any adverse effect of the proposed tower on adjoining properties.

In addition to any standards for consideration of special use permit applications pursuant to Article 8, the Planning Commission and Council shall consider the following factors in determining whether to issue a special use permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria if the City Council concludes that the goals of this ordinance are better served thereby:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. No new towers shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the City Council, that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicants proposed antenna. An application shall submit information requested by the Planning Commission and City Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower structure or

alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements;
 - (ii) Existing towers or structures are not of a sufficient height to meet applicant's engineering requirements;
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment;
 - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (v) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs which exceed new tower development or tower lease costs are presumed to be unreasonable.
 - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- i. The applicant for a special use permit shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
- (i) Proximity to an interstate or major thoroughfare
 - (ii) Areas of population concentration
 - (iii) Concentration of commercial, industrial, and/or other business centers
 - (iv) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions
 - (v) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate

- (vi) Other specifically identified reason(s) creating facility need
- j. In single-family residential neighborhoods, site locations shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 - (i) Municipally owned site
 - (ii) Other governmentally owned site
 - (iii) Religious or other institutional site
 - (iv) Public park and other large permanent open space areas when compatible
 - (v) Public or private school site
 - (vi) Other locations if none of the above is available

C. General Regulations. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission or City Council in its discretion:

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
5. **Height.** The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

6. **Setback, Residential.** The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
7. **Setback, Non-residential.** Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
8. **Access.** There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by 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; minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
9. **Property Size Requirements.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
10. **Roof Mounted Equipment.** Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
11. **Aesthetics.** The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
12. **Code Compliance.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the

State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

13. **Maintenance.** A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
14. **Signs.** No signs shall be allowed on an antenna or tower.
15. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The provisions of this section shall not prohibit security lighting for unmanned equipment shelters.
16. **Fencing.** Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with appropriate devices to discourage climbing, provided however that the City Council may waive such requirements as it deems appropriate.
17. **Landscaping.** Unless otherwise stipulated by this ordinance, the following requirements shall govern the landscaping surrounding towers for which a special use permit is required.
 - a. Tower facilities shall be landscaped with a type A buffer as described in Article 6, Section 6.05.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. This determination must be made by the City Council.
18. **Buildings or Equipment Storage.**
 - a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (i) The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height;
 - (ii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment shall not occupy more than 10 percent of the roof area; and
 - (iii) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- b. Antennas mounted on utility or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- (i) In residential districts, in a side or rear yard, provided the cabinet or structure is no greater than 12 feet in height or 50 square feet of gross floor area and the cabinet/structure is located a minimum of 5 feet from all property lot lines. The cabinet/structure shall be screened by an evergreen hedge with a planted height of at least 36 inches.
 - (ii) In all other zoning districts, the equipment cabinet or structure shall be no greater than 15 feet in height or 400 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all instances, structures or cabinets shall be screened from view of all residential properties, which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height and an evergreen hedge as stipulated above.
- c. Antennas located on towers. The related unmanned equipment structure shall not contain more than 400 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

19. Collocation. All proposals shall be reviewed in conformity with the collocation requirements of this ordinance.

D. Application Requirements for uses permitted by right, administratively approved uses, and uses requiring special use permit approval.

1. **Site Plan.** A site plan prepared in accordance with Article 21 shall be submitted, including the location, size, screening and design of all buildings and structures, including fences and outdoor equipment.
2. **Landscaping Plan.** The site plan shall also include a detailed landscaping plan where the support structure is being placed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
3. **Fencing.** Fencing shall be shown on the plan, which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
4. **Engineering Statement.** The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
5. **Security.** The application shall also include a description of security to be posted at the time the facility is to be removed when it has been abandoned or is no longer needed. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
6. **Inventory.** The application shall include a map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCLA 15.243(l)(g). This ordinance shall serve as the promise to maintain

confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

7. **Collocation Statement.** A notarized statement by the applicant as to whether construction of the owner will accommodate collocation of additional antennas for future users.

E. Collocation

1. **Statement of Policy.** It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress.

In light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the City. The provisions of this subsection are designed to carry out and encourage conformity with this policy.

2. **Feasibility of Collocation.** Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given

appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards contained in this ordinance.

3. Requirements for Collocation.

- a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility fails or refuses to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. **Offer of Collocation Required.** An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation.
5. **Approval.** Final approval for a wireless communication support structure shall be effective for a period of six (6) months.
6. **Incentive.** Review of an application for collocation, and review of an application for a permit for use of an existing facility shall be expedited by the City.

F. Removal

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - b. Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
2. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 3.25 LIVE/WORK UNITS

- A. **Purpose.** Live/Work Units are intended to provide the following:
1. Provide for the appropriate development of units that incorporate both living and working space;
 2. Provide flexibility for the development of live/work units, particularly within existing buildings;
 3. Provide locations where appropriate new businesses can start up;
 4. Provide opportunities for people to live in mixed use commercial areas when it is compatible with existing uses;
 5. Protect existing and potential commercial uses and nearby residential uses from conflicts with one another; and
 6. Ensure the exterior design of live/work buildings is compatible with the exterior design of commercial and residential buildings in the area.
- B. **Location.** Live/Work Units are allowed as a permitted use in the VC, Village Commercial district.
- C. **Uses.** The commercial component of the live/work unit must be a use permitted by right or by special land use in the VC, Village Commercial district. If a special land use, the applicant must request approval from the Planning Commission and City Council, in accordance with Article 8.
- D. **Requirements.**
1. **Parking.** One (1) off-street parking space shall be required for each dwelling unit proposed, as part of the live/work development.
 2. **Zoning Compliance.** At least one (1) resident in each live/work unit shall maintain a valid zoning compliance permit for a business on the premises.

SECTION 3.26 BED AND BREAKFASTS

- A. **Requirements**
1. No person shall operate a bed and breakfast without first obtaining a Zoning Compliance Permit. Bed and breakfasts shall be exempt from site plan review by the Planning Commission and City Council.
 2. The owner-operator shall reside on the premises of the bed and breakfast establishment.
 3. Meal service or other services provided on the premises shall only be available to transient guests of the bed and breakfast.
- B. **Application Requirements**

1. All applications for a bed and breakfast permit shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of Section 22.04(B).
2. Each applicant shall certify to the City that the bed and breakfast included in the application is in compliance with the provisions of this Chapter. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.

C. Structural and Occupancy Requirements

1. Every guest bedroom shall contain not fewer than 70 square feet. Every guest bedroom occupied by more than one person shall contain not fewer than 50 square feet of floor area for each occupant thereof.
2. Every guest bedroom shall have access to a bathroom, including a toilet, sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.
3. One (1) private bathroom, exclusively for transient guests, shall be provided for every two (2) guest bedrooms.
4. Accessory dwellings in existence as of the effective date of this Section, and located on the same parcel as a bed and breakfast may be utilized for guest bedrooms, in accordance with this Section.
5. No separate cooking facilities shall be allowed in guest bedrooms.

D. Parking. At least one off-street parking space is required for the owner-operator. One parking space shall be required for each guest bedroom. The Zoning Administrator may permit existing, improved on-street parking spaces to be used for guest parking, for the purposes of this requirement. The Zoning Administrator may attach conditions to the permitted use of existing, improved on-street parking spaces as guest parking.

E. Signs. Only one (1) ground sign or only one (1) building sign shall be permitted per bed and breakfast. One (1) additional ground sign or one (1) additional building sign may be permitted if the bed and breakfast is located on a lot with more than one street frontage. Sign design and materials are to be compatible with the architecture of the building. Internal illumination is prohibited. The maximum height and area of ground signs shall comply with the zoning district requirements established in Section 7.03(2), Table A. The maximum area of building signs shall be one (1) square foot per one (1) linear foot of building frontage, not to exceed a maximum sign area of twelve (12) square feet in the R-1A, R-1B, R-3, and VR Districts, and the maximum sign area permitted in Section 7.04(2), Table B in the VC District and the CBD. Building signs shall comply with the requirements established in Sections 7.04(1)(D) and 7.04(1)(E).

SECTION 3.27 ACCESSORY SHORT-TERM RENTAL HOUSING

A. Permit Required.

1. No person shall operate an accessory short-term rental without first obtaining a Zoning Compliance Permit.
2. Applicants must be a Permanent Resident of the proposed short-term rental. Permanent residency of a dwelling unit shall be established by providing the documentation required in Section 3.27(B)(3)(ii).
3. All short-term rental permits expire December 31 of the current year, and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining a short-term rental shall be established by City Council resolution.
4. Accessory short-term rental permits are not transferable. If a property is sold or transferred and the new owner wishes to continue the accessory short-term rental of the dwelling unit or any portion thereof, a new permit must be obtained.

B. Application Requirements

1. All applications for a new accessory short-term rental permit or permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of Section 22.04(B).
2. Each applicant shall certify to the City that the accessory short-term rental included in the application is in compliance with the provisions of this Chapter. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.
3. The initial application for an accessory short-term rental permit shall contain the following:
 - i. The name, address, and contact information of the Permanent Resident. If the Permanent Resident is not the Property Owner, the application must also include the name, address, and contact information of the Property Owner, as well as the Property Owner's signature authorizing the use of the property as an accessory short-term rental.
 - ii. Information sufficient to show that the applicant is the Permanent Resident of the accessory short-term rental. Permanent residency shall be established by showing that the dwelling is listed as the applicant's residence on at least two (2) of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the unit as the applicant's primary residence for a standard homestead credit; or utility bill.

4. The permit holder shall notify the city of any changes to the approved application within 30 days of the date of the change, including change of mailing address, or contract information.

C. Structural and Occupancy Requirements

1. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, tent, or other temporary structure. Accessory dwellings in existence as of the effective date of this Section, and located on the same parcel as the Permanent Resident's principal dwelling, may be utilized for guest bedrooms, in accordance with this Section.
2. Every guest bedroom shall contain not fewer than 70 square feet. Every guest bedroom occupied by more than one person shall contain not fewer than 50 square feet of floor area for each occupant thereof.
3. Every guest bedroom shall have access to a bathroom, including a toilet, sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.
4. One (1) private bathroom, exclusively for transient guests, shall be provided for every two (2) guest bedrooms.
5. Kitchens and non-habitable spaces shall not be used as guest bedrooms.
6. No separate cooking facilities shall be allowed in guest bedrooms.

E. Parking. At least one off-street parking space is required for the Permanent Resident of the dwelling unit. One parking space shall be required for each guest bedroom. The Zoning Administrator may permit existing, improved on-street parking spaces to be used for guest parking, for the purposes of this requirement. The Zoning Administrator may attach conditions to the permitted use of existing, improved on-street parking spaces as guest parking.

F. Violations. An accessory short-term rental permit may be revoked subsequent to its issuance by the Zoning Administrator or their designee upon findings that the accessory short-term rental dwelling(s) fails to comply with this section and/or for violations of the city's general code, fire code, zoning ordinance, or other applicable laws and regulations.

G. Conflicts. In the event that the provisions of this article conflict with any other provision within the city's Code of Ordinances, the provision that is more restrictive shall apply.

SECTION 3.28 MEDICAL USE OF MARIJUANA

A. The acquisition, possession, cultivation, use, delivery or distribution of marijuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marijuana Act ("MMMA") of 2008 and applicable provisions of the City Zoning Ordinance.

1. A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this subsection, shall be permitted as a home occupation, as regulated by this subsection. The City makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
 - a. The MMMA does not create a general right for individuals to use, possess, or deliver marijuana in Michigan.
 - b. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - c. The MMMA's definition of "medical use" of marijuana includes the "transfer" of marijuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
 - d. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
 - e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marijuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
 - f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions or symptoms to obtain the benefits of the medical use of marijuana in a residential setting, without having to unnecessarily travel into commercial areas.
 - g. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
 - i. A registered primary caregiver is not assisting more than five qualifying patients with their medical use of marijuana, and
 - ii. A registered primary caregiver does not unlawfully expand its

operations beyond five qualifying patients, so as to become an illegal commercial operation, in the nature of a marijuana collective, cooperative or dispensary.

2. The following standards and requirements shall apply to the location at which the medical use of marijuana is conducted by a primary caregiver.
 - a. The medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
 - b. A registered primary caregiver shall not possess marijuana, or otherwise engage in the medical use of marijuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
 - c. Not more than two registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
 - d. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as that phrase is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
 - e. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marijuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
 - f. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
 - g. Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marijuana.
 - h. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
 - i. No one under the age of 18 years shall have access to medical marijuana.
 - j. No on-site consumption or smoking of marijuana shall be permitted

- within the dwelling (or on the property) of a primary caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- k. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
 - l. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
 - m. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
 - n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
 - o. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the zoning administrator or other authorized official.
 - p. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.
3. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Zoning Compliance Permit.
- a. A complete and accurate application shall be submitted on a form provided by the City and an application fee in an amount determined by resolution of the City shall be paid.
 - b. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this Ordinance, the MMMA and the

MMMA General Rules. A permit shall be granted if the application demonstrates compliance with this Ordinance, the MMMA and the MMMA General Rules.

- c. The use shall be maintained in compliance with the requirements of this Ordinance the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
 - d. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the City, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.
- 4. It is unlawful to establish or operate a for-profit or nonprofit marijuana dispensary, collective or cooperative within the City, even if such use is intended for the medical use of marijuana.
 - 5. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable state and City ordinance requirements must be met.
 - 6. The provisions of this subsection do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.

SECTION 3.29 MARIHUANA ESTABLISHMENTS PROHIBITED

- A.** Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the City, and may not be established or operated in any zoning district, by any means, including by way of a variance.
- B.** Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited in the City and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.
- C.** Nothing in this Section 3.30 shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

SECTION 3.30 OUTDOOR DISPLAY AREAS, TEMPORARY

A. Permit Required

1. No person shall operate a temporary outdoor display area without first obtaining a Zoning Compliance Permit.
2. All temporary outdoor display area permits shall expire on December 31st of the current year, unless another time frame is specified in the permit, or by the requirements of this Section, and shall be renewed annually, by administrative review.
3. The application and annual permit fee for operating a temporary outdoor display area shall be established by Resolution of City Council.

B. Application Requirements

1. All applications for a temporary outdoor display area permit or permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of Section 22.04(B).
2. All applications for a temporary outdoor display area permit or permit renewal shall include the following:
 - a. A location sketch that identifies the location and dimensions of the temporary outdoor display area, including the width of the sidewalk, as applicable, in relation to the business it will serve, the entrance to the business, adjacent properties (include addresses) and their building entrances, as well the location of existing landscaping, street trees, catch basins, fire hydrants, and other utilities.
 - b. Photographs, drawings or manufacturers brochures fully describing the appearance of all proposed merchandise display furnishings and fixtures for the temporary outdoor display area, including but not limited to shelving, tents, canopies, igloos, greenhouses, portable heaters, decorative lighting and other fixtures used during colder weather, shall be included with the application.
 - c. A signed Hold Harmless Agreement as provided by the City.
3. In addition to the documents listed above, permit applications for a temporary outdoor display area proposed in a public right-of-way or on other public property shall be accompanied by a Certificate of Liability Insurance, in an amount acceptable to the City, including workers compensation, and naming the City as an additionally insured.

C. General Regulations

1. For a temporary outdoor display area located on a sidewalk, a minimum of ten feet of sidewalk width must be provided, of which a minimum of five feet must be maintained free of any encumbrances, to allow for unobstructed pedestrian access along the sidewalk, as well as ingress/egress to the principal use for which the temporary outdoor display area is accessory.

2. A temporary outdoor display area shall be kept clean and free of litter at all times.
3. Extended awnings or canopies attached to the building within which the temporary outdoor display area permittees principal use is located may be allowed and shall be complementary with the architecture and color of said building.
4. All temporary outdoor display area furnishings and fixtures shall be of substantial weight so that at no time shall the temporary outdoor display area present an obstruction or risk to public safety, especially during inclement weather.
5. All temporary outdoor display area furnishings and fixtures shall be maintained in a state of good repair. Any temporary outdoor display area furnishings and fixtures having broken, peeling, or rusting features or are showing other signs of disrepair shall be promptly removed and replaced.
6. The City of Dexter reserves the right to deny, revoke or suspend a temporary outdoor display area permit, if the permittee has failed to correct violations of the temporary outdoor display area permit, within the time specified on the violation notice. If the City denies, revokes, or suspends the permit the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the temporary outdoor display area standards must be appealed before the Zoning Board of Appeals.

SECTION 3.31 OUTDOOR SERVICE AREAS

A. Permit Required

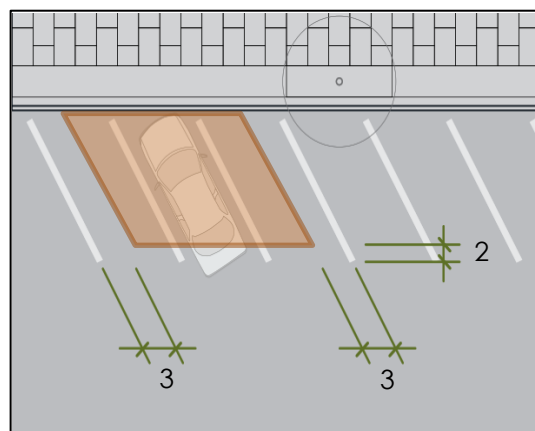
1. No person shall operate an outdoor service area without first obtaining a Zoning Compliance Permit.
2. All outdoor service area permits shall expire on December 31st of the current year, unless another time frame is specified in the permit, or by the requirements of this Section, and shall be renewed annually, by administrative review.
3. Permitted outdoor service areas may be operated all year; however, the use of public on-street parking spaces shall be limited to May 1st - November 1st.
4. The application and annual permit fee for operating an outdoor service area shall be established by Resolution of City Council.

B. Application Requirements

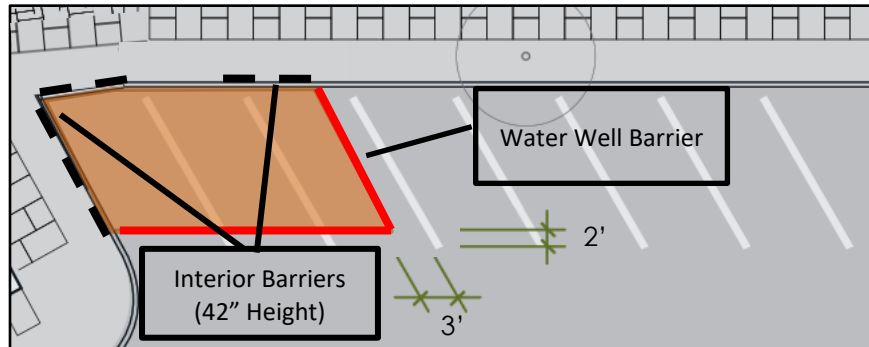
1. All applications for an outdoor service area permit or permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of Section 22.04(B).
2. All applications for an outdoor service area permit or permit renewal shall include the following:

- a. Sketch Plan: A sketch plan (top-view drawing of the outdoor service area) shall include:
 - i. The location of an outdoor service area in relation to the business it will serve, the entrance to the business, adjacent properties (include addresses) and their building entrances, as well the location of existing landscaping, street trees, catch basins, fire hydrants, and other utilities.
 - ii. The dimensions of the outdoor service area footprint, including dimensions and total square footage. Identify the number of parking spaces to be combined, if using parking spaces, and include setback dimensions.
 - iii. The location of the access ramps, platforms, and internal barriers such as planters, stanchions, or railing, if using parking spaces.
 - iv. Any hardware such as fasteners to be used in the construction of ramps and platforms.
 - v. The location and dimensions of all street furniture and furnishings, including, but not limited to tables, chairs, trash receptacles, benches, and sun shading.
 - vi. The location of outdoor lighting fixtures, as applicable, as well as the location of wiring and a description of how the wiring will be secured to prevent trip or electrical hazards.
 - vii. Photographs, drawings or manufacturers brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, or other furnishings/fixtures related to the outdoor service area, including but not limited to portable heaters, and other fixtures used during colder weather, shall be included with the application.
 - viii. A signed Hold Harmless Agreement as provided by the City.
3. Temporary shelters. Outdoor service area permittees may be allowed to erect temporary shelters, such as tents, igloos, bubbles, garden sheds, or similar type from November 1 through April 30, excepted as cited herein, with the submittal of a separate sketch plan that includes the following:
 - a. The location and dimensions of all temporary shelters within the permitted outdoor service area, and shall include a dimensioned interior seating layout, and the materials of which the shelters are fabricated.
 - b. The type, size and location of portable heating elements, fuel tanks and decorative lighting. Non-electric heating elements are prohibited inside any temporary shelters.

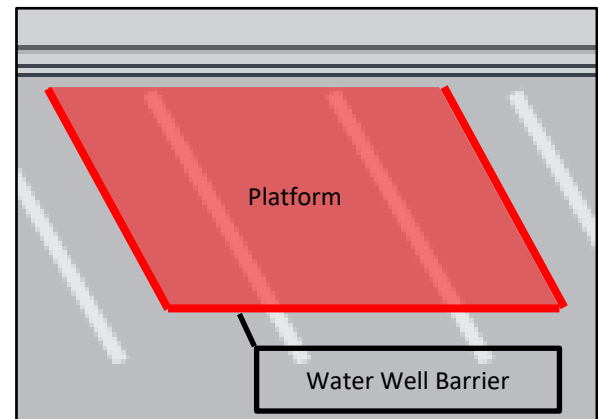
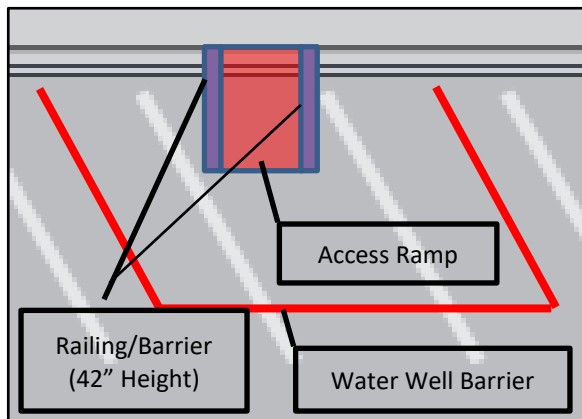
- c. Non-electric portable heating elements shall be a minimum of 10 feet from the temporary shelter for which it is used, and 10 feet from all other permanent or temporary structures.
 - d. The type and location of decorative lighting to be used.
 - e. The power source for portable heating elements and decorative lighting.
4. In addition to the documents listed above, permit applications for an outdoor service area proposed in a public right-of-way or on other public property shall be accompanied by a Certificate of Liability Insurance, in an amount acceptable to the City, including workers compensation, and naming the City as an additionally insured. An outdoor service area in which alcohol is served shall also provide a liquor liability policy or certificate of insurance naming the City as an additionally insured.
- C. General Regulations. On-street parking spaces, parking, lots, sidewalks, and similar, may be closed for their current uses and made available for use by a nearby business for outdoor dining and beverage service, subject to the following regulations:
- 1. Barriers. All permitted outdoor service areas located in public parking spaces shall be required to have water-well barricades, provided by an applicant, subject to the approval and inspected by the City, to protect outdoor service areas from motor vehicles.
 - 2. Pedestrian Access. Outdoor service areas located on a sidewalk shall have a minimum of ten feet of sidewalk width, of which a minimum of five feet must be maintained free of any encumbrances, to allow for unobstructed pedestrian access along the sidewalk, as well as ingress/egress to the principal use for which the outdoor service area is accessory.
 - 3. Use of on-street/parking lot spaces.
 - a. A minimum of 3 parking spaces are required for use of public on-street or parking lots spaces.



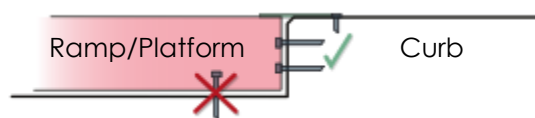
- b. For use of on-street parking or parking lot spaces by an outdoor service area shall be setback at least 2 feet from adjacent auto traffic lanes) and at least 3 feet parking spaces not used as an outdoor service area.



- 4. Accessibility. Ramps and platforms shall be Michigan Barrier Free Code compliant.

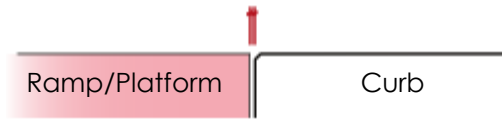


- 5. Bolting.
 - a. Bolting of ramps and platforms into the street or penetrating the surface of the road/parking space is prohibited. Ramps and platforms may be bolted to the existing curb. Curbs must be restored to the satisfaction of the Superintendent of Public Services, for the City of Dexter.



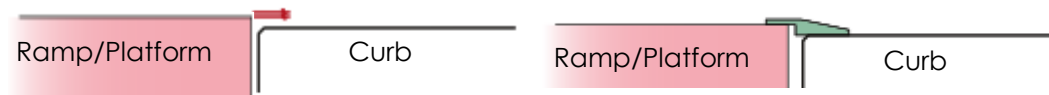
- b. Ramps and platforms shall have a maximum vertical gap of one quarter inch.

Vertical gap

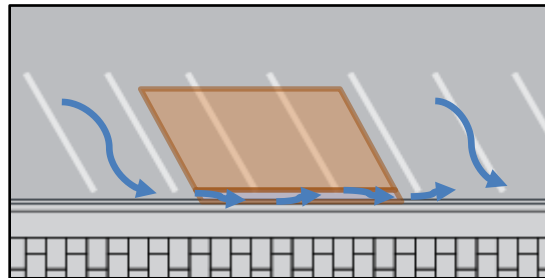


- c. Ramps and platforms shall have a maximum horizontal gap of one-half inch; however, a connector shall be provided for ramps and platforms having > 1/2" horizontal gap.

Horizontal gap



- 6. Ramps and platforms shall be designed and constructed to maintain unobstructed drainage flow along the gutter.
- 7. Cleanliness. Outdoor service areas and the areas immediately adjacent to shall be kept clean and free of litter at all times.



- 8. Alcohol Service.
 - a. Alcoholic beverages may be served in an outdoor service area, as licensed by the State, for consumption by customers of the licensee.
 - b. The City may restrict the hours of operation for an immediately adjacent to residential uses.
 - c. The outdoor service area shall be no more than 25 feet from the licensed premises.
 - d. The maximum size of an outdoor seating area shall not exceed 20,000 sq. ft.
 - e. The outdoor service area shall not be separated from the license premises by a public street, road or alley.

- f. The outdoor service area shall not be located on a balcony or rooftop.
 - g. The outdoor service area shall include a removable enclosure, such as, but not limited to planters, posts with ropes, or other decorative equipment to define and secure the outdoor service area for consumption.
9. Street furniture and furnishings.
- a. Extended awnings or canopies attached to the building within which the outdoor service area permittees principal use is located may be allowed and shall be complementary with the architecture and color of said building.
 - b. Sun shading in public spaces shall be limited to umbrellas; sun shading in private spaces may include umbrellas, shelters, and tents. All sun shading shall be constructed of fire-retardant materials.
 - c. Tables, chairs, umbrellas, planters, trash receptacles, and other elements of street furniture/fixtures shall be of high-quality materials that are consistent with the character of the district in which the outdoor service area is located.
 - d. Decorative outdoor lighting may be permitted, provided such lighting shall be limited to the hours of operation of the outdoor seating area and shall not create glare that negatively impacts public safety or adjacent properties and shall be secured in a manner to prevent trip or electrical hazards.
 - e. All outdoor service area street furniture/fixtures shall be of substantial weight so that at no time shall the outdoor service area furniture present an obstruction or risk to public safety, especially during inclement weather. All umbrellas shall be closed or removed each evening.
 - f. All outdoor service area furniture/fixtures shall be maintained in a state of good repair. Any outdoor service area furniture/fixtures having broken, peeling, or rusting features or are showing other signs of disrepair shall be promptly removed and replaced.
10. Violations. The City of Dexter reserves the right to deny, revoke or suspend an outdoor service area permit, if the permittee has failed to correct violations of the permit, within the time specified on the violation notice. If the City denies, revokes, or suspends the permit the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the outdoor service area standards must be appealed before the Zoning Board of Appeals.

SECTION 3.32 ACCESSORY DWELLING UNITS

A. General Provisions

1. **Purpose and Intent.** It is the policy of the City of Dexter to promote and encourage the creation of legal accessory dwelling units (ADUs) in a manner that:
 - a. Supports the city's housing affordability goals;
 - b. Supports the efficient use of existing housing stock and public infrastructure;
 - c. Provides housing that responds to changing family need, smaller households, and increasing housing costs;
 - d. Meets the housing needs of residents;
 - e. Provides accessible housing for seniors and person with disabilities; and
 - f. Enhances residential neighborhoods.

B. Eligibility, Permits, and Application

1. Eligibility.

- a. Notwithstanding the regulations in Section 21.03.B, one accessory dwelling unit shall be permitted on a parcel that has one single-family dwelling as the principal permitted use, in any zoning district that permit a single-family dwelling on an individual lot as a principal permitted use, subject to administrative review and approval of the Zoning Administrator.
- b. Accessory dwelling units are not subject to restrictions in Section 3.02 B and C.
- c. The property owner shall occupy either the accessory dwelling unit or the single-family dwelling for which the ADU is accessory, except for temporary absences not to exceed a combined total of six (6) months in a calendar year.
- d. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a detached ADU, while simultaneously constructing a new primary dwelling on the site.

2. Permit.

- a. No person shall create an accessory dwelling unit without first obtaining a Zoning Compliance Permit.

3. Application Requirements

- a. All applications for a zoning compliance permit for an accessory dwelling unit shall be filed with the City of Dexter Zoning Administrator, on forms provided by the Zoning Administrator, subject to the requirements of Section 22.04(B).
- b. Each applicant shall certify to the City that the proposed accessory dwelling unit included in the application is in compliance with the regulations in this ordinance. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.
- c. Within 10 business days of receiving a complete application, the Zoning Administrator shall notify by mail notices all property owners within 300 feet of the property proposed for an accessory dwelling unit. The notice shall:
 - i. Describe the nature of request.
 - ii. Identify the property that is the subject of the request, including by address or parcel identification number.
 - iii. Indicate when and where written comments may be submitted concerning the request.

C. Development Regulations

1. Conversion of an existing accessory structure.

- a. An accessory dwelling unit may be permitted in a legally non-conforming accessory structure that was constructed before June 30, 2021.
 - i. If the existing accessory building is more than 200 square feet in gross floor area, it may be replaced or modified for use as an accessory dwelling unit, provide the new or modified accessory building conforms to the standards and regulation of this ordinance.
- b. An illegal non-conforming accessory structure that was constructed before June 30, 2021, which is over 200 square feet in gross floor area shall be replaced or modified prior to use as an accessory dwelling unit, provided the new or modified accessory structure conforms to this ordinance.

- 2. Short-term rental.** Short-term rental of an accessory dwelling unit shall be prohibited.

3. Deed Restriction. A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Washtenaw County Register of Deeds prior to occupancy, and it shall incorporate the following restrictions:

- a. The accessory dwelling unit may not be sold separately from the principal dwelling unit to which it is an accessory.
- b. The owner occupancy requirement of sub-section B.1.c, herein.

4. Minimum Lot Area

- a. The minimum lot area required for an ADU shall be 5,000 sq. ft.
- b. Notwithstanding the provisions of Section 3.02.B and C, the maximum gross floor area (gfa) of an ADU shall be as follows:

Lot Area	ADU Max. (gfa)
5,000 sq. ft. to <7,800 sq. ft.	600 sq. ft.
7,800 sq. ft. to <12,000 sq. ft.	700 sq. ft.
≥ 12,000 sq. ft.	800 sq. ft.

5. Setbacks

- a. Attached ADU. An ADU that is structurally attached to the single-family dwelling unit, including by a breezeway, shall be subject to the same setback requirements as the principal single-family structure.
- b. Detached ADU.
 - i. A detached ADU shall be at least 10-feet from the single-family dwelling and other accessory structures; however, the setback may be reduced to 5 feet, if the ADU is constructed with fire rated walls, in accordance with building code requirements.
 - ii. A detached ADU shall be at least 5 feet from any side or rear lot line, at least 50 feet from any shoreline and at least 10 feet from the boundary of a regulated wetland.

- 6. Lot coverage.** Notwithstanding the maximum lot coverage regulations in Section 20.01 for residentially zoned lots in the R-1A, R-1B, and VR District, the maximum lot coverage for a detached ADU shall be as follows:

Zoning District	Max. Lot Coverage Detached ADU	Max. Lot Coverage All Structures on the Lot
R-1A	8%	33%
R-1B and VR	10%	40%

7. Height

- a. Attached ADU. An ADU that is structurally attached to the single-family dwelling, including by a breezeway, shall be subject to the same height requirements, as the principal single-family structure to which it is attached. At no time shall the attached ADU exceed the height of the single-family dwelling to which it is attached.
- b. Detached ADU. At no time shall the detached ADU exceed the height of the single-family dwelling to which it is an accessory or 30 feet, whichever is less

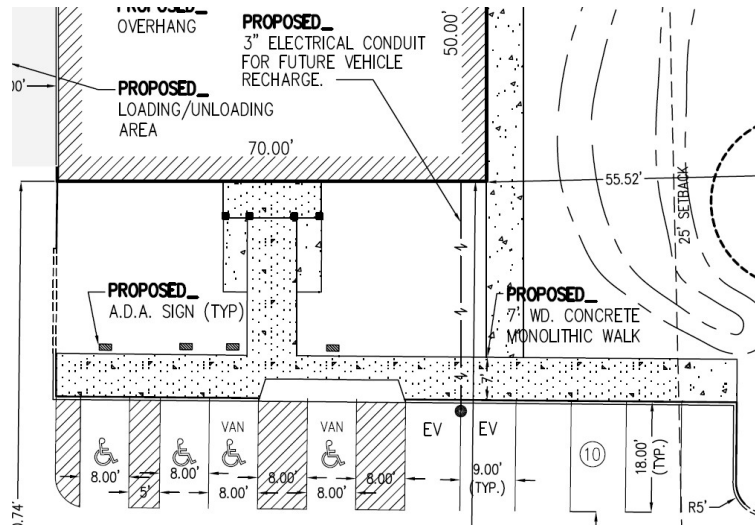
- 8. Public Utilities.** All ADUs must be served by municipal water and municipal sanitary sewer through connection with existing service for the principal building or, if that is determined infeasible by the Superintendent of Public Services, a separate service connection.

9. Design

- a. ADUs shall be designed to enhance the residential neighborhood in which it is located.
- b. ADUs shall comply with the single-family design standards in Section 3.04 of the Ordinance.
- c. The orientation of the proposed ADU shall, to the extent practical, maintain the privacy of residents in adjoining dwellings, as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.

SECTION 3.33 PLUG-IN ELECTRIC VEHICLE STATIONS

1. **Purpose and Intent** - The intent of these regulations is to remove barriers to the use of electric vehicles and establish a safe, convenient, cost-effective electric vehicle infrastructure to support the use of electric vehicles.
2. **Permitted Locations**
 - a. Level-1 and Level-2 electric vehicle charging stations shall be permitted in every zoning district, when accessory to the principal permitted use. Such stations located at one-family, two-family, multiple-family, and mobile home park dwellings shall be designed as private restricted use only. Installation shall be subject to a zoning compliance permit, reviewed and approved by the Zoning Administrator, in accordance with Section 22.04(B).
 - b. Level-3 electric vehicle charging stations are permitted in the CBD, VC, VR, C-1, I-1 and R&D zoning districts, when accessory to the principal permitted use. Installation shall be subject to a zoning compliance permit, reviewed and approved by the Zoning Administrator, in accordance with Section 22.04(B).
3. **Readiness Requirement**
 - a. Residential - In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, all new one- and two-family dwellings, and multiple family dwellings and mobile home developments that have garages or carports are required to be constructed with a 220-240-volt/40amp outlet on a dedicated circuit, in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
 - b. Non-Residential
 - i. In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ration of 2% of the total parking spaces be prepared for such stations.
 - ii. If a property owner decides not to install the battery charging stations at the time of initial construction, this approach allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. The intent of this subsection is to encourage sites to be “roughed-in” with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation (graphic on next page).



Example Site Plan - "Rough-In" of Electric Vehicle Charging Stations

c. General Requirements for Multi-family and Non-residential Development

i. Parking

- 1) For Multiple-family Development, an electric vehicle charging station space shall be included in the calculation for minimum required parking spaces required in accordance with Article 5.
- 2) For Non-Residential Development, an electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with Article 5.
- 3) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

ii. Accessible Spaces

- 1) Multiple-family Development - It is required that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.
- 2) Non-residential Development - It is strongly encouraged, but not required that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

iii. Lighting.

- 1) Site lighting shall be provided where an electric vehicle charging stations is installed, unless charging is for daytime purposes only.

iv. Equipment Standards and Protection

- 1) Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impeded pedestrian travel or create trip hazards on sidewalks.
- 2) Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.

v. Usage Fees

- 1) The property owner of a non-residential development is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

vi. Signage

- 1) Information shall be posted identifying voltage and amperage levels and any time of use, fee, or safety information related to the electric vehicle charging station.
- 2) Each electric vehicle charging station in non-residential developments shall be posed with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant to Chapter 54, Article IV of the General Code of Ordinances for the City of Dexter.

vii. Maintenance

- 1) Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

Article IV

NON-CONFORMITIES

Section 4.01 INTENT

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such legal non-conforming lots, structures, or uses to continue until they are removed, but not to encourage their survival or where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved.

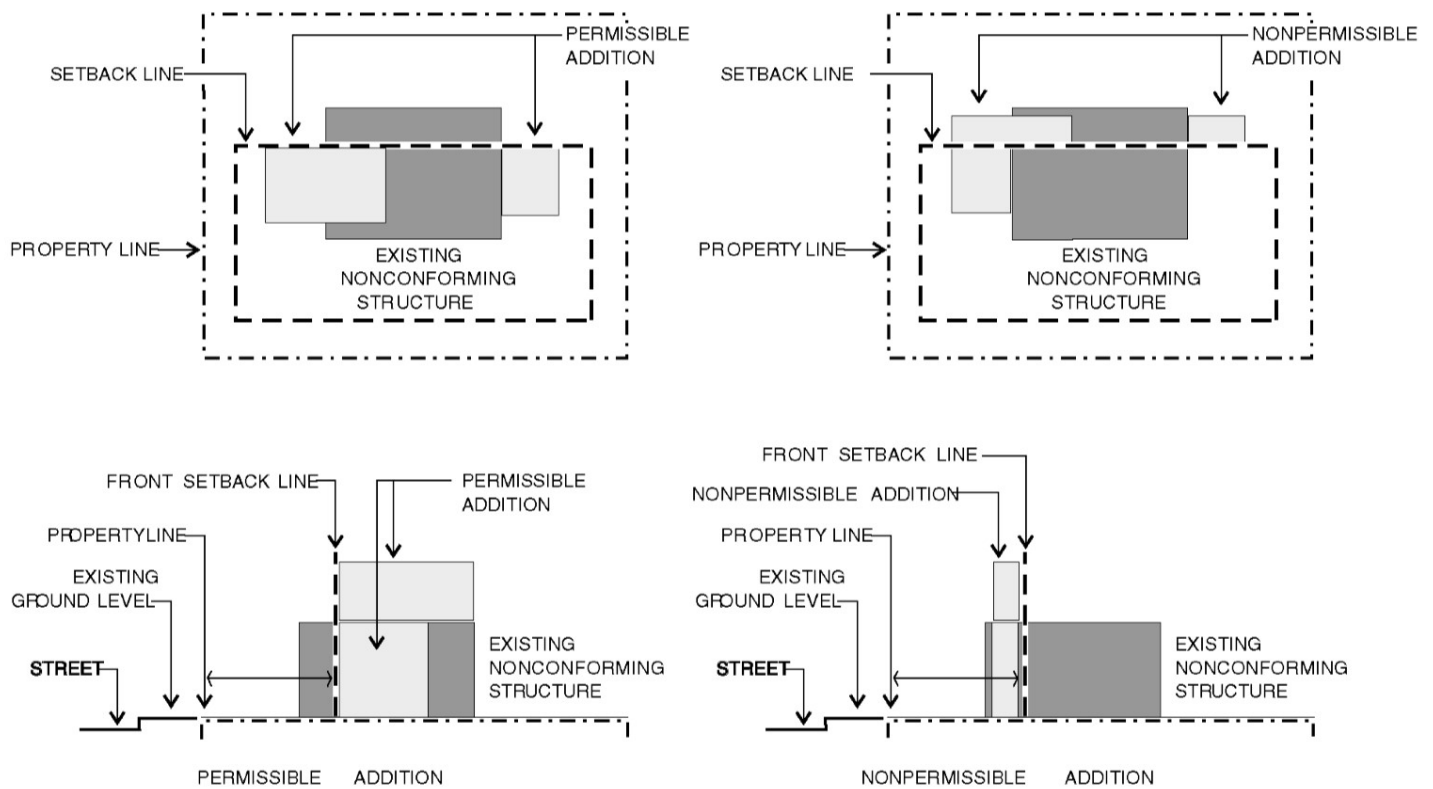
Section 4.02 DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meaning assigned to them:

- A. **Effective Date:** Whenever this Article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a non-conforming situation.
- B. **Non-conforming Building:** A building or portion thereof which was lawfully in existence at the effective date of this Ordinance, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.
- C. **Non-conforming Lot:** A lot which was lawfully in existence at the effective date of this Ordinance, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.

- D. **Non-Conforming Use:** A use which was lawfully in existence at the effective date of this Ordinance, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
- E. **Structural Non-Conformity:** A non-conformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and existing buildings or lot lines does not conform to the standards of the in which the property is located, also sometimes referred to as a dimensional non-conformity.

Figure 4.02 Permissible and Non-Permissible Additions to an Existing Non-Conforming Structure



Section 4.03 NON-CONFORMING LOTS OF RECORD

Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance requests from district yard requirements may be applied for through the City of Dexter Zoning Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. 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 Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

Upon application, the Zoning Administrator may permit the combination, in whole or in part, of non-conforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of non-conformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

Section 4.04 NON-CONFORMING USES OF LAND

The lawful use of any land existing on the effective date of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance or amendments subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date.
- C. If such non-conforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with Article XXI.

Section 4.05 NON-CONFORMING BUILDINGS AND STRUCTURES

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

- A. **Restriction on Creating Non-conformities:** No such building or structure may be enlarged or altered in a way which increases its non-conformity.
- B. **Restriction on Movement:** Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- C. **Restrictions on Alteration or Modification:** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.
- D. **Restrictions on Replacements:** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance.

Any non-conforming building which has been damaged substantially or destroyed may be repaired, rebuilt or replaced within 18 months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing non-conforming structure.

Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire or act of God is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

- E. A non-conforming structure, except a single-family dwelling and its accessory structures, which are damaged by any means to an extent of more than 50% of its assessed value as determined by the City Assessor, shall not be reconstructed except in conformity with the regulations of the district in which it is located. Any non-conforming structure, except single-family dwellings and their accessory structures, that are damaged to an extent of 50% or less of its replacement cost may be replaced in their location existing prior to such damage, provided replacement is commenced within 18 months of date of damage and is diligently pursued to completion. Failure to commence replacement within 18 months shall result in the loss of legal non-conforming status.

Non-conforming structures may be replaced or expanded in accordance with the following requirements:

- 1. A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards:
 - a. The dwelling is a permitted use in the district in which it is located; and

- b. Any expansion shall meet yard, lot coverage, floor area ratio, and impervious surface regulations of the zoning district in which it is located.
2. All other non-conforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in Section 24.05 F.

Section 4.06 NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Prohibition or Enlargement of a Building Housing Non-conforming Use:** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. **Extension Throughout Building:** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Changing Use:** If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Administrator either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Administrator may require conditions and safeguards in accord with the purpose and intent of this Ordinance and/or may request review and determination by the Planning Commission. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. **Prohibition of Re-establishment if Replaced by Conforming Use:** A non-conforming use of any structure which is replaced by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. **Discontinuance or Termination of Non-conforming Use of Structure:** When a non-conforming use is discontinued or ceases to exist for six consecutive months the non-conforming structure or use of land shall not thereafter be used except in

conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempt from this provision.

- F. **Repairs to Non-Conforming Use:** On any building devoted in whole, or in part, to any non-conforming use, work may be done in any period of 18 consecutive months on ordinary repairs, improvements, modernization, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to correct deterioration, obsolescence, depreciation, and wear. Such repairs, improvements, replacement, or modernization activities shall be permitted providing the total area (in square feet) of the building as it existed at the effective date of this Ordinance shall not be increased. Repairs begun within the required 18 consecutive months but not completed upon the expiration of the permitted time period may be completed provided the repairs have been issued and approved and valid building permit and the work has continued without interruption to eventual completion.
- G. **Safety Repair.** Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part, thereof declared unsafe by an official charged with protecting public safety, upon order of such official.
- H. **Destruction of Non-Conforming Structure.** If a structure devoted in whole or in part to a non-conforming use is destroyed by any means to an extent of more than 50% of its assessed value as determined by the City Assessor at the time of destruction, it shall not be reconstructed and shall not be devoted to any use except in conformity with the regulations of the district in which it is located.

Section 4.07 NON-CONFORMING SITES

- A. **Intent:** The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Ordinance were established or amended. This section is intended to:
 - 1. Allow for reasonable re-use, maintenance, and improvements to these sites that will gradually improve compliance with these requirements.
 - 2. Permit a proportionate amount of improvements to non-conforming sites relative to the amount of expansion or improvement proposed to the use or building.
 - 3. Allow the needed flexibility in the regulations to encourage gradual site improvements and increased compliance with the intent of the Zoning Ordinance Requirements.
- B. **Required Reviews.** This Section provides for the conditions under which re-occupancy, improvement, and modification to non-conforming sites may occur. It does not replace other reviews and requirements contained elsewhere in this Ordinance. Where improvements and modifications are proposed to non-

conforming sites, they shall be subject to Site Plan Review in accordance with Article XXI.

- C. **Standards for Review.** Applications to improve or modify non-conforming sites shall be reviewed in accordance with Article XXI for new development, redevelopment, or change of use as listed in Section 21.02. Such activity may only be permitted if the following standards are met:

1. **General Standards.**

- a. Expansions to non-conforming structures or buildings comply with Section 4.05.
- b. Changes to non-conforming uses comply with Section 4.06.
- c. The applicant is proposing reasonable site improvement to the overall site in relation to the scale and construction cost of any proposed building improvements or expansion.
- d. The applicant has addressed safety related site issues on the overall site.
- e. The improvements or minor expansion will not increase non-compliance with other site requirements.

2. **Driveways.** Driveways that do not conform to the City of Dexter design standards shall be removed or redesigned to the greatest extent possible.

3. **Sidewalks.** Whenever modifications are proposed, or any expansion of the building, parking lot or site, the sidewalks shall be installed along the site frontage, as required by the City of Dexter design standards.

4. **Parking.** Existing parking areas must be in good condition, as determined by the Zoning Administrator, and any improvements necessary to provide a safe durable surface have been proposed. For projects involving new development, redevelopment, or change of use, parking areas that are non-conforming in terms of required number of spaces, landscaping, setbacks, lighting or other requirement of this Ordinance, shall be brought into full compliance with this Ordinance if any of the following occur:

- a. The non-conforming parking area is expanded or altered by an area that is 50% or more of the original area.
- b. Twenty-five percent (25%) or more of the surface area of the parking lot is reconstructed (existing pavement removed and replaced).
- c. Where full compliance is not possible due to existing site conditions, a variance may be requested.

- d. Whenever re-occupancy is proposed, or the parking area is not proposed to be expanded or reconstructed beyond the percentages noted in a. and b. above, then any necessary repairs shall be made to the existing parking lot pavement as determined by the Zoning Administrator.
- 5. **Screening.** Whenever modifications are proposed, or any expansion to the building or site proposed, then required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.
 - a. Where existing screening walls are in disrepair, they shall be improved to a sturdy and attractive condition.
 - b. All outdoor storage areas shall be screened from adjacent residential uses as required in Section 6.05 and all waste receptacles shall be screened as required in Section 6.10.
- 6. **Landscaping.** For projects involving new development, redevelopment, or a change of use on sites that are non-conforming by reason of landscaping required by this Ordinance, either by required area, materials, or other requirement of this Ordinance, the site shall be brought into compliance under the following conditions:
 - a. Whenever the size of the non-conforming site (building, parking, and outdoor storage) is redeveloped or expanded by an area that is 50% or more of the original non-conforming area, all landscaping on the site shall be brought into compliance.
 - b. Whenever 25% or more the surface area of the landscaped area is redeveloped or reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscape area shall be brought into compliance with this Ordinance.

Section 4.08 GENERAL REQUIREMENTS

- A. **Structure and Land in Combination.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- B. **Illegal Non-conforming Uses:** Those alleged non-conforming uses which cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

Section 4.09 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

Section 4.10 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures and land in combination provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

Section 4.11 ACQUISITION OF NON-CONFORMING USES

The City Council may acquire private property, or an interest in private property, to remove a non-conformity, as provided in Act 207, PA of 1921, as amended.

Article V

PARKING AND LOADING

Section 5.01 OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts, except in the CBD, Central Business District, at the time of erection or enlargement of any building or structure, or a change to a more intensive use, an off-street parking area with adequate access to all parking spaces. Parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed or as further provided in Section 22.06 (effective 2018-02-07):

- A. Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard unless permitted by the Planning Commission.
- B. Off-street parking shall be convenient and pedestrian accessible, either on the same lot or within three hundred (300) 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 of all lots or parcels intended for use as parking by the Applicant.
- C. 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 subject to the provisions for accessory uses, buildings and structures (Section 3.02 Accessory Structures).
- D. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- E. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two (2) or more buildings or uses may collectively provide the required off-street parking; in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced if a signed agreement is provided by the

property owners, and the Planning Commission determines that the peak usage will occur at significantly different periods of the day and/or there is potential for a customer to visit two (2) or more uses.

- G. Flexibility in Application. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 5.03 may result in development with inadequate parking or parking far in excess of which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.

The Planning Commission may permit deviations from the requirements of Section 5.03 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 5.03 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area, is set-aside for future parking, if needed.

- H. Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- I. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- J. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers similar in type.

For uses not specifically listed in Section 5.03, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission.

- K. Parking lot landscaping see Section 6.04 and 6.08.
- L. During construction, off-street parking shall be provided on site for all construction vehicles and employees.

- M. Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be partially screened by landscape screen walls, berms, retainer walls, or a combination thereof, along the sides and front end facing any public streets or internal street or drive.

Section 5.02 PARKING UNITS OF MEASUREMENT

A. Floor Area/Gross Floor Area:

1. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.
2. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
3. When units of measurements determining the number of required parking or loading spaces results in a fractional space, any fraction shall be counted as one (1) additional space.
4. See Section 2.02 for Gross Floor Area Definitions.

Section 5.03 PARKING SPACE NUMERICAL REQUIREMENTS

- A. The number of off-street parking spaces by type of use shall be determined in accordance with the following schedule, except within the CBD, Central Business District. The number of required parking spaces set forth in the following table is also the maximum number of parking spaces permitted for each use listed, unless an applicant can demonstrate to the Planning Commission a need for additional parking (effective 2018-02-07).

<u>USE</u>	<u>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</u> <i>(effective 2018-02-07)</i>
Residential	
1. Single and two-family dwellings	2.0 spaces per dwelling unit
2. Multiple-family dwellings	2.0 spaces per dwelling unit 0.5 guest space per every 3 dwelling units
3. Senior independent units	1.0 spaces per unit

<u>USE</u>	<u>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</u> <i>(effective 2018-02-07)</i>
4. Senior "interim care" and "intermediate care" units retirement City's, etc.	1.0 spaces per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift
5. Convalescent homes, nursing home units, sanitariums, rest homes, etc.	1.0 space per each three beds or two rooms, whichever is less, up to 120 beds; plus 3.0 spaces per each additional eight beds over 120 beds
6. Manufactured homes in a mobile home park	2.0 spaces per each manufactured/mobile home unit or site
Institutional	
1. Churches, places of worship	1.0 spaces per each three seats or six feet of pews
2. Hospitals, including emergency rooms but excluding areas devoted to outpatient care	2.5 spaces per each licensed bed; or 1.0 space per each two licensed beds, plus 1.0 space per each staff doctor and employee during peak shifts, whichever is greater (requirements for outpatient care listed separately)
3. Primary schools (elementary and junior high schools)	1.0 space per each instructor, employee and administrator, plus spaces required for any assembly hall, auditorium and/or outdoor arena
4. Secondary (high) schools, commercial schools, colleges required for any assembly hall, auditorium, or outdoor arena	1.0 per each instructor, plus 1.0 per each employee and administrator, plus 5.0 spaces per each classroom, plus parking
5. Dance and union halls, fraternal orders, civic clubs, banquet rooms, and similar uses or facilities	1.0 space per every two persons of capacity authorized by the County Building Code
6. Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is less
7. Auditoriums, assembly halls and outdoor arenas	1.0 space per each three seats or six feet of bleachers
8. Theaters and Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees

<u>USE</u>	<u>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</u> <i>(effective 2018-02-07)</i>
9. Child care centers	2.0 spaces plus 1.0 additional space per each eight children of licensed authorized capacity
10. Public Libraries	Three (3) spaces per 1,000 square feet of gross floor area
11. Public Recreation Centers	5.0 spaces per 1,000 square feet of gross floor area
Business and Commercial	
1. Planned Commercial or Shopping Center or enclosed malls	Three (3) spaces per 1,000 square feet of gross floor area
2. Automobile Wash (Automatic)	Two (2) spaces, plus 1.0 space per each employee on peak shift. See Section 5.04 for required stacking spaces.
3. Auto Wash (Self-Service or Coin Operated)	Two (2) spaces for each washing stall in addition to the stall itself. See Section 5.04 for required stacking spaces.
4. Barber Shop/Beauty Salon	2.5 spaces per each barber or beautician's chair/station
5. Bowling Centers	5.0 spaces per lane plus 25% of the required parking for any lounge
6. Ice/Roller Skating Rink	6.0 spaces per 1,000 sq. ft.
7. Restaurant - sit down type with liquor license.	12.0 spaces per 1,000 sq. ft. of gross floor area
8. Bar/lounges/night club with liquor license and dancing	12.0 spaces per 1,000 sq. ft. of gross floor area
9. Restaurant - take out with less than six tables and/or booths	5.0 spaces plus 1.0 space for each employee on peak shift
10. Restaurant - standard (a family-type restaurant without a bar or lounge area)	12.0 spaces per 1,000 sq. ft. of gross floor area or 0.5 space per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms.
11. Restaurant - fast food with drive-through window	12.0 spaces per 1,000 sq. ft. of gross floor area, plus 1.0 space for each employee on peak shift

<u>USE</u>	<u>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</u> <i>(effective 2018-02-07)</i>
12. Showroom of a plumber, decorator or similar trade	1.0 space per 1,000 sq. ft. of gross floor area
13. Appliance Store	3.0 spaces per 1,000 sq. ft. of gross floor area
14. Convenience Store, with or without gasoline service	4.0 spaces per 1,000 sq. ft. of gross floor area, plus spaces required for an auto service station activities or gasoline sales. See Section 5.04 for required stacking spaces.
15. Equipment Repair	1.0 space per 1,000 sq. ft. of gross floor area
16. Laundromat	1.0 space per each two washing machines
17. Funeral Homes	1.0 space per 50 sq. ft. of gross floor area for service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on the premises
18. Motel/Hotel with Lounge, Restaurant, Conference or Banquet Rooms or Exhibit	1.0 space per guest room plus 7.0 spaces per 1,000 sq. ft. of gross floor area lounge, restaurant, conference or banquet rooms or exhibit space
19. Motel with Restaurant/Lounge	1.0 space per guest room, plus 10.0 spaces per 1,000 sq. ft. of gross floor area for restaurant/lounge space
20. Motel without Restaurant/Lounge; Bed and Breakfast Inn	1.0 spaces per guest room, plus 2.0 spaces for employees
21. Automobile Sales	5.0 spaces per 1,000 sq. ft. of gross floor area, plus 2.0 spaces per each auto service bay. The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose.
22. Auto Service Station and Auto Care Centers without Convenience Goods	2.0 spaces per each service bay, plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 2.0 spaces for each 1,000 square feet of gross floor area devoted to sales of automotive goods

<u>USE</u>	<u>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</u> <i>(effective 2018-02-07)</i>
23. Other general retail uses not specified	3.0 spaces per 1,000 sq. ft. of gross floor area. See Section 5.04 for required stacking spaces.
24. Health Fitness Centers without Swimming Pool	4.0 spaces per 1,000 sq. ft. of gross floor area
25. Swimming Pool	1.0 space per each three (3) persons of capacity authorized by the County Building Code
26. Racquetball/Tennis Centers	1.0 space per 1,000 sq. ft. of gross floor area or 6.0 spaces per court, whichever is greater
Offices	
1. Branch Bank, Credit Union or Savings and Loans	5.0 spaces per 1,000 sq. ft. of gross floor area plus 2.0 spaces per each 24-hour teller. See Section 5.04 for required stacking spaces.
2. General Office Building	3.0 spaces per 1,000 sq. ft. of gross floor area
3. Medical/Dental Clinic/Office	4.0 spaces per 1,000 sq. ft. of gross floor area
4. Business and Professional Offices	3 spaces per 1000 sq. ft. of gross floor area for second and upper story office uses.
Industrial	
1. Light Industrial, Manufacturing, testing Labs, Research and Development Centers	1.5 spaces per 1,000 sq. ft. of gross floor area, or 1.2 spaces per employee at peak shift, whichever is less; plus 1.0 space for each corporate vehicle.
2. Warehousing	1.5 space per each 1,000sq. ft. of gross floor area, or 1.0 space per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle (separate standard provided for mini-storage)

<u>USE</u>	<u>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</u> <i>(effective 2018-02-07)</i>
Bicycle Parking	
1. Commercial, retail, and office buildings	1.0 bicycle hoop per twenty (20) parking spaces.

B. OFF-STREET PARKING IN THE VILLAGE COMMERCIAL (VC) DISTRICT

1. Payment in Lieu of Parking: It is the policy of the City of Dexter that off-street parking shall be provided in the Village Commercial (VC) District, pursuant Section 5.03A, to the extent possible. The City recognizes that excessive parking diminishes development and redevelopment opportunities in the District, thereby reducing business activity and commercial viability of new businesses within the District. The City further recognizes that due to the existence of small lots and existing development patterns in the District, new development/redevelopment may not be able to meet the required parking standards in Section 5.03. Therefore, the Planning Commission may waive all or part of the off-street parking required in Section 5.03, subject to the applicant’s election to contribute a one-time fee, to the City’s Public Parking Fund, in an amount established by resolution of City Council, in lieu of the number of spaces waived (effective (2018-02-07)).
2. Mid-Block Curb Cuts and Shared Driveways: No new mid-block curb cuts are permitted. Shared driveways are strongly encouraged, subject to the provisions in Section 5.09. Access changes are permitted where drives can be consolidated, or repositioned for sharing or improved safety, or when more on-street parking can be provided, subject to the provisions in Section 5.09 (effective 2018-02-07).

Section 5.04 STACKING SPACE REQUIREMENTS

A. Separate, outdoor, stacking spaces which will not conflict with traffic accessing the use, and each twenty-five (25) feet in length, shall be provided for the following uses:

- | | | | |
|-----|-------------------------------------|---|--------------------------|
| (1) | Automobile repair station | = | 1 space per bay |
| (2) | Automobile service station | = | 2 spaces per pump island |
| (3) | Convenience store drive through | = | 2 spaces |
| (4) | Drive-through financial institution | = | 4 spaces per window |
| (5) | Drive-through food service | = | 10 spaces |
| (6) | Dry cleaning drop-off station | = | 2 spaces |

(7)	Fully automatic car wash	=	10 spaces per bay
(8)	Self-serve car wash	=	2 spaces per bay
(9)	Semi-automatic car wash	=	10 spaces per bay

B. Stacking spaces which block access to parking spaces shall not be included in calculating the required number of spaces.

Section 5.05 BARRIER FREE PARKING REQUIREMENTS

Handicapped parking space(s) shall be located for convenient access to elevators, ramps, walkways, and entrances so that the physically handicapped are not compelled to wheel or walk behind parked cars to reach them. Access from the parking lot to the principal use and all accessory uses shall be by means of ramping consisting of asphalt and/or concrete material constructed to the engineering specifications and standards of the City.

On each site proposed for use, additions, and/or redevelopment, for which the Zoning Ordinance requires submission of a site plan, designated handicapped parking spaces shall be provided in accordance with the following table. The number of barrier free spaces may be increased if needed to comply with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division, or the Americans with Disabilities Act or for which the Planning Commission determines may have a higher demand for such spaces. Such space(s) shall be a minimum of twelve (12) feet wide and twenty (20) feet in depth, clearly depicted upon the site plan, and clearly indicated by a sign and/or pavement markings. A fifteen (15) foot wide space for vans may also be required.

Total Spaces	# Required	Total Spaces	# Required
1-25	1	151-200	6
26-50	2	201-300	12
51-75	3	301-400	12
76-100	4	Over 400	12, plus 2 for every 250 or
101-150	5		fraction thereof over 400

Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

Section 5.06 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements above require the building of an off-street parking facility are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed until a permit is issued by the Zoning Administrator. Applications for a permit shall be submitted in a form specified by the Zoning Administrator. Applications shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>
0° (Parallel parking)	11'	8 ft.	23 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.
54° to 74°	15'	8 ft. 6 in.	20 ft.
75° to 90°	22'	9 ft.	18 ft.

Note: where a parking space is curbed, the vehicle overhang of the curb may be credited as two feet if abutting landscaping or abutting a sidewalk at least seven (7) feet wide.

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- D. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots shall have a concrete or asphalt surface in accordance with specifications of the City of Dexter. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued.
- E. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any One Family Residential District.
- F. See Article VI for required parking lot screening and internal landscaping.
- G. Off-street parking areas shall be drained to prevent surface flow into adjacent property or toward buildings.

Figure 5.1
Parking (75° - 90°)

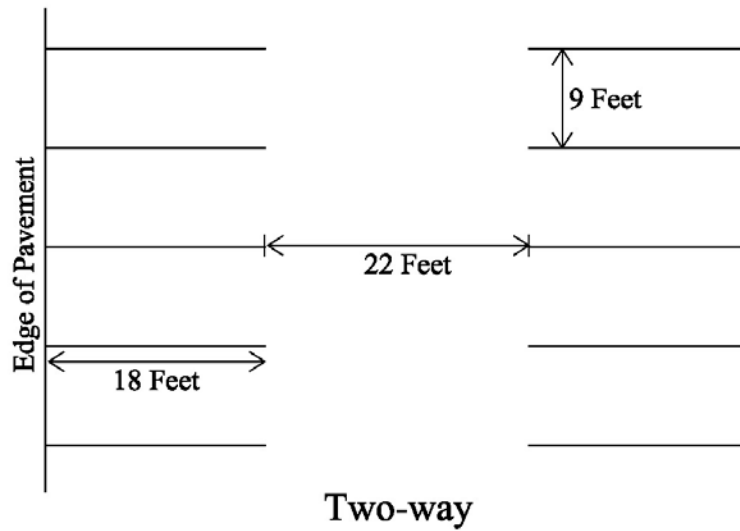
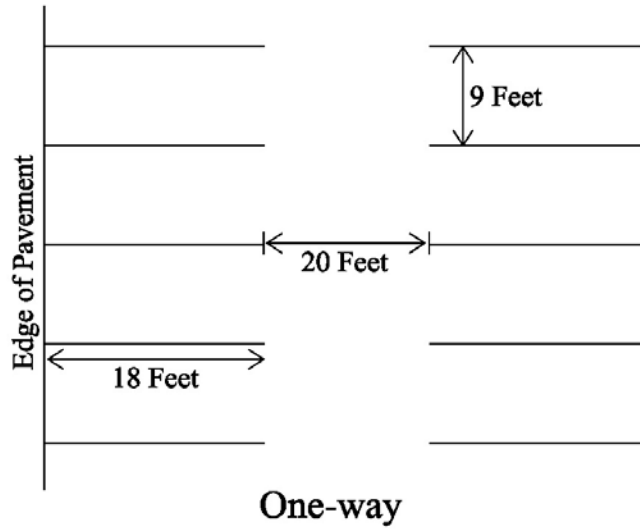


Figure 5.2
Parking (54° - 74°)

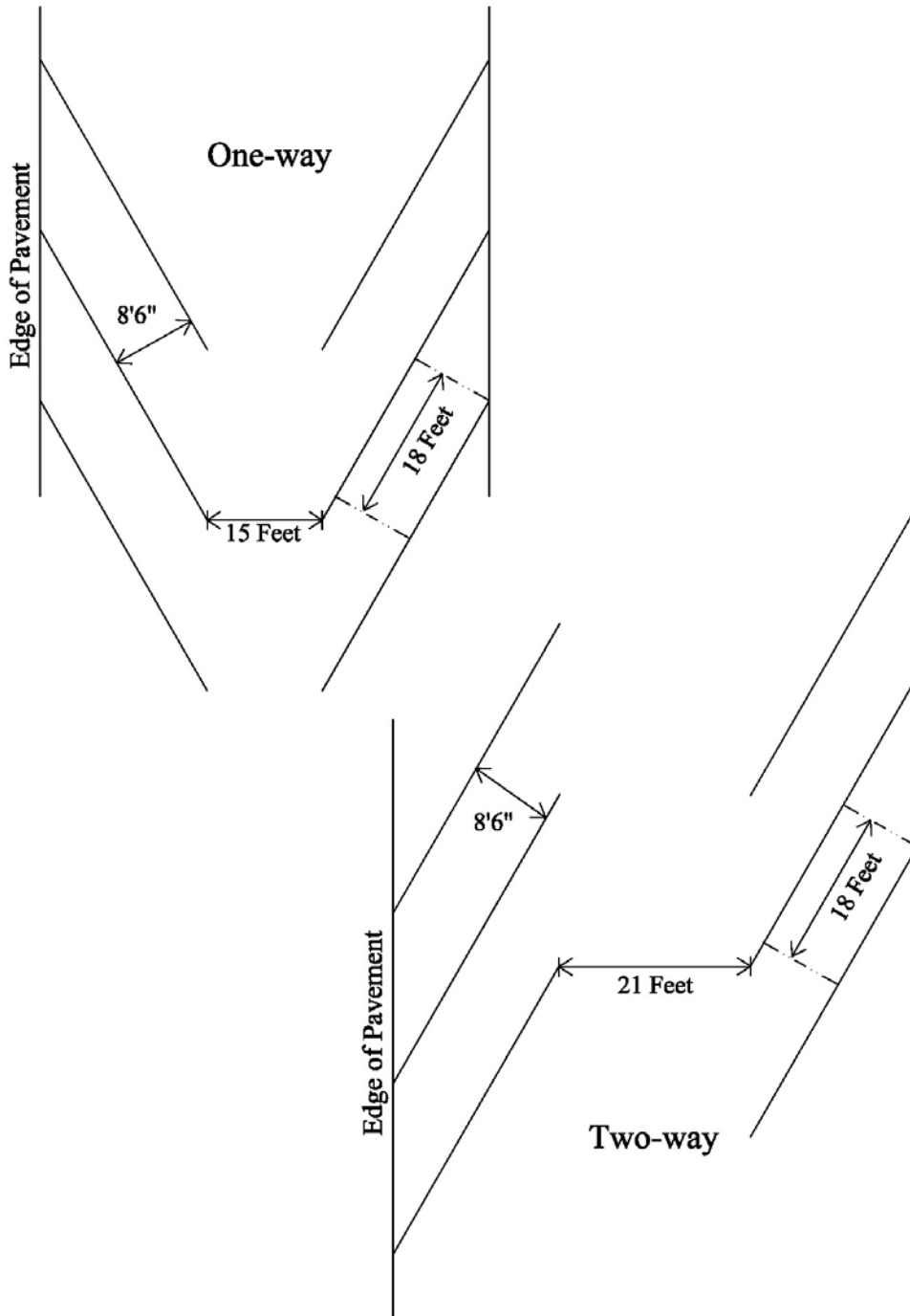
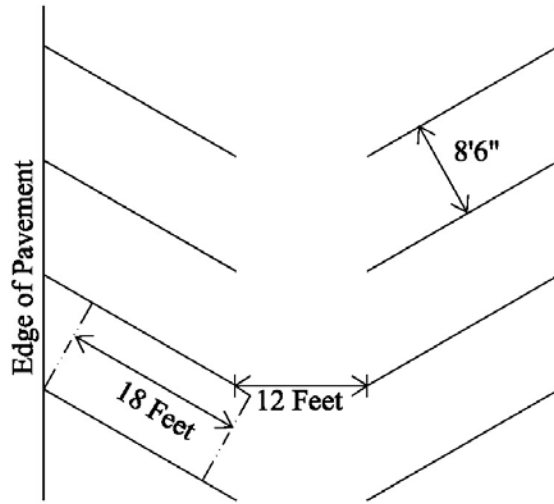
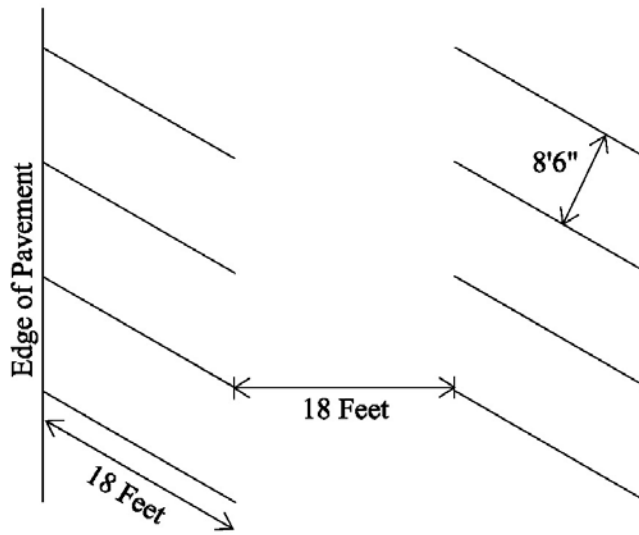


Figure 5.3
Parking (30° - 53°)

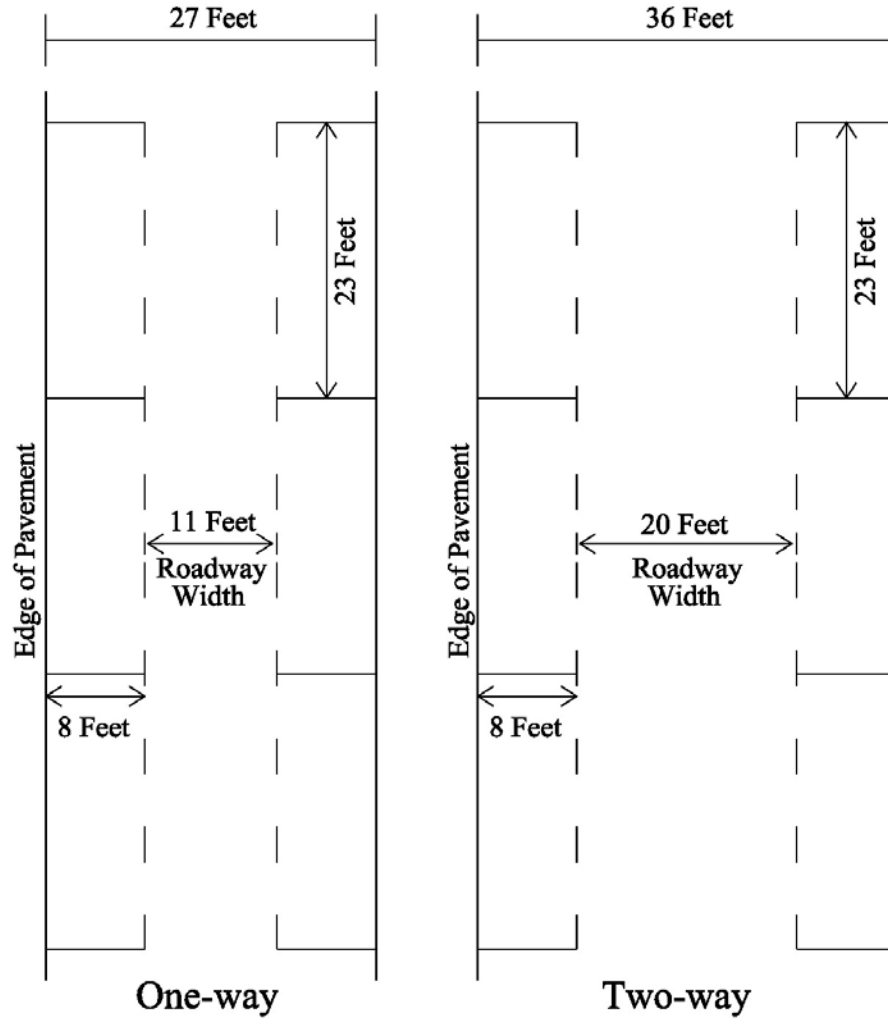


One-way



Two-way

Figure 5.4
Parallel Parking



- H. All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located and/or shielded to prevent spill over onto adjacent properties, and shall be arranged to prohibit adverse effect on motorist visibility on adjacent public roadways. All lighting shall be shoebox fixtures with no recessed lighting. (See Section 3.20, Exterior Lighting.)
- I. Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.

Section 5.07 OFF-STREET LOADING AND UNLOADING

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- A. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles or traffic flow or public streets.
- B. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping as described in Article VI, Landscape Standards.
- C. Loading/unloading areas or docks shall not be provided in the front yard or on any building side directly visible to a public street.
- D. All required loading and unloading spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area. Loading dock approaches shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless surface:
- E. All loading and unloading in the I-1 and RD Districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet. Required loading areas shall not be included in calculations for off-street parking space requirements.

- F. The minimum number of loading spaces provided shall be in accordance with the following table:

Gross Floor Area	Minimum Number of Loading and Unloading Spaces
4,999 sq. ft. or less	0 spaces
5,000 – 15,000	1 space
15,001 – 30,000	2 spaces
30,001 – 90,000	3 spaces
90,001 – 150,000	4 spaces
150,001 and over	4 spaces, plus 1 for each additional 50,000

- G. The Planning Commission may permit deviations from the requirements of Section 5.07 and may require more, allow for less, or waive off-street loading and unloading requirements whenever it finds that such changes are more likely to provide a sufficient number of off-street loading and unloading spaces, or that no loading space is required to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation to the requirements of Section 5.07 that bind such approval of the specific use in question. Where a deviation results in a reduction or complete waiver of off-street loading and unloading spaces, the Planning Commission may further impose conditions, which ensure that adequate reserve area, is set aside for future off-street loading and unloading spaces, if needed in the future.

Section 5.08 RESTRICTIONS OF THE USE OF PARKING LOTS

- A. Parking and/or storage of recreational vehicles or recreational equipment shall meet the standards listed in the General Provisions (Section 3.19).
- B. Parking or outdoor storage of commercial vehicles greater than one (1) ton, semi-trucks and trailers, mobile homes, tractors, earthmoving equipment, and similar vehicles shall be prohibited from residential districts unless associated with approved construction on the site.
- C. Parking of commercial vehicles over one (1) ton for a period exceeding 24 hours shall be prohibited in the Village Commercial and Central Business District, and prohibited in the front yard in the General Business, Village Residential and One Family Residential Districts.
- D. The parking of vehicles advertised for sale on land not leased or owned by the owner of the vehicle for over 24 hours shall be restricted to permitted automobile sales establishments.

Section 5.09 ACCESS MANAGEMENT (effective 2018-02-07)

A. Statement of Purpose

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

B. Commercial Driveway Definition: For the purposes of this Section, a commercial driveway is defined as any vehicular access except those serving one (1) or two (2) dwelling units, or serving just an essential public service structure.

C. Application of Standards

1. The access standards contained herein shall be required in addition to, and where permissible shall supersede the requirements of the Washtenaw Road Commissioner.
2. For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:
 - a) Size of the parcel is insufficient to meet the dimensional standards.
 - b) The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - c) The use will generate less than five-hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Trip Generation Institute of Transportation Engineers.
 - d) There is no other reasonable means of access.

D. General Standards for Driveway Location

1. Driveways 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 to be determined at engineering review.

2. Driveways, including the radii or tapered approach 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 City Engineer and upon written certification (such as an easement) from the adjacent property owner agreeing to such encroachment.

E. Standards for the Number of Commercial Driveways

The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single commercial driveway. Additional commercial driveways may be permitted at the discretion of the Planning Commission only under one of the following circumstances:

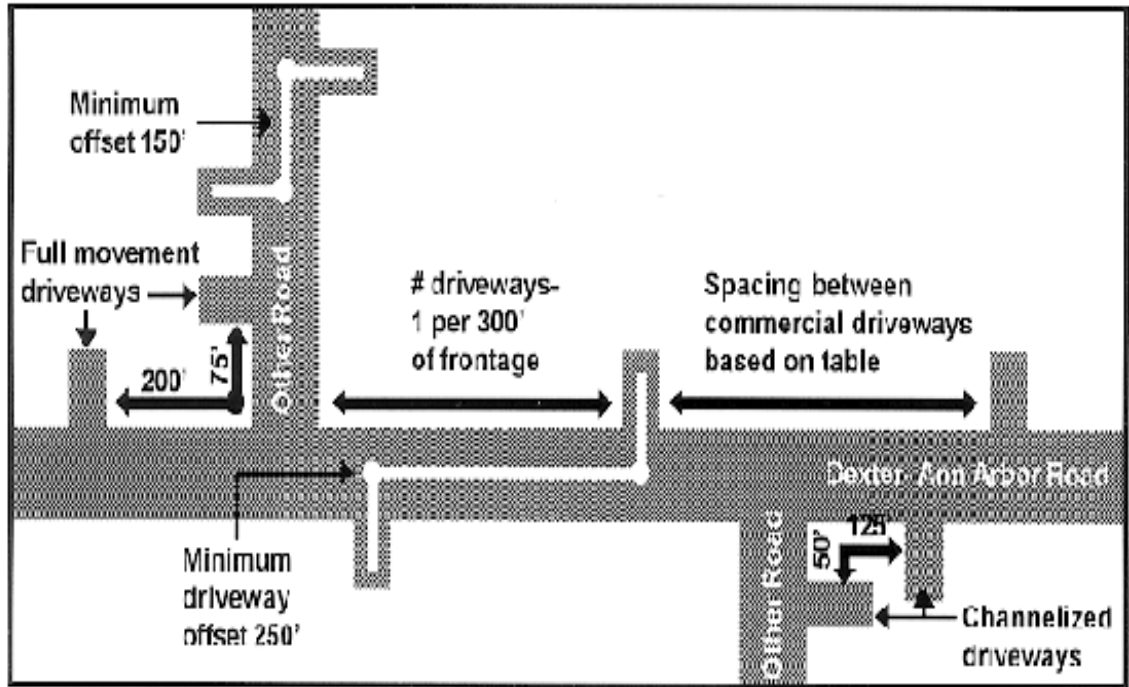
1. One (1) additional commercial driveway may be allowed for properties with a continuous frontage of over three hundred (300) feet, and one (1) additional driveway for each additional three hundred (300) feet of frontage.
2. Two one-way commercial driveways may be permitted along a frontage of at least one hundred twenty five (125) feet, provided the driveways do not interfere with operations at other driveways or along the street.
3. Additional commercial driveways may be justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

F. Driveway Spacing Standards

1. Between driveways: The minimum spacing between two commercial driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacing's indicated below are measured from centerline to centerline of the driveway.

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185

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, or construction of a driveway along the property line farthest from the intersection.



3. Offsets: To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along Dexter-Ann Arbor Road and one hundred fifty (150) feet along other roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways, or sight distance limitations.
4. Spacing from intersections: Minimum spacing requirements between a proposed full movement or channelized commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis by the Planning Commission during site plan review. In no instance shall the spacing distance be less than the distances listed in the following table. 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. 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, or construction of a driveway along the property line farthest from the intersection.

MINIMUM COMMERCIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along Dexter-Ann Arbor Road	200 feet	125 feet
Along other Roads	75 feet	50 feet

G. Commercial Driveway Design

1. All commercial driveways shall be designed according to the City of Dexter Engineering Standards or Washtenaw County Road Commission, as appropriate.
2. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two clearly marked 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 normally use the driveway. The minimum area of the island shall be one-hundred-eighty (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions.
4. All commercial driveways shall provide an unobstructed clear vision of ten (10) feet in a triangular area measured ten (10) feet back from the point of intersection of the driveway edge and the street right-of-way.
5. The edge of commercial driveways shall be setback at least four (4) feet from the side or rear property line. This setback is intended to help control storm water runoff, and permit snow storage on site, and provide adequate area for any necessary on-site landscaping.

H. Shared Driveways and Service Drives

The use of shared driveways and service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. 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, access from a side street, a shared driveway or service road connecting

two or more properties or uses may be required in the following cases:

1. Where the driveway spacing standards of this section cannot be met.
2. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
3. Where there is congestion or a relatively high number of accidents.
4. Where the property frontage has limited sight distance.
5. Where the fire department recommends a second means of emergency access.
6. Where the access is serving properties within the same zoning district or the uses are determined by the Planning Commission to be compatible such as commercial to professional business uses or single family to multiple family development.
7. Where an access agreement between all property owners involved is provided to the City for review.

I. Service Road Design Standards

1. **Location:** Service roads shall generally be parallel or perpendicular to the rear property line and may be located either, adjacent to, or behind, principal buildings and shall not be permitted in front of the principal building. 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.
2. **Access Easement:** The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty (60) feet wide. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
3. **Construction and Materials:** Service roads shall have a base, pavement and curb with gutter in accordance with the City Engineering Standards for public streets, except the width of the service road shall have a minimum pavement width of eighteen (18) feet face-to-face of curb.
4. **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.
5. **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.

6. **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. Occupancy permits shall not be issued until monies have been deposited with the City of Dexter.
7. **Elevation:** The site plan shall indicate the proposed elevation of the service road at the right-of-way line and the City shall maintain a record of all service road elevations so that their grades can be coordinated.
8. **Maintenance:** Each property owner shall be responsible for maintenance of the easement and service drive. The required easement agreement shall state the responsibilities of the property owner(s).

J. Modification of Standards for Special Situations

The Planning Commission shall have the authority to modify the standards of this section upon consideration of the following:

1. The standards of this section would prevent reasonable access to the site.
2. Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.
3. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
4. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
5. The proposed location and design is supported by the City Engineer as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.
6. The modification shall be of the minimum amount necessary, but in no case shall spacing to another full-access driveway be less than sixty (60) feet, measured centerline to centerline.
7. Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.
8. Where installation of additional impervious surface and subsequent additional stormwater cannot be properly managed or justified based on the overall plan and purpose of the additional drive.

Article VI

LANDSCAPING STANDARDS

Section 6.01 INTENT

The intent of this Article is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this Article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design based on the specific conditions of the environment. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of the project site. Reference to the National Standards for Horticulture is encouraged.

Section 6.02 MINIMUM PLANT MATERIAL STANDARDS AND REQUIREMENTS/ TIMING OF LANDSCAPING

A. Minimum Plant Material Standards: All proposed landscaping shall meet the minimum following plant standards at the time of installation. A performance guarantee may be required in accordance with Article 21, Site Plan Review and Approval, Section 21.11, Performance Guarantees.

1. Deciduous Canopy Tree: 2.5" caliper
2. Deciduous Ornamental Tree: 2.0" caliper
3. Evergreen Tree: 6' height
4. Deciduous Shrub: 2' height
5. Upright Evergreen Shrub: 2' height
6. Spreading Evergreen Shrub: 18" – 24" spread

B. Site Plan: Landscaping shall be illustrated on any site plan reviewed by the City. The landscape plan shall clearly describe the location, type, size and spacing of all plant materials. The landscape plan should also include information on the percentage (%) of genus and species of each proposed planting to ensure diversity in species throughout the City. The City permits no more than 25% of any one

genus or 10% of any one species per site plan. Wherever the Zoning Ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained.

- C. Installation:** Landscaping proposed within the right-of-way at entrances and along the perimeter of the site shall be installed following the installation of the streets and utilities. If installation of landscaping cannot be completed due to weather conditions, landscaping shall be installed as weather permits. At the time of the request for Final Zoning Compliance, the applicant shall provide confirmation of the species planted and the date of planting.

Section 6.03 SPECIAL PROVISIONS FOR EXISTING SITES

In any case where the area of the building and/or parking is increased by ten (10%) percent over the originally approved site plan or the use is being changed to a more intensive use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein.

Section 6.04 REQUIRED PARKING LOT SCREENING

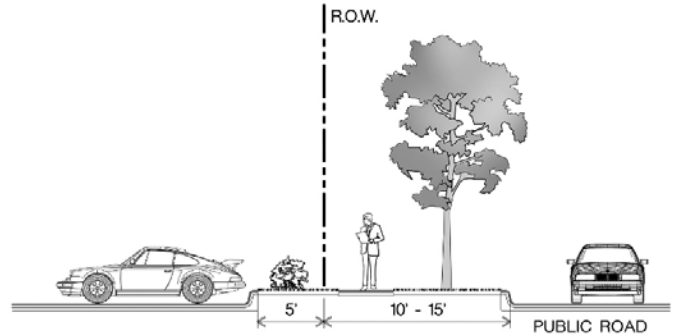
- A. Required Parking Lot Screening From Public Streets -** Parking lots which abut a public street in all districts with the exception of the City Commercial and Central Business District, and Ann Arbor Road Corridor and Baker Road Corridor, shall provide a landscape screen as follows:

Minimum Buffer Width (in feet)	Minimum Landscaping Requirements – per Sections 6.02, 6.09 and 6.11
10	<p>One (1) Street/Canopy tree for every 30-40 lineal feet of frontage OR One (1) evergreen tree per Section 6.11 for every 20' of lineal frontage AND Four (4) – 2 foot shrubs every 20 lineal feet of frontage*</p> <p>*Shrubs shall not be required if an opaque wall or fence having a minimum height of three (3) feet is erected. The Planning Commission may reduce the number of shrubs required if evergreen trees are used to meet the required number of tree plantings.</p>

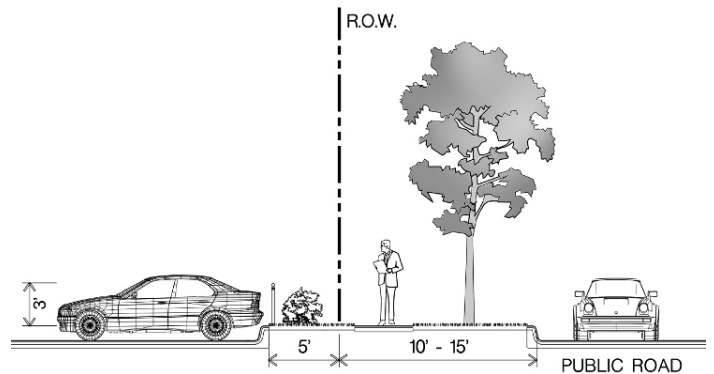
B. Ann Arbor Road Corridor (ARC) and Baker Road Corridor (BRC) Required Parking Lot Screening From Public Streets - Parking lots which abut a public street in the ARC and BRC Districts shall provide a landscape screen as follows:

Parking Area Screening Options	Minimum Buffer Dimensions (in feet)	Minimum Landscaping Requirements
#1 – Landscaping Strip	10-15	10 shrubs per lineal 30 lineal feet
#2 – 36” high decorative metal fence	10-15	5 shrubs per 30 lineal feet
#3 – 36” high masonry screen wall	10-15	5 shrubs per 30 lineal feet

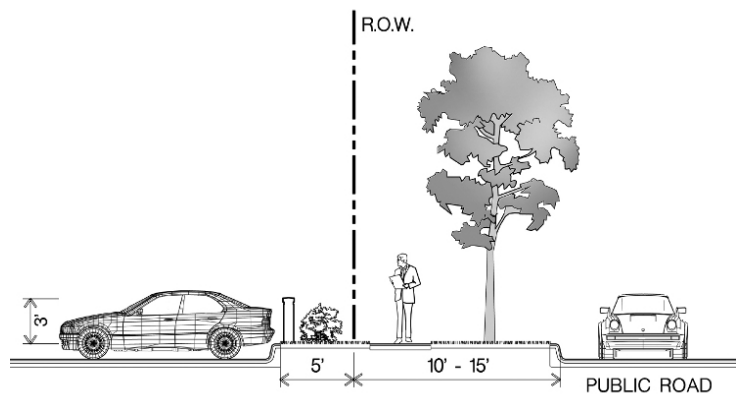
#1 Shrubs: A minimum ten (10) to fifteen (15) foot wide buffer area between the off-street parking and/or vehicular use area and the street right-of-way line to include plantings of at least ten (10) shrubs for every thirty (30) lineal feet or fraction thereof parking lot street frontage.



#2 Fences: A minimum ten (10) to fifteen (15) foot buffer area between the parking lot and the right-of-way to include a thirty-six inch (36”) high decorative metal fence (i.e. wrought iron). The fencing shall contain four (4) inch spacing between metal pickets with masonry piers spaced twenty-four (24) feet apart, capped, and at least 16” to 21” wide. The minimum landscaping required in conjunction with the metal fence is five (5) shrubs for every thirty (30) feet or fraction thereof of parking lot street frontage.



#3 Wall: A minimum ten (10) to fifteen (15) foot buffer area between the parking lot and the right-of-way to include a thirty-six (36”) high masonry screening wall in conjunction with the minimum landscaping requirement of five (5) shrubs every thirty (30) lineal feet or fraction thereof of street frontage of the parking lot. The wall shall be constructed of brick or masonry block and shall also include a concrete stone or masonry cap.



C. Required Parking Lot Screening From Public Streets - Village Commercial and Central Business District: All parking lots within the Village Commercial and Central Business District shall provide a landscape screen as follows:

Minimum Buffer Width (in feet)	Minimum Landscaping Requirements – per Sections 6.02, 6.09 and 6.11
4 Planning Commission may reduce or waive minimum width requirements if a wall having a minimum height of three (3) feet is erected.	One (1) Street/Canopy tree for every 30-40 lineal feet of frontage OR AND Six (6) – 2 foot evergreen or deciduous shrubs every 20 lineal feet of frontage if the screen width is a minimum of four (4) feet.* *Shrubs shall not be required if an opaque wall or fence having a minimum height of three (3) feet is erected. The Planning Commission may reduce the number of shrubs required if evergreen trees are used to meet the required number of tree plantings.

Section 6.05 BUFFER

A buffer strip is required per section 6.06. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area. A buffer strip shall meet the following requirements:

- A. Minimum per Section 6.06
- B. Minimum plant material per Section 6.02A.

Section 6.06 LANDSCAPE SCREENING BETWEEN LAND USES

PROPOSED USE	Adjacent to Single or Two-Family Residential Use/Zone	Adjacent to Prof. Business/Office District Use/Zone	Adjacent to Commercial District Use/Zone	Adjacent to Multiple Family Use/Zone	Adjacent to Industrial/RD Use/Zone
One Family Residential	None	C	C	B	D
Two-Family Residential	None	C	C	B	D
Multiple Family	B	B	B	A	C
C-1 General Business	C	A	A	B	C
CBD and VC Central Business and Village Commercial*	A	A	A	A	A
Professional Business / Office	C	A	A	B	C
Industrial/RD	D	C	C	C	A

- Village Commercial And Central Business District – Per Section 6.13 Buffer requirements may be waived or reduced by the Planning Commission if the site design provides for additional landscaping, better site design, or shared parking and/or ingress and egress drives.

BUFFER ZONE	Minimum Width	Wall/Berm	Minimum Plant Materials
A	10 Feet	None Required	1 ornamental AND 1 evergreen tree every forty (40) lineal feet along the property line AND 5 upright shrubs per each thirty (30) lineal feet along the property line, rounded upward
B	10 Feet	3 foot high planted berm or 4 foot high continuous wall or fence	1 ornamental OR 1 evergreen tree AND 7 upright shrubs per each thirty (30) lineal feet along the property line, rounded upward
C	15 Feet	6 foot high continuous wall, fence or 3 foot high planted berm	1 ornamental tree OR 1 evergreen AND 5 upright shrubs per each thirty (30) lineal feet along the property line, rounded upward
D	20 Feet	8 foot high continuous wall, fence or 4 foot high planted berm	1 ornamental tree, 1 evergreen tree AND 5 upright shrubs per each thirty (30) lineal feet along the property line, rounded upward

Section 6.07 ON-SITE LANDSCAPING

Multiple Family Residential projects shall provide a minimum of one (1) deciduous tree (minimum 2.5-inch caliper) or evergreen tree (minimum 6 foot high) for every 1,000 square feet of open space on the development site. Trees in any required screen may be counted.

For every new development except in the One Family Residential Districts, Two Family Residential Districts, Multiple Family Residential Districts, and Village Commercial and Central Business Districts, there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least five percent (5%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All landscaping shall conform to the following:

- A. One (1) deciduous tree (minimum 2.5-inch caliper) or ornamental tree (minimum 2-inch caliper) or evergreen tree (minimum 6-foot height) shall be provided for every four hundred (400) square feet of required interior landscaping area.
- B. One (1) eighteen (18) inch-high shrub shall be provided for every two hundred fifty (250) square feet of required interior landscaping area.
- C. The interior landscaping area shall contain grass, ground cover, three (3) inch-deep shredded-bark mulch, or three (3) inch-deep stone mulch. It shall be curbed or edged as necessary.

- D. Internal landscaping shall be located and designed to direct traffic flow, particularly near site entrances. Additional landscaping shall be dispersed throughout the site to define vehicular circulation, improve site aesthetics, provide shade, and shall be installed such that, when mature it does not obscure traffic signs, fire hydrants and lighting. Landscape plantings shall not obscure drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- E. Required trees shall be located a minimum of three (3) feet from any curb or pavement surface and a minimum of five (5) feet from underground utilities.

Section 6.08 PARKING LOT LANDSCAPING

Within every parking area containing at least 3000 square feet of pavement or twenty-five (25) parking spaces (whichever is less), at least three percent (3%) of the total parking lot area shall be landscaped in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- A. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct safe and efficient traffic flow within the lot. A minimum of one tree shall be planted and included in each landscaping island or required landscaping area pursuant to the calculations of this section. Landscaping areas shall be covered by grass, other living groundcover or wood mulch.
- B. Landscaping shall be installed so that at maturity it does not obscure traffic signs or lights, obstruct access to fire hydrants, or interfere with adequate motorist sight distance.
- C. All islands shall be curbed. Dimensions of islands shall be shown on the site plan. Minimum island width shall be ten (10) feet; minimum radii shall be ten (10) feet at ends facing main aisles and a minimum one (1) foot for radii not adjacent to main circulation aisles. The length of the islands shall be two (2) feet shorter than adjacent parking space in order to improve maneuvering.
- D. Interior Parking Lot Landscaping shall be provided in accordance with the following:
 - 1. 25 through 100 spaces: 1 canopy/deciduous tree and 100 s.f. of landscaped area per 10 spaces, rounded upward.
 - 2. 101 through 200 spaces: 1 canopy/deciduous tree and 100 s.f. of landscaped area per 12 spaces, rounded upward.
 - 3. 201 spaces or more: 1 canopy/deciduous tree and 100 s.f. of landscaped area per 15 spaces, rounded upward.

Figure 6.1
Parking Lot Landscaping-
Perimeter Parking Lot

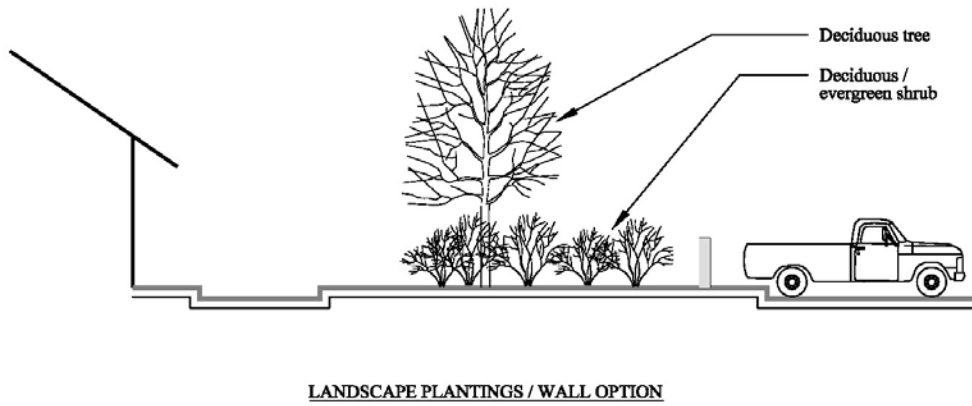
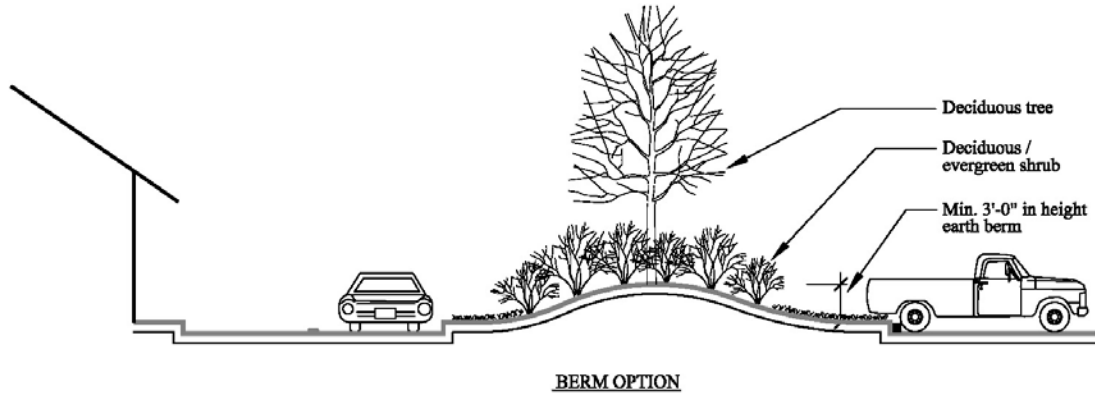
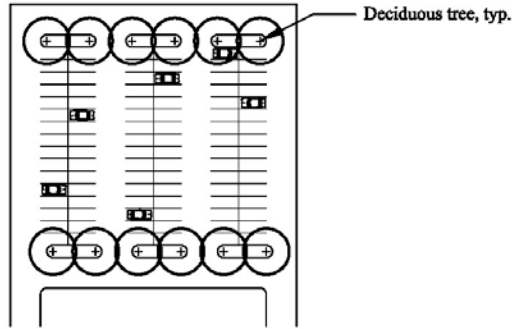
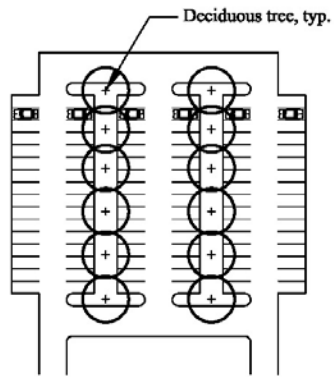


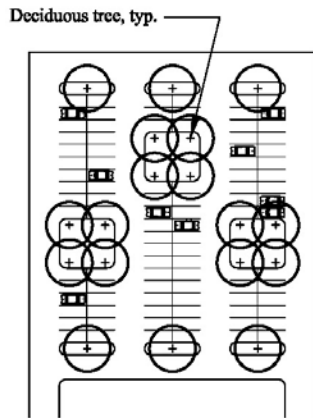
Figure 6.2
Parking Lot Landscaping-
Interior Parking Areas



TREES IN END ISLANDS



LANDSCAPE MEDIAN



LANDSCAPE ISLANDS

Section 6.09 STREET TREE/REQUIRED GREENBELT PLANTING

One (1) street tree/canopy tree is required at a minimum of every thirty (30) lineal feet or a maximum of every forty (40) lineal feet between the sidewalk and the curb in a residential subdivision or other development with frontage on a public street. Placement of street trees on cul-de-sacs shall be reviewed as part of site plan approval. All Street/Canopy trees shall be uniformly spaced to create a tree lined street. Notes should be included on all site plans indicating that trees shall not be planted within six (6) feet of water or sewer lines and shall not interfere with overhead utility lines or underground utilities. Consideration should be given to the mature size and height of the tree when evaluating placement and species selection.

Section 6.10 WASTE RECEPTACLE AND MECHANICAL EQUIPMENT SCREENING

Waste Receptacles shall be located and screened in accordance with the standards of Section 3.16, Waste Receptacles. Ground mounted mechanical equipment shall be screened with plant materials, fences, or a wall when deemed necessary by the Planning Commission.

Section 6.11 RECOMMENDED PLANT MATERIALS

All plant material shall be hardy to the area, free of disease and insects, and shall conform to the American Standard for Nursery Stock of the American Association of Nurserymen. The overall landscape plan shall not contain more than 25% of any one plant genus or 10% of any one species. The use of trees native to Southeast Michigan or a mixture of trees from the same species association is encouraged. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of the project site. Trees included in this list are recommended but not exclusive of trees permitted in the City of Dexter. Other species may be approved by the Planning Commission.

A. Street and Parking Lot Trees

Note: Cultivars typically available from commercial nursery sources are listed with the common and botanical names. Non-deciduous conifers/evergreens are not permitted to be used as street trees since they interfere with visibility, pedestrian safety, and vehicular circulation.

1. Canopy/Deciduous/Street Trees. Tree sizes at time of planting shall adhere to Sections 6.02

SCIENTIFIC NAME	COMMON NAME	CULTIVARS (CVS)
**Acer griseum	Paperback Maple	Crimson red foliage, not drought tolerant
**Acer campestre	Hedge Maple	Slow growing, very tolerant, good street tree
Acer rubrum	Red Maple	Red Sunset, September Charm, October Glory, other CVS.

SCIENTIFIC NAME	COMMON NAME	CULTIVARS (CVS)
Acer saccharum	Sugar Maple	Green Mountain, Bonfire, Legacy, other CVS.
Acer x freemanii (A. rubrum x A. saccharinum)	Red/ Silver Maple Hybrid	Autumn Blaze, Celebration, Morgan, and other CVS.
Acer nigrum	Black Maple	Little ornamental difference saccharum
**Amelanchier grandiflora	Apple Serviceberry	Four season flowering plant, salt tolerant
Cladrastis kentuckea	American Yellowwood	Slow growing, drought resistant, tolerant of alkaline soils, late spring flowering, mid-sized
Celtis occidentalis	Hackberry	Relatively fast growing and tolerant of harsh urban conditions
**Crataegus viridis	Winter King Hawthorne	Great winter interest, small fruit baring and flowering tree
Gleditsia triacanthos inermis	Honey Locust	Many thornless, non-fruiting cultivars: Imperial, Shademaster, Halka, Skyline, other CVS.
Ginkgo biloba	Ginkgo	Use male only; there is a columnar CV.
Liriodendron tulipifera	Tulip Tree	
Liquidambar styraciflua	Sweet Gum	Many cultivars; use only northern grown trees;
**Malus Prairie Fire	Flowering Crab	Spring showy flowers, attracts birds
*Metasequoia glyptostroboides	Dawn Redwood	Several cultivars; hardiness is an issue; best as a park tree where branches kept to ground
*Platanus x occidentalis	London Plane Tree	Coarse, messy; disease issues
**Prunus Kwanzan	Kwanzan Cherry	Small flowering, fragrant tree
**Prunus x yedoensis	Yoshino Cherry	Small flowering, fragrant tree
Quercus acutissima	Sawtooth Oak	
*Quercus alba	White Oak	Transplants with some difficulty; big; for parks, not street trees
Quercus bicolor	Swamp White Oak	Tough, coarse; chlorosis on high pH soils
Quercus coccinea	Scarlet Oak	
*Quercus palustris	Pin Oak	Pendulous lower branches a problem re: walks, narrow areas; chlorotic in high pH soils

SCIENTIFIC NAME	COMMON NAME	CULTIVARS (CVS)
Quercus robur	English Oak	
Quercus rubra	Northern Red Oak	Transplants easily; sizes up quickly; durable; nuts
Sophora japonica	Pagoda Tree	Summer flowering; durable urban tree
Taxodium distichum	Bald Cypress	Up and coming for street tree use
Tilia cordata	Littleleaf Linden	Dense, attractive to bees
Tilia tomentosa	Silver Linden	Several cultivars; durable
Ulmus parvifolia	Lacebark Elm	Tough, adaptable, easily transplanted; multiple CVS.
Zelkova serrata	Japanese Zelkova	Many cultivars; Green Vase and City Green commonly available; transplants easily
* Species best located in parks and open spaces		
** Species suitable for planting under overhead utility wires		

2. Deciduous Shrubs. Shrub sizes at time of planting shall adhere to Sections 6.02.

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Aronia melanocarpa	Black Chokeberry
Berberis mentorensis	Mentor Barberry
Chaenomeles speciosa	Flowering Quince cultivars
Cornus sericea cvs	Red Twig Dogwood
Cornus sericea 'Flaviramea'	Yellow Twig Dogwood
Cotoneaster divaricatus	Spreading Cotoneaster
Euonymus alatus	Burningbush
Hydrangea paniculata	PeeGee Hydrangea and cultivars
Ilex verticillata cultivars	Michigan Holly cultivars
Myrica pensylvanica	Northern Bayberry
Rhus glabra, typhina, copallina	Sumacs
Ribes alpinum	Alpine Currant
Viburnum dentatum	Arrowwood Viburnum and cultivars
Viburnum lantana	Wayfaringtree Viburnum
Viburnum lentago	Nannyberry
Viburnum trilobum	American Cranberry Viburnum – several cultivars

3. Small/ornamental trees. Tree sizes at time of planting shall adhere to Section 6.02.

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Acer ginnala	Amur Maple Tough, excellent fall color
Cornus mas	Corneliancherry Dogwood, very early bloom
Crataegus crus-galli inermis	Thornless Cockspur Hawthorn Dense, no thorns; flowers, brilliant winter fruit
Crataegus viridis	'Winter King' Winter King Hawthorn Sparse thorns
Hamamelis spp and cultivars	Witch hazels
Koelreuteria paniculata	Goldenrain Tree Summer fls; tough
Magnolia stellata	Star Magnolia, showy white flowers, early bloom
Malus spp. and cvs	Flowering Crabapples, many cvs. check lists for disease susceptibility
Prunus spp. and cvs.	Flowering Cherries
Pyrus calleryana cvs.	Callery Pears (Cleveland, Aristocrat, others – not Bradford)
Syringa reticulata	Japanese Tree Lilac
Viburnum prunifolium	Blackhaw (tree form)

Acceptable for more sheltered situations:

Amelanchier spp and cultivars	Amelanchier, Serviceberry
Cercis Canadensis, C. Can. 'Alba'	Redbud, Whitebud
Halesia monticola	Mountain Silverbell

B. Materials For Parking Lot Screens And Buffer Plantings

The following is a selection of both evergreen and deciduous material suitable for use in planted buffers and screens. Other materials of similar density which reach a minimum 6' height at maturity may also be appropriate for use in screen or buffer plantings.

1. Evergreen trees and shrubs. Minimum size of plantings at the time of installation shall adhere to the standards in Sections 6.02.

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Juniperus, upright spp and cultivars	Junipers-Ames, Iowa, Canaerti, Hooks, Keteleeri, others
Juniperus, mid-size cultivars	Junipers-Sea Green, Holger, others
Pinus mugo	Mugo Pine
Pinus sylvestris	Scotch Pine
Thuja occidentalis	American Arborvitae-Techny, Nigra, Emerald Green

2. Ornamental trees and large shrubs. Minimum size of plantings at the time of installation shall adhere to Sections 6.02.

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Betula pumila	Dwarf Birch
Chaenomeles speciosa	Flowering Quince
Cornus rugosa, many cultivars	Roundleaf Dogwood
Crataegus crus-galli linermis'	Thornless Cockspur Hawthorne
Euonymus alatus	Burningbush
Hibiscus syriacus	Rose of Sharon
Viburnum dentatum	Arrowwood Viburnum
Viburnum lentago	Nannyberry
Viburnum plicatum cvs.	Doublefile Viburnum
Viburnum prunifolium	Black Haw Viburnum
Viburnum trilobum	American Cranberry Viburnum

3. Medium / small shrubs

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Berberis thunbergii and cultivars	Japanese Barberry
Calycanthus floridus	Sweetshrub
Chaenomeles japonica cvs.	Dwarf Flowering Quince
Chaenomeles speciosa cvs.	Flowering Quince
Chamaecyparis obtuse cvs.	Hinoki Falsecypress
Cornus alba 'Elegantissima'	Variiegated Redtwig Dogwood
Cornus sericea cvs.	Redtwig, Yellowtwig Dogwood
Cotoneaster divaricatus	Spreading Cotoneaster
Deutzia gracilis	Slender Deutzia
Diervilla lonicera	Dwarf Bush Honeysuckle
Euonymus alatus 'Compacta'	Compact Burning Bush
Hydrangea paniculata cultivars	PeeGee Hydrangea
Lonicera xylosteum	Dwarf Honeysuckle
Myrica pensylvanica	Northern Bayberry
Potentilla fruticosa, many cultivars	Potentilla
Rhus aromatica 'Gro Low'	Gro Low Fragrant Sumac
Ribes alpinum	Alpine Currant
Roses, Landscape Type	Landscape Roses
Spiraea japonica cultivars	Summer Flowering Spiraeas
Syringa patula 'Miss Kim'	Miss Kim Dwarf Lilac

4. Groundcovers, Perennials and Ornamental Grasses

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Calamagrostis acutiflora cultivars	Feather Reed Grass
Carex pensylvanica	Pennsylvania sedge
Echinacea purpurea	Cone Flowers

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Euonymus fortunei 'Coloratus'	Purpleleaf Wintercreeper
Helictotrichon sempervirens	Blue Oat Grass
Juniperus,	Junipers many prostrate, spreading and low mounding species/cultivars
Hemerocallis	Daylilies
Pennisetum alopecuroides and cvs.	Japanese Fountain Grass
Rudbeckia sullivantii 'Goldsturm'	Black-eyed Susan
Stephanandra incisa 'Crispa'	Cutleaf Stephanandra

5. Large Ornamental grasses

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Andropogon gerardii	Big bluestem
Bouteloua curtipendula	Side-Oats Grama
Chasmanthium latifolium	Northern sea oats
Hystrix patula	Bottlebrush grass
Koeleria macrantha	June grass
Panicum virgatum	Switch grass
Schizachyrium scoparium	Little bluestem
Sorghastrum nutans	Indian grass
Sporobolus heterolopsis	Prairie dropseed

6. Grasses, Sod, Seed, and Hydroseed. The following common perennial turf grasses may be planted on any site. Species listed below were selected for their ability to withstand the Michigan climate.

- Kentucky bluegrass
- Fine-leaved fescue
- Perennial ryegrass

C. **Trees Not Permitted:** (except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures)

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Acer negundo	Box Elders
Acer platanoides, saccharinum	Maples (Norway, Silver)
Aesculus hippocastanum	Horse Chestnut (nut bearing)
Ailanthus altissima	Tree of Heaven
Catalpa (all)	Catalpa Wayfaring Tree
Ginkgo	Female Ginkgo
Fraxinus (all)	Ash (all varieties)
Juglans nigra	Black Walnut
Morus	Paper mulberry
Populus alba	Poplars/Cottonwood (White, Silver)
Robinia pseudoacacia	Black Locust

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
Salix (all)	Willows
Ulmus pumila	Elms (Siberian)

Trees with the following characteristics are also undesirable: fruit bearing, weak wooded, weeping form/branches, low-branching height typically lower than five (5) feet.

Section 6.12 GENERAL LAYOUT AND DESIGN STANDARDS

- A. All landscape plans required for commercial, industrial, office, and mobile home park developments and multiple family developments in the R-3 District over three (3) acres in size, submitted to the City of Dexter for review and approval, must be prepared and signed by a State of Michigan licensed landscape architect.
- B. The landscape plan should also include information on the percentage (%) of genus and species of each proposed planting to ensure diversity in species throughout the City. The City requires no more than 25% of any one genus or 10% of any one species per site plan.
- C. Upon submittal of final zoning compliance, the applicant should include information on the species of trees planted and date of planting. If weather is not permitting, the applicant shall post a performance escrow to ensure compliance when weather permits.
- D. Landscaped areas and plant material required by this Ordinance, including the lawn, shall be kept free from refuse and debris and shall be maintained in a healthy growing condition. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.
- E. Tree stakes, guy wires, and tree wrap are to be removed after one (1) year.
- F. All landscaped areas shall be provided with a readily available and acceptable water supply or with at least one (1) outlet located within one hundred (100) feet of all plant material to be maintained.
- G. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
- H. Landscape within the site shall be approved based on adequate sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, location of underground utilities, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, curbing around landscape areas.

- I. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.
- J. Berms shall be constructed with slopes no greater than one (1) foot vertical for each four (4) feet horizontal and with at least a three (3) foot wide generally flat top. Adequate protection against wind erosion shall be provided. Berms shall be designed and constructed to appear as a natural feature in the landscape and the vicinity. Uniform heights and shapes should be avoided. If a slope greater than 1 (vertical) on 4 (horizontal) is necessary, the surface shall be planted with ground covers that are suitable for stabilizing surfaces. Hydroseed or seed are not acceptable.

Section 6.13 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL SITUATIONS

The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. The Planning Commission may approve credit for existing trees on a site to accommodate landscaping requirements. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission and are not on the list of trees not permitted. Refer to Section 6.11(c). In no case shall the minimum number of required trees be reduced by less than 50% through the use of existing trees. The credit for preserved trees shall be:

<u>D.B.H. of Preserved Tree * (in inches)</u>	<u>Number of Trees Credited</u>
over 12 inches	3
8" - 11.9"	2
2.5" - 7.9"	1

* **D.B.H.** is the diameter measured at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

In making a determination to waive or reduce the landscape and screening requirements of this Article, the following may be considered.

- A. Extent to which existing natural vegetation provides desired screening.
- B. The existence of a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands.
- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the City for a use other than residential.

- F. Building heights and views.
- G. The adjacent residential district is over 200 feet away from the subject site.
- H. Conditions similar to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Section 6.14 REPLACEMENT STANDARDS

The standards below are intended to encourage the preservation of existing mature, healthy trees on private property which contribute to the character, welfare, and quality of life in Dexter. These standards are intended to prevent the unnecessary removal of trees prior to, during, and following construction on a site. The standards of this section in conjunction with the standards for site plan review promote the goals of the Dexter Master Plan.

- A. As noted in Article XXI, Site Plan Review, all trees over eight (8) inches caliper shall be identified on the site plan designating those to be preserved and those to be removed.
- B. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line.
- C. To protect and encourage the continued health of the preserved trees, the ground area within the drip line of the trees shall be maintained in vegetative landscape material or pervious surface cover. The City may not allow sidewalks, bike paths, vehicular lanes or parking within the drip line upon determining the setback from the trunk is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials during or after construction within the drip line is prohibited.
- D. All existing trees identified on the site plan with an eight (8) inch or larger caliper to be removed must be replaced according to the following table. Replacement trees shall be in addition to all other landscaping requirements.

<u>D.B.H.* of Removed Tree</u>	<u>Number of Trees Required to Be Planted</u>
Landmark Trees**	5 trees of at least 2.5" caliper
23.9" or larger (non-native)	4 trees of at least 2.5" caliper
12" - 23.9"	3 trees of at least 2.5" caliper
8" - 11.9"	2 trees of at least 2.5" caliper

* **D.B.H.** is the diameter measured at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

**** Landmark Tree.** Any native species tree of 24" D.B.H. or greater that has a health and condition standard factor over 50 percent based on the standards established by the International Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the structure of the tree, the presence of insects or disease, the crown development, and the life expectancy.

- E. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch diameter at breast height (D.B.H.) or greater on a site, as determined by the Planning Commission, shall first notify the City of the intent of such clearing and/or earth change and submit a proposed plan describing the site's features for review and approval by the Planning Commission.

This sub-section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may waive the (D.B.H.) standard for select clearing of lower quality and non-native species including, but not limited to box elders, elms, poplars, willows, and cottonwoods.

- F. Where it is not feasible and/or desirable to replace or relocate trees on site, according to the above listed schedule, the Planning Commission may require greater size for replacement trees, require replacement trees at another location on public property in the City, or require contributions to the City's Tree Replacement Program.

Where the applicant demonstrates that it is not possible to mitigate all replacements on site, the Planning Commission may also consider the planting of two ornamental trees per one required replacement tree.

On site replacement and/or relocation shall be required for permitted activities in accordance with the replacement schedule of this section. Every effort should be made to relocate or mitigate trees on site. Off-site mitigation or contribution to the City's Tree Replacement Program shall only be allowed after the applicant has demonstrated that on site mitigation is not practical or feasible. The requirement for on-site mitigation may be altered or waived by the Planning Commission is the proposal meets the following criteria:

1. The proposal meets all other ordinance requirements.
2. The applicant can clearly demonstrate that there is inadequate planting area for the healthy installation of the required trees on site and that maximum effort has been put into locating as many of the required trees as possible.
3. The applicant has made every reasonable effort to preserve as many of the existing on site trees as possible.

4. The proposal demonstrates environmental sensitive design in terms of topography, stormwater management, soil erosion management, etc.

Should the proposal meet the above criteria, the Planning Commission may reduce the requirement for on-site mitigation of replacement trees and permit mitigation off site at an approved location or by contribution to the City's Tree Replacement Program. Off-site mitigation or financial contribution shall only apply if the Planning Commission should determine that no practical or feasible alternative exists for on-site mitigation. Payment to the program per tree removed shall be in accordance with replacement fee schedule as established by City Council resolution. Contributions placed in the Tree Replacement Program shall be used in accordance with the Tree Replacement Program Policy Statement.

Section 6.15 TREE PROTECTION DURING CONSTRUCTION

Placement of Materials Near Trees. No person shall conduct any activity within the drip line of any tree designated to remain including, but not limited to, placing solvents, building materials, construction equipment, or soil deposits within the drip line. Nor shall vehicles or construction equipment be operated in such close proximity of an existing tree so as to cause compaction of the soil within the drip line of the tree which is to remain.

Attachments to Trees. During construction no person or entity shall attach any device or wire to any tree which is to remain after construction.

Protective Barriers. Before development, land clearing, filling, or any other land alteration for which a permit is required, the developer and/or property owner shall erect and maintain suitable barriers to protect existing trees which are to remain after construction. Protective barriers shall remain in place until the City authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal, or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain except in the following cases:

1. **Rights-of-Way and Easements.** Street rights-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, or similar material from stake to stake along the outside perimeters of areas to be cleared.
2. **Large, Separate Areas.** Large areas of property separate from the construction or land clearing area on to which no equipment will venture may also be cordoned off as described in Paragraph A, above.

6.16 LANDSCAPE MATERIAL GUARANTEE

All landscaping materials planted per the approved site plan shall have a two-year warranty due to soil conditions within the City of Dexter. In that time all plant materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced. Replacement materials shall meet all standards of the original installation. Two-year landscaping material warranties/performance bonds will not begin until the entire project is complete OR the open space landscaping is completed per the site plan OR for individual residential lots immediately prior to the request for final zoning compliance. All warranties shall be submitted as a cash bond or warranty bond. Amounts shall be established per City Council resolution. All landscaping materials must be healthy and in good condition at the time of inspection. Landscaping materials will be warranted from the date of approval as documented on the field inspection sheet. Verification of planting date and species information shall be submitted with the Final Zoning Compliance application. Final Zoning Compliance Applications will not be released and Certificate of Occupancy permits not issued until the planting date and species information has been submitted or a performance bond has been submitted.

Article VII SIGN REGULATIONS

Section 7.01 INTENT.

(1) It is the intent of this section to ensure the effective use of signs as a means of communication in the City; to maintain and enhance the esthetic environment; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This section is intended to allow a variety of types of signs in commercial and industrial zones, a limited variety of signs in other zones, and other incidental signs.

(2) In the application of this Ordinance, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- A. Do not create a nuisance to persons using the public right-of-way.
- B. Do not constitute a nuisance to occupancy of nearby property by their brightness, size, height, or movement.
- C. Are not detrimental to land or property values.

(3) A sign may be established or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

Section 7.02 GENERAL CONDITIONS.

(1) **LOCATION:** All signs must direct attention to a business or profession conducted on the premise or to a commodity, service, or entertainment primarily sold, offered, manufactured, processed, or fabricated thereon unless specified elsewhere in these regulations.

(2) **ILLUMINATION:**

- A. No sign shall be illuminated by other than electrical means.
- B. The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or with the enjoyment or use of adjacent properties, nor directly shine onto adjacent or abutting properties. Illuminated signs adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candle along the adjacent property line. All externally illuminated signs shall have a shielded light fixture.

- C. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing, except that movement showing the date, the time and the temperature exclusively may be permitted.
- D. No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- E. The illumination provisions above shall not apply to sign lighting systems owned or controlled by any public agency for the purpose of directing traffic.
- F. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.
- G. Awning signs shall not be "back-lit".

(3) PROHIBITED SIGNS: All signs not expressly permitted under this Ordinance are prohibited in the City. Such prohibited signs include, but are not limited to, the following:

- A. Beacons;
- B. Pennants;
- C. Portable Signs, except as otherwise permitted by ordinance;
- D. Roof Signs;
- E. Inflatable signs and tethered balloons.
- F. Animated signs including: signs containing flashing, intermittent or moving lights or with moving or revolving parts. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed.
- G. Signs affixed to trees, rocks, shrubs or natural features, provided, signs denoting a site of historic significance may be allowed.
- H. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices or signs which make use of words such as "Stop", "Look",

"Danger", or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.

- I. Permanent signs (other than those erected by a public agency) which are located within or overhang the public right-of-way or on public property unless specified elsewhere in these regulations.
- J. Any strobe, flashing, or oscillating lights either from the interior or exterior of a building.
- K. Moving signs. Except as otherwise provided in this section no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non stationary or fixed condition except for the rotation of barber poles, and except currently licensed vehicles and trailers which have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner.
- L. Abandoned signs. Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- M. Signs which emit audible sound, odor or visible matter.
- N. Exterior string lights used to advertise a commercial premises.
- O. Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
- P. Awning signs with rear illumination.

(4) EXEMPT FROM PERMITS

- A. Incidental signs or directional signs which are intended to direct the flow of pedestrian and vehicular traffic on private property. Incidental signs shall not exceed two (2) square feet in area per side and four (4) feet in height, shall contain no advertising other than the name of the business and may be illuminated.
- B. Signs erected for traffic safety purposes by public road agencies.
- C. Federal, State, County, or Local required signs on private property not to exceed six (6) square feet.
- D. Real estate signs subject to the provisions of this ordinance.

- E. Changing of advertising copy or message on a theater marquee or similar approved signs which are specifically designed for the use of replaceable copy.
- F. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.
- G. Integral signs, not to exceed a maximum area of six (6) square feet.
- H. Paper notices placed on kiosks as approved by the City.
- I. Authorized signs of the state or a political subdivision of the state.
- J. Flags bearing the official design of a nation, state, municipality, educational institution, church or fraternal organization. Flags bearing the official seal or emblem of a company or corporation including related slogans, messages or graphics. Zone lots shall be limited to four (4) of the above flags (one (1) flag per one (1) flag pole). When the site plan review is required, the location of flag poles shall be indicated on the site plan and shall meet the minimum fifteen (15) foot setback required for all signs to adjacent property lines. Flags shall be limited to 40 square feet each.
- K. Permanent signs on vending machines or ice containers indicating only the contents of such devices and no commercial message provided that such devices must be located within ten (10) feet of the building.
- L. Business signs containing information on credit cards, business affiliations, hours of operation, open/closed, etc. The combined area of all such signs shall not exceed four (4) square feet and shall be included in the maximum window coverage calculation.
- M. Banner signs installed by the City, intended to announce civic activities, promote general business interests, or otherwise convey public information. Such signs shall be attached top and bottom (or two [2] sides) to permanent structural members on a post or building erected for another purpose. Such signs require the permission of the City Manager.
- N. Political Signs subject to the provisions of this ordinance.

Section 7.03 GROUND SIGNS.

(1) GENERAL REQUIREMENTS:

- A. Within all non-residential zoning districts, only one (1) ground sign shall be permitted per zoning lot. If the frontage of a zoning lot exceeds four hundred (400) linear feet along a single street frontage two (2) such ground signs may be permitted. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Maximum sign area is provided in "Table A" found in the following pages.
- B. Within all residential zoning districts, only one (1) ground sign shall be permitted at the primary entrance for the purpose of identifying a subdivision, site condominium, multiple family development, or mobile home park.
- C. Within all residential zoning districts, only one (1) ground sign shall be permitted per zoning lot for the purpose of identifying a non-residential special land use. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Size and location shall be determined during site plan review. Maximum area is provided in "Table A" below.
- D. One freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one (1) square foot per front foot of building or buildings for which it is erected; however, such signs shall not exceed sixty (60) square feet in area. Such signs may be up to ten (10) feet in height. If the lot fronts on two (2) or more collector or arterial streets one (1) such sign may be permitted for each frontage.
- E. Within all PUD Districts, the number and size and location of ground signs shall be determined by the intended use of the premises, subject to the review and approval of the City during PUD plan review.
- F. Ground signs shall be set back a minimum of ten (10) feet from all road rights-of-way and shall be located no closer than fifteen (15) feet from the edge of the principal entrance driveway and all property lines. Ground signs within the Central Business District (CBD) and the Village Commercial District (VC) may be setback a minimum of five (5) feet from all road rights-of-way to promote the pedestrian scale, visual consistency and the historic character of the districts and given of visibility limitations from the on street parking.

- G. All internally illuminated ground signs shall have a background darker than the lettering. If a ground sign has an opaque background and only the letters are illuminated a ground sign may have a non-illuminated light background.
 - H. The support structure for a ground sign shall not exceed twenty five (25) percent of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face, unless otherwise approved during the site plan review process.
 - I. Up to two (2) incidental business signs (menu boards) shall be permitted for businesses with a drive-through component. Such signs shall not exceed fifteen (15) square feet in area per sign, per face or six (6) feet in height and shall be located only on internal drives to serve the drive-thru portion of the development.
- (2) MAXIMUM HEIGHT AND AREA REQUIREMENTS FOR GROUND SIGNS SHALL BE APPLIED WITHIN EACH ZONING DISTRICT ACCORDING TO THE FOLLOWING SCHEDULE.** The maximum height and area for ground signs within business centers are pursuant to paragraph (D) above:

Table A - Ground Signs.

District	Max. Height (ft.)	Maximum Area (sq. ft.)	
		Per Side	Total
R-1A	4 ft	20 s.f.	40 s.f.
R-1B	4 ft	20 s.f.	40 s.f.
R-3	4 ft	20 s.f.	40 s.f.
VR	4 ft	20 s.f.	40 s.f.
C-1	6 ft	42 s.f.	84 s.f.
VC	6 ft	25 s.f.	50 s.f.
CBD	6 ft	25 s.f.	50 s.f.
PB	6 ft	42 s.f.	84 s.f.
RD	4.5 ft	48 s.f.	96 s.f.
I-1	4.5 ft	48 s.f.	96 s.f.
PP	4 ft	32 s.f.	64 s.f.

Section 7.04 BUILDING SIGNS

(1) GENERAL REQUIREMENTS:

- A. Within all non-residential zoning districts, a combination of building signs may be established not to exceed the maximum sign area per "Table B" for each zoning lot (for a single business).

Signs for multiple tenant shopping centers or multi-tenant buildings shall not exceed one (1) square foot of sign area per one (1) lineal foot of building frontage per tenant.

The following sign standards shall apply to buildings which contain more than one (1) business, but where all businesses share a common building entrance or entrances (for example, an office building or other type of building where access to individual tenant space is off an interior common hallway or atrium) in the CBD district. These types of buildings shall divide the total permitted wall signage area between all the tenants, but each business shall be permitted one wall sign. Maximum area shall not exceed that provided in Table B.

In addition, multiple-tenant buildings shall be permitted one wall directory sign, intended to identify all of the building occupants. The total area of this directory sign shall not exceed twelve (12) square feet, with each tenant limited to one square foot. This sign shall be non-illuminated and shall be mounted on the entrance door or on the wall next to the entrance

- B. Within all PUD Districts, the number and size of wall signs shall be determined by the intended use of the premises, subject to the review and approval of the City, during PUD plan review.
- C. One (1) projecting sign may be permitted for each first-floor business within the CBD Central Business District. The projecting sign may be a maximum of eight (8) s.f. in area (each side) and shall be included in the total amount of signs permitted for the subject building. Changeable copy shall not be permitted as a part of projecting signs. Projecting signs must provide a clear distance of nine (9) feet from the sidewalk or private drive or parking lot to the bottom edge of the sign. Projecting signs may extend over abutting sidewalk, but shall not extend over public or private roadways, or parking areas unless approved by the City as a part of the sign permit. The leading edge of a projecting sign shall not extend more than four (4) feet from the face of the building that it is attached to. The maximum height of a projecting sign shall be fifteen (15) feet from the street to highest part of the sign.

- D. Within the CBD (Central Business District) and the VC (Village Commercial District) signs are intended to promote the pedestrian scale, and to ensure the visual consistency between signs and the historic character of the districts. No sign shall be erected in the CBD or VC in any manner that will obstruct any architectural details of a building. Signs within the CBD and VC may be internally illuminated channel letter signs or box signs only when the signs have a background darker than the light colored message.
- E. Building signs are not permitted above the first floor. Signs are permitted in the second story windows only in the Central Business District (CBD).
- F. Awnings must be over doorways or windows. Awning signs and awning shall be limited to three (3) colors. Black and white are defined as colors. Awnings with graphics will be considered an awning sign and may not exceed the allowable square footage of signage.

(2) MAXIMUM AREA REQUIREMENTS FOR BUILDING SIGNS SHALL BE APPLIED WITHIN EACH ZONING DISTRICT ACCORDING TO THE FOLLOWING SCHEDULE:

Table B – Building Signs.

District	Area (s.f.) per One (1) Foot of Building Frontage	Maximum Area in s.f.
R-1A	N/A	3 s.f.
R-1B	N/A	3 s.f.
R-3	N/A	3 s.f.
VR	0.5	12 s.f.
C-1	1	42 s.f.
VC	1	30 s.f.
CBD	1	42 s.f.
PB	1	42 s.f.
RD	1	20 s.f.
I-1	1	20 s.f.
EP	N/A	N/A
PP	N/A	N/A

SECTION 7.05 OUTDOOR ADVERTISING SIGN (OFF-SITE OR BILLBOARD SIGN).

- (1) Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in I-1, district, and shall be considered the principal use of such lots. Such signs shall not be placed on a lot with any other building thereon, and no structure shall be placed on a lot on which such sign is located.

- A. One billboard sign shall be permitted per lot.
- B. No such sign shall have a total area in excess of three hundred (300) square feet per sign face.
- C. It shall have a minimum clearance of ten (10) feet and a maximum clearance height of twenty-two (22) feet, from average grade as calculated within a sixty (60) foot radius from the base of the sign.
- D. It shall not be closer than one thousand (1000) feet to any other billboard signs on the same side of the right-of-way.
- E. The setback of the billboard sign shall be fifty (50) feet from the edge of the right-of-way.
- F. Any billboard sign shall be situated on the property so as to:
 - 1). Maximize motor vehicle sight distance, clear view, and traffic safety in general, in relation to other vehicles, pedestrians, and to other signage which is, or is anticipated to be, nearby; and
 - 2). Minimize the destruction of trees, the visibility of the billboard and illuminations thereof by and from residences, and any dangerous distraction and thus, hazard, of and to motorists, as determined in the discretion of the Planning Commission.
- G. A billboard sign may be illuminated, if it is located at least five hundred (500) feet from any residential zoning district or residential use. The illumination shall be directed away from all residential uses. No internal illumination shall be permitted for billboards.
- H. Billboard signs shall be constructed of steel. No wood or other combustible materials shall be used.

Section 7.06 COMPUTATIONS/ MEASUREMENTS

The following principles shall control the computation of sign area and sign height:

- (1) **COMPUTATION OF AREA.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework,

bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the total area of the sign.

- (2) COMPUTATION OF HEIGHT.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

Section 7.07 TEMPORARY SIGNS

Temporary signs shall be permitted in accordance with the regulations herein:

- (1) PERMIT REQUIRED.** Unless specified elsewhere in this ordinance a permit shall be required to display any temporary sign described by these regulations. Such permit shall be issued by the City of Dexter Zoning Administrator or designee and shall clearly specify the name, address and telephone number of the applicant as well as the title and dates of the event advertised and authorized location for placement of the sign. Permit fee, if any, is to be established by resolution of the City Council.
- (2) CONSTRUCTION SIGNS:** Construction signs shall only be erected on the construction site. Construction signs shall advertise only the project under construction and information related thereto, such as its developer, contractor, engineers, brokers, and architects. Signs advertising buildings or projects under construction shall not exceed thirty-two (32) square feet where the total parcel frontage is twenty-one (21) feet or less. Where parcel frontage exceeds twenty-one (21) feet, such signs shall not exceed one and a half (1.5) square feet per linear feet of thoroughfare frontage, up to a maximum of one hundred (100) square feet. Such signs shall have a maximum height of ten (10) feet and shall be setback at least fifteen (15) feet from any public right-of-way unless attached to a building, construction fence, or barricade. All such signs shall be removed promptly upon completion of construction. No more than one (1) construction sign shall be permitted per thoroughfare frontage.

Temporary Construction Visibility Signs: In an effort to ensure adequate visibility for all businesses during construction, temporary signage shall be permitted during construction. Adequacy of visibility shall be determined by the ability of the Zoning Administrator standing in the public right-of-way to determine that the business is

open during the construction. One (1) sign per building, not to exceed sixteen (16) square feet, may be placed on or in front of the building.

(3) POLITICAL SIGNS: Shall be used solely for the purpose of providing information relating to the election of a person to public office, or to a political party, or to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted without permit subject to the following conditions:

- A. Political signs shall be ground or wall signs. Political signs shall not be located in a dedicated right-of-way or attached to any utility pole. No ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.
- B. All political signs shall be removed within ten (10) calendar days after the election or event.
- C. Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

(4) REAL ESTATE / CONSTRUCTION SIGNS

- A. Single and Multiple Family Residential Real Estate: A sign with an area not in excess of six (6) square feet advertising the sale, rent and/or lease of a single or multiple-family structure or vacant property, placed adjacent to such a structure and upon the premises is permitted without permit. Such a sign may indicate only that the property is for sale, rent, and/or lease and the address or telephone number where the inquiry can be made. It shall have a maximum height of three (3) feet from grade and shall be set back a minimum of ten (10) feet from any public right-of-way unless attached to the building. Real estate signs which indicate property is sold are prohibited.
- B. Non-Residential Real Estate Signs: One (1) sign, with a total area not in excess of thirty-two (32) square feet, shall be permitted on each parcel for the purposes of advertising the sale, rent and/or lease of non-residential real estate. Such signs shall have a maximum height of eight (8) feet and shall be set back a minimum of fifteen (15) feet from any public right-of-way unless attached to a permanent building. Real estate signs which indicate property is sold are prohibited.
- C. Residential subdivision or condominium developments: The allowable area for one (1) on-premises sign pertaining to the sale, rent and/or lease of real estate within a residential subdivision or condominium complex being developed shall be limited to an area of thirty-two (32) square feet. Such

signs shall have a maximum height of eight (8) feet and shall be set back a minimum of fifteen (15) feet from any public right-of-way.

Not more than one (1) off-premises sign shall be permitted for the purpose of advertising a subdivision or condominium complex being developed. The area of the sign shall not exceed twenty-four (24) square feet and it shall be no more than five (5) feet high. The Planning Commission may allow additional signs if they find that due to location of the development, or some other hardship, the additional exposure can be justified. Written consent of the property owner must be included with the permit application.

Not more than one (1) real estate sign per thoroughfare frontage shall be placed on any premises. Real estate signs larger than six (6) square feet shall not be placed on any premises with an occupied structure. Real estate signs which indicate property is sold are prohibited

Temporary portable real estate directional sign, not exceeding three (3) s.f. in area and four (4) in number, saying "Open House" and/or showing a directional arrow and placed back of property lines outside the public right-of-way shall be permitted on approach routes to an open house, only for the day of the open house. The top of such signs shall not exceed three (3) feet in height, nor may such signs be displayed for more than one (1) day in any seven (7) day period. No such signs shall be placed on private property without the consent of the owner. A permit is not required for this type of sign.

One (1) non-illuminated freestanding sign listing persons or firms connected with construction work being performed may be permitted upon application to the Zoning Administrator provided such signs are located on the property under construction. Such signs shall not exceed thirty two (32) s.f. in area, a height of six (6) feet, and will be removed upon the completion of construction or after one (1) year whichever comes first.

Signs six (6) s.f. in area or less and a maximum of four (4) feet in height which list persons or firms connected with construction, maintenance, or service work being performed at the time, shall be permitted without permit. Such signs must be located on the property under consideration and must be removed upon completion of work on site.

- D. Removal: Real estate signs shall be removed within ten (10) days of the sale, lease or rental of the premises, land parcel or residential subdivision/complex.

(5) TEMPORARY COMMERCIAL SIGNS

- A. Temporary promotional or special sales signs for windows when erected in conjunction with a commercial establishment, provided they do not, individually or combined with other window signs, exceed thirty (30) percent of the total area of the display window or sixteen (16) square feet, whichever is less. Temporary promotional signs are permitted on ground floor windows only.
- B. Casual sales (garage sale, etc) signs not to exceed six (6) s.f. A permit is not required for this type of sign.
- C. Commercial activity or temporary banner signs not to exceed twenty (20) s.f.
- D. Signs intended to be utilized until a permanent sign may be obtained and erected can be approved by the Zoning Administrator for a period not to exceed sixty (60) days. Such signs shall not exceed sign area permitted within the appropriate zones.
- E. Sandwich board, A-Frame and other portable signs, herein referred to as portable signs, in accordance with the following:
 - a. Size. Maximum height shall be four (4) feet. Maximum width shall be two (2) feet.
 - b. Location.
 - 1. Portable signs shall be placed on the sidewalk in front of the property in which the business is located, a minimum of 3 feet (36 inches) from the face of the curb and no more than ten (10) feet from the building in which the sign is intended to serve. A portable signs shall in no case impede pedestrian travel in a sidewalk area and/or public right-of-way and are only permitted when a five (5) foot wide path can be maintained on the sidewalk. Portable signs are not permitted to conceal landscape features in or adjacent to the streets, including grass areas. Portable signs shall not obstruct access to fire hydrants, fire department connections, bicycle racks or curb ramps or interfere with the opening of vehicle doors or access to the sidewalk.
 - 2. Portable signs must be moved indoors after accumulation of one (1) or more inches of snow and shall not be placed back on the sidewalk until the entire sidewalk and extension on the side of the street where the business is located is clear of snow.
 - c. Number of Portable Signs.

1. One (1) portable sign is allowed for each business in a building, up to a maximum of two (2) signs per property. A sign may contain advertising for more than one business on the property.
 2. More than two (2) portable signs are permitted on private property or the public common areas in shopping malls only when the businesses have frontage along the sidewalk.
- d. Hours. Portable signs may be utilized during hours of operation only. Portable signs left on the sidewalk or outside overnight shall result in revocation of permit or fines. Fines must be paid prior to continuation of use of sandwich board signs.
- e. Materials/Design.
1. Portable signs are encouraged to be visually consistent with the historic City and are intended to promote the pedestrian scale. Hand painted, carved, and unique signage on a flat surface is preferred.
 2. Portable signs shall be properly designed and heavy enough to withstand typical winds without tipping over, rocking or sliding. It is the responsibility of the sign owner to remove the sign during inclement weather. .
- f. Illumination. Illumination is prohibited.
- g. Insurance. The City accepts no liability for any injury or damage caused by a sidewalk sign. \$1,000,000 of general liability insurance, naming the City as an additionally insured, must be submitted along with the portable sign permit for signs proposed for placement in the right-of-way and on public property.
- h. Permitting/Review Process. All sandwich boards require annual submission of an application, fee and issuance of a permit. Permits are valid from April 1 to March 31. From March 1 to March 31 of each year, the owner or manager of a business shall apply for an annual permit to begin April 1 under this section. Between March 1 and March 31 permit applications should be submitted to the City of Dexter for the following permit year. Signs requiring insurance require proof of valid and current insurance for the time of the permit request, April 1 to March 31, unless otherwise noted on the permit application. Permit application fees to be established by the City Council.

(6) TEMP CIVIC/PUBLIC SIGNS

- A. Temporary civic, cultural, and public service window posters, shall be exempt when posted inside commercial establishments, provided they do not, individually or combined, occupy more than thirty (30) percent of the total area of said window or five square feet, whichever is less. Temporary

window signs are permitted on ground floor windows only. These types of signs shall not be posted outside on windows, doors, light posts, street furniture, etc.

- B. Community special event signs: Municipal streetscape banners must follow the provisions and specifications listed on the permit and are subject to permit approval.
 - C. Institutional signs not to exceed thirty-two (32) s.f. Such signs shall be allowed no more than fourteen (14) days prior to the event or function and must be removed within forty-eight (48) hours after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, the top shall be no more than six (6) feet above ground level. Such signs may not be illuminated in accordance with this ordinance. Off-site signs for such events and functions are permitted with the following limitations, a maximum of five (5), 18" x 24" signs are permitted, two (2) of the five (5) permitted signs may be permitted to exceed 18" x 24", locations must be provided on the application.
- (7) **PLACEMENT AND DURATION OF TEMPORARY SIGNS.** Unless specified elsewhere in this ordinance the placement and duration of temporary signs shall be regulated as follows:
- A. No temporary sign shall be placed on public property or public rights-of-way unless it is advertising an event to be held on public property unless specified elsewhere in these regulations.
 - B. No temporary sign shall be placed on private property other than the location of the event unless permission is granted by the property owner.
 - C. Temporary signs on private property must be setback five (5) feet from public property.
 - D. Duration of display. Unless specified elsewhere in this ordinance temporary signs may not be displayed more than ten (10) days in any thirty (30) day period.

Section 7.08 SIGNS IN THE PUBLIC RIGHT-OF-WAY.

No signs shall be allowed in the public right-of- way, except for the following:

- (1) Signs erected by or on behalf of a governmental or other public agency to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

- (2) Projecting signs pursuant to the provisions of these regulations.
- (3) Portable sidewalk signs pursuant to the provisions of these regulations.
- (4) Banner signs as permitted by the City of Dexter.
- (5) Community special event and Institutional signs.

Section 7.09 NON-CONFORMING EXISTING SIGNS.

(1) INTENT

It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Article, become non-conforming, and to administer this Article to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore;

- A. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Article if said sign becomes non-conforming due to a change occurring after the original adoption of this article, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
- B. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered non-conforming, such sign must be removed or made to conform to this Article.

(2) LAWFUL EXISTING SIGNS

Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.

(3) CONTINUANCE

- A. Any lawful non-conforming sign shall be permitted to continue to exist, so long as the non-conforming sign:
 - 1). is not physically expanded or changed to another non-conforming sign.
 - 2). is not relocated or structurally altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign. Altered shall not include normal maintenance or maintenance to protect

public safety. Normal maintenance shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, or repair and replacement of electrical wiring and devices.

3). is not re-established or maintained after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer.

4). is not repaired or re-erected after being damaged, if the repair or re-erection of the sign would cost more than fifty (50) percent of the replacement cost of an identical new sign.

- B. In the case of a legal non-conforming sign without a defined background (such as individual letters or symbols mounted directly on a building, or lettering on an awning), changes may be made to the letters or symbols, so long as the overall area of the sign is not increased. In such situations, an amended sign permit application shall be filed with the zoning administrator.
- C. A non-conforming sign may make changes to the words or symbols used, if an amended sign permit application is filed with the Zoning Administrator. In such cases, the message may be changed without affecting the legal non-conforming status, as long as neither the sign structure or frame is changed.

Section 7.10 PERMITS AND APPLICATIONS

(1) PERMIT REQUIRED

It shall be unlawful for any person to erect, re-erect, alter or relocate any sign unless a permit shall have been first obtained from the Zoning Administrator except as provided elsewhere in these regulations. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, from the Washtenaw County Building Department, regardless of size. Any ground sign with footings will also require a permit from the Washtenaw County Building Department.

(2) SITE PLAN REVIEW

For new development subject to site plan review under the provisions of Article 21, the final site plan shall include a comprehensive sign plan including ground, wall and directional sign locations and details, if applicable.

(3) APPLICATIONS

All sign permit applications shall be submitted to the Zoning Administrator for review and shall include the following:

- A. A scale drawing of each sign that shows the dimensions of the sign, the height of the sign, design of the sign and lettering, dimensions of the lettering, the type of materials to be used for the sign and its support system, type of illumination, and color.

- B. A scale drawing of the site or building, showing the placement of all signs, both existing and proposed. This drawing shall include all the dimensions of the site or building.
- C. Detailed information about other existing signs on the property, including dimensions of the sign, the height of the sign, design of the sign and lettering, dimensions of the lettering, the type of materials used for the sign and its support system, type of illumination, and color. The application shall also indicate whether the existing sign is to remain or be removed.
- D. The consenting signature of the property owner.
- E. The sign permit fee paid in accordance with the current fee schedule, adopted by the City Council.

(4) PERMIT APPROVAL

Permits for the erection of signs shall only be issued to property owners and/or assignees qualified to carry on such work under the provisions of this article. The Zoning Administrator shall issue permits for signs defined in Section 2.02 and permitted in Article 7. Any sign which is not explicitly defined in Section 2.02 Definitions or permitted in Article 7, must be approved by the Zoning Board of Appeals before a permit shall be issued.

(5) PERMIT EXPIRATION

A sign permit shall become null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

(6) SERVICING

No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

(7) INSPECTIONS

All newly erected signs shall be inspected by the Zoning Administrator. Sign erector's imprint should be visible. Signs for which a permit is required shall be inspected periodically by the Zoning Administrator for compliance with this Article and other laws of the City of Dexter.

Section 7.11 CONSTRUCTION AND MAINTENANCE REQUIREMENTS

(1) MATERIALS AND DESIGN

All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the City engineering standards and requirements of this Article.

(2) ERECTOR'S IMPRINT

Signs of every type which come within the purview of this Article, must carry the identification and address of the sign erector, electrical voltage, when applicable, and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign.

(3) FASTENINGS

All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

(4) SUPPORT LOCATION

No pole or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way, unless an easement is granted by the property owner.

(5) PROXIMITY TO ELECTRICAL CONDUCTORS

No sign shall be erected so that any part including cables, guys, etc. will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

(6) RE-HANGING

In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.

(7) SANITATION

Property surrounding any ground sign shall be kept clean, sanitary and free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

(8) TRAFFIC INTERFERENCE

No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

Section 7.12 REMOVAL OF SIGNS.

(1) REMOVAL. The Zoning or Code Inspector or designee shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. Notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance with the ordinance. Failure to remove the sign or to comply with this notice shall be a civil infraction. The City shall also remove the sign immediately

and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinance debt or in the manner of taxes and such charge shall be a lien on the property.

(2) RENEWAL REQUIREMENTS A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City shall remove it in accordance with the provisions stated in paragraph 7.13. (1), preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

Section 7.13 VIOLATIONS

(1) Any of the following shall be a violation of this ordinance:

- A. To install, create, erect, or maintain any sign in a way inconsistent with the terms of this ordinance or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;
- B. To install, create, erect, or maintain any sign requiring a permit without such a permit;

(2) Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation.

(3) Unless specified elsewhere in this ordinance any signs placed within a road Right-of-Way (ROW) and on utility poles will be considered a violation of this ordinance and may be removed by the City at the expense of the owner.

Section 7.14 APPEALS

Any person aggrieved by any decision, ruling, or order from the Zoning Administrator, may make an appeal to the Zoning Board of Appeals. The ZBA may grant a variance for a sign only in cases involving practical difficulties or unnecessary hardships when the evidence of the appeal is supported by one or both of the following findings of fact:

- (1)** That the alleged hardship or practical difficulty, or both, are unique to the property (unusual topography, lot configuration, size, etc.), and the alleged hardship or practical difficulty resulting from conditions do not generally exist throughout the City. Personal and economic hardships do not qualify.

- (2) That the granting of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this article. The granting of the variance will not be detrimental to surrounding properties.

Section 7.15 ENFORCEMENT

This Section shall be administered and enforced by the Zoning Administrator.

Article VIII

SPECIAL LAND USES

Section 8.01 INTENT

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. Among the purposes of the Special Land Use standards of this Article is to accomplish the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses.
- B. Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- C. Regulate the use of land on the basis of impact to the City overall and adjacent properties in particular.
- D. Promote a planned and orderly development pattern which can be served by public facilities and serviced in a cost-effective manner.
- E. Ensure uses can be accommodated by the environmental capability of specific sites.
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- G. Provide greater flexibility to integrate land uses within the City.

The process for review of a Special Land Use involves a Public Hearing with the Planning Commission with final determination on the use and site plan by the City Council.

Section 8.02 PROCEDURE

The procedure for Special Land Use review shall be as follows:

- A. **Application.** An applicant for a Special Land Use shall submit an application for review to the Zoning Administrator, together with the required fee and appropriate information, not less than 45 days prior to the date of the regular meeting of the Planning Commission at which the special use application will be considered. The following information shall also be submitted:
 - 1. A site plan with the required information as set forth in Article XXI.
 - 2. A statement with regard to compliance with the criteria required for approval in Section 8.03, Standards for Special Land Uses and any specific standards required by the specific use as provided in Section 8.11 Special Land Use Specific Requirements.

3. Failure to provide the required information and materials as part of the application for Special Land Use approval shall render the application deficient, and said application shall be held in abeyance until the petitioner submits all required items. The Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission action, specifically where no physical changes to the site are proposed.
- B. **Public Hearing.** The Planning Commission shall hold a public hearing, or hearings, upon any application for special land use, notice of which shall be in the manner required by Section 22.08 Notices.
- C. **Planning Commission Action.**
1. The Planning Commission shall conduct the required public hearing. At the public hearing, the Planning commission shall review the application for special land use approval in accordance with Section 8.03 and any specific standards in Section 8.11 Special Land Use Specific Requirements.
 2. The Planning Commission shall recommend that the City Council either approve, approve with conditions or deny the Special Land Use (based on findings outlined in Section 8.03) and the accompanying site plan.
- D. **City Council Action.**
1. The Special Land Use request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next City Council meeting. The City Council shall either approve, approve with conditions, or reject the request within 60 days, unless an extension has been agreed upon in writing by both the City Council and the Applicant.
 2. The decision on a special land use required by the City Council shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any condition imposed.
- E. **Zoning Compliance.** Upon approval of a special land use by City Council, Zoning Compliance must be obtained in accordance with Section 22.04.

Section 8.03 STANDARDS FOR SPECIAL LAND USES

- A. **Standards.** The Planning Commission and City council shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards, and any specific standards established for a particular use.
1. **Compatibility with the Master Plan.** The proposed Special Land Use shall be consistent with the goals, objectives, and future land use plan described in the Dexter Master Plan.

2. **Compliance with Zoning Standards.** The proposed Special Land Use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning district, and shall comply with all applicable ordinance standards.
 3. **Compatibility with Adjacent Uses.** The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 4. **Impact on the Overall Environment.** The proposed Special Land Use shall not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.
 5. **Impact on Public Facilities.** The proposed Special Land Use shall be served adequately by public facilities and services such as police and fire protection, schools, drainage systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.
 6. **Traffic Impact.** The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the City's Complete Street Ordinance.
 7. **Public Safety and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.
 8. **Special Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
- B. **Additional Findings.** The Planning Commission and City Council shall also consider the nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use, including but not limited to, hours of operation, outdoor storage, and work areas.

Section 8.04 CONDITIONS OF APPROVAL

- A. **Authority.** The City Council may at its discretion impose additional conditions of approval, when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. **Scope.** Conditions that are imposed by the City Council shall:
 - 1. Be related to and ensure the review considerations of Section 8.03 and the applicable specific regulations are met.
 - 2. Special Land Use approval is applicable to a property, not property owners, so long as use remains in effect under terms set from the Section 8.05.
 - 3. The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council.
- C. Approval of a Special Land Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Zoning Administrator.
- D. A development agreement in accordance with Section 22.12 shall be at the City's discretion.
- E. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the City Council to revoke such special land use approval in accordance with Section 8.08.

Section 8.05 EFFECTIVENESS

- A. **Remain in Force.** Upon receipt of site plan approval, special land use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the City Council resolution of approval.
- B. **Expiration.** Any Special Land Use approval granted by the City Council shall expire unless a final site plan effectuating the Special Land Use is submitted within one year of the date of approval.
- C. **Extension.** Upon written application filed prior to the termination of the one year period as provided above, the City Council may authorize a single extension of the time limit for an additional one year period. Such extension shall be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one year extension period.
- D. **Conforming Use Status.** Any approved Special Land Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.

- E. **Abandonment.** When a Special Land Use which has not previously received a Special Land Use permit, ceases operations for more than one year, the Special Land Use permit shall become null and void, and a new Special Land Use permit shall be required to reopen the use. The time frame shall be extended to two years for a use which was approved as a Special Land Use under this Article.
- F. **Resubmittal.** 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 or City Council. A resubmitted application shall be considered a new application.

Section 8.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Special Land Uses or when there is a proposed change from one Special Land Use to another.

- A. **Amendments.** Any person or agency who has been granted a Special Land Use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Zoning Administrator shall determine whether the proposed amendment requires new Special Land Use approval. New Special Land Use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
- B. **Expansions.** The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use, which has not previously received a Special Land Use Permit.
- C. **Change in Use.** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new Special Land Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

Section 8.07 INSPECTIONS

The Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the City Council and this Ordinance. Non-compliance with the requirements and

conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

Section 8.08 REVOCATION

The revocation of a Special Land Use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- B. The recipient shall have 30 days to correct any deficiencies to the satisfaction of the City Council.
- C. If after 30 days any deficiencies remain, the City Council may then revoke the Special Land Use, or if the conditions warrant, allow additional time.
- D. A repeat violation may cause immediate revocation of the Special Land Use.

Section 8.09 RESERVED

Section 8.10 RESERVED

Section 8.11 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The following sections identify specific requirements, which shall be complied with by individual Special Land Uses, as determined by the Planning Commission and City Council, in addition to the general standards of Section 8.03.

- A. **Listing:** Special Land Uses with specific site and/or use standards described on the following pages:
 - 1. Accessory apartment on upper floors of commercial buildings
 - 2. Accessory apartment in a single- family home
 - 3. Accessory use or storage of hazardous materials
 - 4. Adult regulated uses
 - 5. Arcades and similar devices at public commercial mechanical amusement device centers
 - 6. Automobile or vehicle dealerships

7. Automobile service centers (minor repair) and major auto repair establishments, not including those, which are accessory to an automobile or vehicle dealership
8. Automobile service (gasoline) stations including those, which are accessory to another use
9. Automobile washes, automatic or self-service, not including those, which are accessory to an automobile or vehicle dealership
10. Banks, credit unions, savings and loan institutions with three or more drive-through lanes
11. Cemeteries
12. Churches
13. Essential public service buildings and structures
14. Essential public service storage yards
15. Funeral Homes
16. General and specialty hospitals
17. Group day care homes
18. Housing for the elderly, retirement Villages, etc.
19. Kennels, commercial
20. Motels, hotels including accessory convention/meeting facilities and restaurants
21. Nursing and convalescent homes
22. Open Air Business
23. Outdoor display areas
24. Recreation: Commercial outdoor establishments (excluding golf related uses)
25. Recreation: Indoor commercial recreation (bowling alleys, ice areas, skating rinks, etc.)
26. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.
27. Residential cluster development
28. Restaurants and other establishments with drive-in or drive-thru facilities
29. Vacation rental housing

30. Veterinary Clinics and hospitals

B. List of specific requirements by use:

1. **Accessory apartments on upper floors of mixed-use buildings.** Housing above retail uses is encouraged in the Village Commercial and Central Business District. These units are designed for singles, younger couples and elderly people without children. A mix of land uses, housing, jobs, and income creates a more balanced commercial district there by reduces traffic and creates better fiscal balance.

- a. Accessory apartments shall be entirely within building.
- b. A minimum of 300 square feet per unit.
- c. Exterior entrances shall be separated from commercial uses. No more than two units can share a common entrance stair from the ground floor.
- d. One parking space per unit.
- e. Access to upper story apartments shall conform to ADA requirements and County Building codes.

2. **Accessory apartment in a single-family home**

These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the City while providing reasonable control in recognition of the high percentage of renter occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single-family neighborhoods.

- a. Accessory apartments shall be entirely within the existing structure and shall include no more than 25% of the total floor area of the home.
- b. The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one-unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.
- c. One space per accessory apartment is required in addition to single dwelling parking requirements. All parking should be accommodated on-site. Spaces for accessory apartment should be located in the rear yard.

3. Accessory use or storage of hazardous materials

The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources (MDNR), Michigan State Police, County Sheriff, Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:

- a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- b. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material and anticipated procedure for use and handling.
- c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2,200 pounds per month.
- d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.
- e. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

4. Adult Regulated Uses

- a. Intent: In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.

- b. Uses Regulated: The following uses are regulated by this subsection.
 - (1) Adult Book or Supply Store
 - (2) Adult Model Studio
 - (3) Adult Motion Picture Arcade
 - (4) Adult Motion Picture Theater or Adult Live Stage Performing Theater
 - (5) Adult Outdoor Motion Picture Theater
 - (6) Adult Physical Cultural Establishment
 - (7) Cabaret
 - (8) Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article II).

- c. Required Spacing- The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:
 - (1) At least 500 feet from any other adult regulated use;
 - (2) At least 500 feet from all churches, convents, temples and similar religious institutions;
 - (3) At least 500 feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals;
 - (4) At least 500 feet from any use defined as a "care organization";
 - (5) At least 500 feet from any one family or multiple family residential district or use;
 - (6) At least 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters-, ice- or roller-skating rinks and similar uses frequented by children and teenagers.

- d. Special Site Design Standards
 - (1) Maximum size of the building shall be 5,000 square feet.
 - (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or

- "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
- (3) Adult regulated uses shall be located within a free-standing building. A shared or common wall structure or shopping center are not considered to be a free-standing building.
 - (4) The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.
 - (5) A six-foot-high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.
 - (6) Access shall be from an arterial roadway.
- e. Waivers: Upon denial of any application for an Adult Regulated Use, the applicant may appeal for a waiver of the location provisions above to the Zoning Board of Appeals consistent with the standards set forth below. The Zoning Board of Appeals may waive the location provisions set forth herein, after all the following findings are made:
- (1) Compliance with Regulations: The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;
 - (2) Not Enlarge District: The proposed use will not enlarge or encourage the development of a "skid row" or "strip";
 - (3) Consistent with Programs: The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;
 - (4) Consistent with Law: All applicable City, state or federal laws and regulations will be observed.
 - (5) Procedure for Waiver- Prior to granting a waiver of the location restrictions set forth above, and not less than five, nor more than 15 days before the request for waivers is considered or a public hearing held pursuant to this section, the City Council shall publish, in a newspaper of general circulation in the City, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within 500 feet of the boundary of the premises in question, and to the occupants of all structures

within 500 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than 18 years of age, or a structure located within 300 feet of the boundary of the property being considered for the regulated use. The applicant, City Council, or Zoning Board of Appeals may request a public hearing.

- f. Conditions of Approval: Prior to the granting of approval for the establishment of any Adult Regulated Use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- g. Specific Penalties: No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

5. Arcades, mechanical amusement devices and similar devices:

- a. Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial or other private school offering courses in general education.
- b. Access to the site shall be directly from an arterial street.
- c. All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and Ordinances.

6. Automobile or vehicle dealerships. Automobile or vehicle dealerships with repair facilities or outdoor display area shall be subject to the following requirements.

- a. Outdoor display area. Outdoor display areas shall be subject to the regulations in Section 23.a-c.
- b. Outdoor Storage. Outdoor storage shall be prohibited. All partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

- c. Servicing of vehicles. Any servicing of automobiles or vehicles, including major motor repair and refinishing, shall be subject to the following requirements:
 - (1) Service activities shall be clearly incidental to the automobile or vehicle sales operation.
 - (2) Automobile or vehicle service activities shall occur within a completely enclosed building.
 - (3) Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
 - (4) The building containing service operations shall be setback a minimum of 50 feet from any property line.
 - (5) There shall be no external evidence of service operations, in the form of dust, odors, or noise, beyond the service building.
 - d. Broadcasting devices. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 - e. The minimum lot area required for automobile or vehicle dealerships, including repair facilities and outdoor display areas, shall be 43,560 square feet.
7. **Automobile service centers (minor repair) and major automotive repair (such as body shops)**, not including those, which are accessory to an automobile or vehicle dealership.

All principal and accessory structures shall be set back a minimum of 500 feet from a one-family residential district.

- a. If the gas station has auto repair there shall be a minimum lot frontage on a paved road of 200 feet.
- b. Overhead doors shall not face a public street or residential district. The City Council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Article VI.
- c. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.
- d. Where adjoining residential district, a wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

- e. All repair work shall be conducted completely within an enclosed building.
 - f. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
 - g. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one day.
 - h. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department and Washtenaw County Water Resources Commission.
8. **Automobile service (gasoline) stations (including those, which are accessory to another use)**
- a. The minimum lot area for gasoline service stations shall be 15,000 square feet for stations having no more than two service bays and no more than two pump islands. There shall be added 3,000 square feet for additional service bay and 1,500 square feet for each additional pump island. At least one street lot line shall be at least 150 feet in length along one major thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.
 - b. Pump islands shall be a minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
 - c. Overhead canopies shall be setback at least 20 feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.
 - d. Access driveways shall have access on an arterial street. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase accident or congestion potential.
 - e. Where adjoining residential district, a fence or wall six feet in height shall be erected along any common lot line.
 - f. All repair work shall be conducted completely within an enclosed building.
 - g. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the

- site plan approved by the City Council and which extends no more than ten feet beyond the building.
- h. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.
 - i. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves and approved by the Washtenaw County Water Resources Commission.
 - j. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.
9. **Automobile washes, automatic or self-service**, not including those, which are accessory to an automobile or vehicle dealership.
- a. Only one ingress/egress driveway shall be permitted on any single street.
 - b. Where adjoining a residential district, a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
 - c. All washing facilities shall be within an enclosed building.
 - d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district.
 - e. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article V, Parking Standards.
 - f. Truck wash must be at least 100 feet from all property lines and entirely screened using landscaping from residential
10. **Banks, credit unions, savings and loan institutions with drive-through facilities with three or more drive-through lanes**
- a. Only one ingress/egress driveway or one pair of one-way driveways or one stand-alone ready teller structure, shall be permitted along any street.

- b. Exit and required stacking lanes shall not face directly at a one family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.

11. Cemeteries

- a. Minimum property size shall be 20 acres.
- b. All grave sites, buildings and structures shall be setback at least 25 feet from all property lines.
- c. The City Council shall determine that the cemetery will have a memorial park setting.

12. Churches, temples and similar places of worship

- a. Minimum lot area shall be three acres plus an additional 15,000 square feet for each 100 persons of occupant load as determined by County Building Code.
- b. Buildings of greater than the maximum height permitted in Article XX - Schedule of Regulations may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one foot for each foot of building height that exceeds the maximum permitted.
- c. All vehicular access to the site shall be onto an arterial or collector street, as classified in the Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.
- d. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five feet in height shall be provided. The City Council may reduce this buffer based on the standards of Article VI.

13. Essential Public Service Buildings and Structures

- a. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.
- b. Electric or gas regulator equipment and apparatus shall be setback a minimum of 30 feet from all lot lines or equal to district setbacks, whichever is greater. They cannot be located in the district front yard setback.
- c. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip (See Section 6.05).

- d. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of masonry construction.

14. Essential Public Service Storage Yards

- a. Requirements of item 15 above.
- b. The minimum lot size shall be three acres.
- c. A chain link fence six feet in height shall be constructed on the boundary property lines.

15. Funeral Home

- a. Adequate assembly area is provided off-street for vehicles to be used in a funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A residence may be provided within the main building of mortuary establishments.

16. General and Specialty Hospitals

- a. All such hospitals shall be developed only on sites consisting of at least ten acres in area.
- b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.

17. Group Day Care Homes

- a. The minimum lot area required for a group day care home shall be the same as the minimum lot area required for the zoning district in which the use would be located.
- b. An on-site drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
- c. A minimum of outdoor play area of 2,000 square feet shall be provided. The outdoor play area shall be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located within a primary front yard.

18. Housing for the Elderly, retirement villages, etc.

- a. All sites should be conveniently located within adequate distance of food stores, shopping centers, restaurants, drug stores and public transportation, as determined by the Planning Commission.

- b. All dwelling units shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities.)
- c. Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25% of total site, exclusive of any dedicated public right-of-way.
- d. Passive recreation area(s) shall be provided at the rate of 25 square feet per 100 square feet of living area.
- e. The minimum lot size shall be not less than three acres.
- f. All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency-type apartment.
- g. The gross density of the dwelling units shall not exceed 20 units per acre, exclusive of any dedicated public right-of-way of either interior or bounding roads.
- h. Except as provided herein, all buildings and sites shall be in compliance with Article XX - Schedule of Regulations.
- i. No housing for the elderly shall be converted to any other use without complying with the provisions of the Zoning Ordinance in effect.
- j. The City Council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.
- k. All buildings permitted hereunder shall not exceed 35 feet in height.

19. Kennels, Commercial

- a. For kennels housing dogs, the minimum lot size shall be ten acres.
- b. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to property lines and shall not be located in any required front, rear or side yard setback area.
- c. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound-proofing, sanitary requirements).
- d. An operations/management plan shall be submitted to the City.

20. Motels Hotels, including accessory convention/meeting facilities and restaurants.

- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- b. Each unit shall contain not less than 250 square feet of floor area.

- c. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.

21. Nursing and Convalescent Homes

- a. There shall be provided on the site, not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
- b. Principal buildings shall not be closer than 40 feet to any property line.

22. Open air businesses. The following regulations shall apply to permanent open-air businesses:

- a. Generally.
 - (1) The minimum lot size for open-air businesses shall be 21,780 square feet.
 - (2) Notwithstanding the regulations in Section 5.09 Access Management, sub-section F.4, the minimum spacing requirements between a commercial driveway and an intersection shall be set on a case-by-case basis by the Planning Commission during site plan review, as recommended by the city engineer.
 - (3) Parking shall be setback a minimum of ten feet from any existing or planned road right-of-way line.
 - (4) All loading, unloading, and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to encroach into adjacent road rights-of-way.
- b. Automobiles or vehicles dealerships shall comply with the requirements in Section 8.11, subsection B.6.
- c. Nurseries and garden centers, which deal with plant materials shall comply with the following:
 - (1) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery or garden center is located.
 - (2) The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

23. Outdoor display areas. The following regulations shall apply to outdoor display areas:
- a. Grading, surfacing and drainage. Outdoor display areas, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the city engineer.
 - b. Off-street parking, loading, and unloading.
 - (1) Outdoor display areas, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements for off-street parking spaces, as described in Article V.
 - (2) All outdoor display areas, loading, unloading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to encroach into adjacent roads rights-of-way.
 - (3) All outdoor display parking areas adjacent to residential and non-residential zoning districts shall provide landscape buffer and screening, as described in Article VI.
 - c. Access Management. Notwithstanding the regulations in Section 5.09 Access Management, sub-section F.4, the minimum spacing requirements between a commercial driveway and an intersection shall be set on a case-by-case basis by the Planning Commission during site plan review, as recommended by the city engineer.
24. **Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses)**
- a. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
 - b. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby

properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.

- c. The site shall be located on a paved street which is classified as an arterial street in the City Master Plan.
- d. No building or spectator seating facility shall be located within 100 feet of a property line.
- e. The site shall be periodically cleared of debris.

25. **Recreation: Indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.)**

- a. The principal and accessory buildings and structures shall not be located within 100 feet of any residential district or permitted use.
- b. All uses shall be conducted completely within a fully enclosed building.
- c. The buildings shall be sound-proofed.

26. **Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.**

- a. The proposed site shall have at least one property line abutting an arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
- b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- c. Off-street parking shall be provided so as to accommodate not less than one-third of the member families and/or individual members. The City Council may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws 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 by-laws or formal membership, the off-street parking requirements shall be determined by the City Council on the basis of usage.

27. Residential Cluster Development

a. **Purpose.** The cluster development provision has the following purposes;

- (1) To permit flexibility in the layout of subdivisions;
- (2) To permit variety in the size and shape of residential lots;
- (3) To permit flexibility in the location of residential buildings and grouping of same;
- (4) To encourage creative approaches in traditional design and development of the residential area; and interconnect with the City pattern of development and road system.
- (5) To permit economy of the required improvements;
- (6) To preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and
- (7) To permit provision of open space for the use of residents of the subdivision or to the City at large, and to concentrate such open spaces in locations of such size and shape as to be accessible, usable, and maintainable.

This provision is designed to be a designation applied to a parcel of land within an R-1A and R-1B District; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.

b. **General Regulations.** Cluster development is permitted in the R-1A and R-1B Districts, subject to all of the regulations of each district in which located, except as specifically modified in this Section.

c. **Minimum Area.** The minimum parcel area for a cluster development shall be 20 acres.

d. **Permitted Uses.** Permitted, accessory, and conditional uses as listed herein in the R-1A and R-1B Districts are permitted in a cluster subdivision in each zoning district.

e. **Density of Development.** The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district

Involved. The permitted number of dwelling units shall be calculated on the basis of the following dwelling unit densities:

R-1A - 3.63 dwelling units per acre of total lot area;

R-1B - 5.58 dwelling units per acre of total lot area;

The land area used in the calculation shall include public and private road rights-of-way, existing and proposed, that are located within the proposed subdivision, but shall not include any existing right-of-way of any boundary roads of the subdivision. Only 25% of the acreage comprised of open water, land within the 100-year floodplain elevation, and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.

f. **Area, Placement, and Height Regulations.** The regulations for the R-1A and R-1B Districts may be modified as follows, for single family dwellings and their accessory structures only:

- (1) Minimum lot area - 8,775 square feet in R-1A, in and 5,850 square feet in R-1B Districts;
- (2) Minimum lot width - 50 feet at the existing or proposed street line;
- (3) Maximum ground floor coverage - none;
- (4) Maximum floor area ratio - none;
- (5) Minimum yards: front yard, or frontage on any street - 25 feet; side yards - none, except, however, that adjacent dwelling structures shall be a minimum of ten feet apart unless structurally attached; rear yard - 15feet.

g. **Common Open Spaces and Facilities.** For each square foot of excess land area resulting from the lot reductions provided in item f. preceding, the subdivision shall provide an equal amount of land dedicated to the common use of the owners in the subdivision or to the public. The manner of dedication shall be approved by the City Council. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

Parks and/or recreation areas shall have a minimum area of four acres and a minimum dimension of 100 feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the City Council. Such land areas shall not include, as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain.

The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition. If the open space area is to consist of two or more parcels at least one parcel shall have the minimum area of four acres. The minimum dimension shall in all cases be 100 feet; and the location size and shape of any parcel shall be subject to approval by the City Council. A parcel divided by a drainage course, stream, or river shall be considered as one parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways. Areas dedicated to the public shall have at least one access point by a public street for each separate open space parcel. The City Council shall have the discretion to require additional vehicular and/or pedestrian access points.

The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision. Common open space shall have a legal description therefor, which shall include an accurate statement of land areas, all of which shall be certified by a registered land surveyor.

- h. **Sewer and Water Services.** All lots in a cluster subdivision shall be served by a public water and sanitary sewer facilities.
- i. **Procedures without Zoning Amendment.** The applicant for approval of a preliminary plat shall, at the same time, apply for a Cluster Development designation (hereafter referred to as CD designation) if such designation is desired. The application shall consist of a completed form, fees, and all information required for review of a preliminary plat submitted for tentative approval. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance and shall include its analysis and recommendations concerning the CD designation in its report to the City Council on the preliminary plat. If the City Council approves the CD designation, It shall indicate same in its tentative approval of the preliminary plat. The City Clerk shall record, and the Mayor shall attest, the CD designation of the Official Zoning Map within three days of the date of final approval of the final plat by the City Council. The recording on the Official Zoning Map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.
- j. **Procedures with Zoning Amendment.** If the property included in the CD designation request must also be rezoned to one of the applicable residential districts, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat. The application shall in this case Include a waiver,

signed by the applicant, that the 90 day limit on review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The City shall not give tentative approval to the preliminary plat unit after it has approved the zoning amendment. With this exception the procedures set forth in Item i, preceding, shall apply.

- k. **Calculations.** All calculations and other information needed to review conformance of the plat with the zoning ordinance regulations shall be provided on the preliminary plat.
- l. **Authority.** The City Council shall have the authority to approve or deny a request for a CD designation. The Council shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open area; and in other features of the design and character of a CD subdivision as proposed in a preliminary plat. This authority may be exercised by the Council when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.
- m. **Improvements.** Improvements, or security in lieu thereof, shall be provided as required in the Subdivision Ordinance. Improvements of open space areas to be dedicated to the City, or security in lieu thereof, shall be provided by the developer prior to approval of the final plat by the City Council for the first stage of the subdivision. Agreement as to the required improvements for such open space areas shall be made by the developer and City Council prior to the Council's tentative approval of the preliminary plat. Requirements for improvements may be modified as set forth In the Subdivision Ordinance.

28. **Restaurants and other establishments with drive-in or drive-through facilities**

- a. Principal and accessory buildings shall be setback at least 75 feet from any adjacent public right-of-way line or property line. Location shall be along an arterial street, as classified in the City Master Plan.
- b. Only one access shall be provided onto an arterial street. Access points shall be located at least 60 feet from the intersection of any two streets.
- c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- d. A six-foot-high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential.

29. Vacation Rental Housing

- a. Each vacation rental permit shall expire December 31 of the current year, and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining a vacation rental shall be established by City Council resolution.
- b. All applications for a new vacation rental permit or a permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator. Each applicant shall certify to the City that the vacation rental included in the application is in compliance with the provisions of this Article. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.
- c. Every vacation rental owner-operator shall appoint a local agent to manage the vacation rental.
- d. In addition to the application requirements of this Article, all applications for a new vacation rental permit or a permit renewal shall include a Local Agent Agreement reflecting the local agent's authority and acceptance of all responsibilities under this Article.
- e. The local agent shall:
 - 1. Keep their permanent residence within 100 miles of the vacation rental, or if a property management company or similar business entity, have offices within 100 miles of the vacation rental;
 - 2. Be authorized on behalf of the owner of the vacation rental, to accept service of all notices from the City or service of legal process relating to any and all matters relating to the vacation rental;
 - 3. Be authorized to allow City officers, employees, or agents, to enter the owner's property for purposes of inspection and enforcement of this Article or any other ordinance, statute, rule or regulation the City may have the duty or authority to enforce;
 - 4. Be authorized on behalf of the owner of the vacation rental in all matters relating to dealing with renters of the vacation rental;
 - 5. Be authorized to undertake, or cause to be undertaken, any repair or act of maintenance of the vacation rental necessary to comply with any City ordinance, or any applicable state building regulations.

- f. The permit holder shall notify the city of any changes to the approved application within 30 days of the date of the change, including change of mailing address, contract information, or appointed Local Agent.
 - g. One parking space shall be required for each guest bedroom. The Planning Commission may approve existing, improved on-street parking spaces to be used for guest parking, for the purposes of this requirement. The Planning Commission may attach conditions to the approved use of existing, improved on-street parking spaces as guest parking.
 - h. Structural and Occupancy Requirements.
 - 1. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, tent, or other temporary structure. Accessory dwellings in existence as of the effective date of this Section, and located on the same parcel as the principal dwelling unit that is utilized as a Vacation Rental, may be utilized for guest bedrooms, in accordance with this Section.
 - 2. Every guest bedroom shall contain not fewer than 70 square feet. Every guest bedroom occupied by more than one person shall contain not fewer than 50 square feet of floor area for each occupant thereof.
 - 3. Every guest bedroom shall have access to a bathroom, including a toilet, sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.
 - 4. One (1) bathroom shall be provided for every two (2) guest bedrooms.
 - 5. Kitchens and non-habitable spaces shall not be used as guest bedrooms.
 - 6. No separate cooking facilities shall be allowed in guest bedrooms.
30. **Veterinary Clinics and Hospitals (Small Animal Clinic, Large Animal Clinic, Small Animal Hospital, and Veterinary Hospital)**
- The following regulations apply to all animal clinics and hospitals:
- a. The use shall be operated by a licensed or registered veterinarian.
 - b. Any indoor boarding shall be limited to that incidental to treatment or surgery.

- c. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
 - (1) Walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall.
 - (2) Doors must be solid core.
 - (3) Ventilation must be forced air designed in such a fashion as to reduce odiferous effects on residential neighbors.
- d. A caretaker's quarters may be permitted.
- e. Adequate on-site parking shall be required.
- f. A minimum of 1,000 square feet of green space (grass area) in the rear and/or side yard shall be required.

The following regulations apply to all small animal clinics in addition to items 31 a-f:

- g. Principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- h. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

The following regulations apply to all large animal clinics in addition to items 31 a-f:

- i. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least 200 feet from abutting residential districts, churches or restaurants on the same side of the street; 50 feet from the front property line and 50 feet from all other property lines.
- j. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- k. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

The following regulations apply to all Veterinary Hospitals and Small Animal Hospitals in addition to items 31 a-f:

- l. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least 200 feet from abutting residential districts, churches or restaurants on the same side of the street; 50 feet from the front property line and 50 feet from all other property lines.

- m. Minimum one acre lot
- n. No dogs are permitted in outside boarding area between 8 p.m. and 7 a.m.

Article IX

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Section 9.01 ESTABLISHMENT OF DISTRICTS

The City of Dexter is hereby divided into the following zoning districts;

Residential Districts

R-1A	One-Family Residential District - Large Lot
R-1B	One-Family Residential District - Small Lot
VR	Village Residential District
R-3	Multiple-Family Residential District
MHP	Mobile Home Park Residential District

Non-Residential Districts

C-1	General Business District
VC	Village Commercial District
CBD	Central Business District
I-1	Limited Industrial District
RD	Research and Development District
PP	Public Park District

Special Districts

PUD	Planned Unit Development District
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Overlay Districts

ARC	Dexter-Ann Arbor Road Corridor Overlay District
HOD	Heritage Overlay District
BRC	Baker Road Corridor Overlay

Section 9.02 ADOPTION OF ZONING MAP

- A. For the purpose of this ordinance, zoning districts are shown on "Zoning Map of Dexter City". The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- B. Identification of Zoning Map - The Zoning Map shall be identified by the signature of the City President, attested to kept and maintained including legal changes on two (2) official, signed and

attached copies by the City Clerk. Both copies of the Zoning Map shall be located in the office of the clerk and shall be open to public inspection.

- C. Interpretation of District Boundaries - Where uncertainty exists as to the boundaries of zoning districts as shown on the official Zoning Map, the following rules for interpretation shall govern.
1. A boundary indicated as approximately following or parallel to the centerline of a highway, alley, easements recorded lot lines, municipal boundary, lines, railroad right-of-way, shorelines, centerlines of rivers, streams, or canals shall be deemed as following or parallel to those lines, respectively shall be construed as following such centerline.
 2. A distance not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 3. Where the district boundary line as determined by the Zoning Administrator where a physical or cultural feature existing on the ground is at variance with that shown on the official Zoning Map or any other circumstances not covered by 1 or 2 preceding, the Board of Appeals shall interpret the location of the zoning district boundary.

Section 9.03 ZONING OF ANNEXED AREAS

Whenever any area is annexed to the City of Dexter land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation and the Council shall approve same by resolution.

Section 9.04 ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the City of Dexter shall be vacated, such 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. Ownership of vacated rights-of-way shall be by adjacent property owner to site unless other arrangements are specified by the City.

Section 9.05 DISTRICT REQUIREMENTS

All buildings and uses in any District shall be subject to the provisions of Article XX - Schedule of Regulations and Article III - General Provisions.

Section 9.06 ZONING OF FILLED LAND

Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches.

Article X

R-1A AND R-1B ONE FAMILY RESIDENTIAL DISTRICT

Section 10.01 INTENT

This district is designed to encourage a suitable and healthy environment for family life, and to provide residential areas for one family residential densities and other facilities will serve the residents in the district.

Section 10.02 PERMITTED PRINCIPAL USES

- A. Single-family detached dwellings.
- B. Home occupations in accordance with Article III, Section 3.05.
- C. On-site signs in accordance with Article VII, unless specified elsewhere in this Ordinance.
- D. Family day care homes and family foster care homes subject to the following provisions:
 - 1. Such uses shall be duly licensed by the State Department of Social Services.
 - 2. Buildings and lots so used shall conform to all state and local code requirements.
 - 3. A minimum of thirty-five (35) square feet on indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
 - 4. A minimum of one hundred-fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than five thousand (5,000) square feet.
- E. Group foster care or family group homes, subject to the following provisions:

1. Shall not exceed twenty-two (22) residents including resident counselors.
 2. Act 287, Public Acts of Michigan, 1972.
 3. All applicable Dexter City and Washtenaw County codes and ordinances.
 4. Be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
 5. The atmosphere and routine shall be such that a resident may spend the majority of his non-sleeping hours outside his bedroom.
 6. A toilet, lavatory and bathing or showering facility shall be provided for each six (6) persons. At least one (1) toilet and lavatory shall be provided on each floor having resident bedrooms.
 7. A toilet, lavatory and bathing or showering facility shall be provided for each six (6) persons. At least one (1) toilet and lavatory shall be provided on each floor having resident bedrooms.
 8. Provide distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.
 9. Provide a living and dayroom area which affords privacy for use by resident and his visitors.
 10. The living and sleeping areas for each resident shall not be in noncontiguous wings, units or buildings.
- F. Adult family (day care) homes and adult (foster care) homes.
- G. Bed and breakfasts in accordance with Article III, Section 3.26.
- H. Accessory short-term rental housing in accordance with Article III, Section 3.27.
- I. Accessory Dwelling Units, in accordance with Article III, Section 3.30.
- J. Uses and structures accessory to principal permitted uses.

Section 10.03 SPECIAL USES

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03 and the standards for the specific use listed in Section 8.11.

- A. Accessory apartments within permitted single family homes.
- B. Farms on lots having an area of not less than ten (10) acres of area.
- C. Residential cluster development.

- D. Churches.
- E. Government or community-owned buildings.
- F. Cemeteries.
- G. Vacation rental housing.
- H. Group day care homes.
- I. Essential service building (without storage yards).

Article XI

VR VILLAGE RESIDENTIAL DISTRICT

Section 11.01 INTENT

The VR Village Residential District is intended to:

- A. Encourage innovative, traditional residential mixed and multiple-use developments so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings.
- B. Promote land development practices which will protect the public health, safety and welfare.
- C. Traditional neighborhoods are the desired alternative to conventional modern, use-segregated developments such as large lot suburban subdivisions and strip commercial developments.
- D. Encourage residential/mixed-use development in a manner consistent with the preservation and enhancement of property values within existing residential areas.
- E. Promote the creation of places which are oriented to the pedestrian, promote citizen security and social interaction.
- F. Promote development of mixed-use structures or mixed-use development with offices, multiple family and retail uses located with related community facilities.
- G. Discourage commercial or industrial uses that create objectionable noise, glare and odors.

Section 11.02 PERMITTED PRINCIPAL USES

- A. Single family detached dwellings.
- B. Two family dwellings.
- C. Multiple family dwellings including: townhouses, row houses, apartments.
- D. Family day care homes and family foster care homes subject to the following provisions:

1. Such uses shall be duly licensed by the State Department of Social Services.
 2. Buildings and lots so used shall conform to all state and local code requirements.
 3. A minimum outdoor play area of 1,000 square feet shall be provided. The outdoor play area shall be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located in a primary required front yard.
- E. On-site signs in accordance with regulations specified in Article VII, unless specified elsewhere in this Ordinance.
- F. Home occupations in accordance with regulations specified in Article III, Section 3.05.
- G. Bed and breakfasts in accordance with Article III, Section 3.26.
- H. Accessory short-term rental housing in accordance with Article III, Section 3.27.
- I. Accessory Dwelling Units, in accordance with Article III, Section 3.30.
- J. Uses or structures accessory to principal permitted uses.

Section 11.03 SPECIAL USES

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all special land uses listed in Section 8.03 and the standards for the specific use listed in Section 8.11.

- A. Housing for the elderly, retirement villages, etc.
- B. Activity center buildings specifically for the elderly when on a minimum size of two (2) acres.
- C. Public swimming pools, parks, playgrounds, and playfields.
- D. Churches and other buildings for religious worship.
- E. Government or community-owned buildings.
- F. Group day care homes.
- G. Vacation rental housing.

- H. Essential public service buildings and uses without storage yards when operating requirements necessitate their location within the district to serve the immediate vicinity.
- I. Banks and other financial institutions, except drive-through facilities.
- J. Professional and Business Offices.
- K. Retail sales of goods and services.
- L. Restaurants except drive-through facilities.
- M. Temporary Employment Housing, subject to the following standards:
 - 1. Occupancy limitations shall be established in accordance with Section 404 of the 2015 International Property Maintenance Code. However, the Planning Commission shall have the authority to reduce occupancy, based on, but not limited to existing conditions of the property and structure, building characteristics, method of operation, parking, and other relevant factors.
 - 2. Exterior of the structure shall maintain appearance of a single-family residence.
 - 3. Use of the structure shall be compatible to that of a single-family residence, in terms of operation, including parking, traffic, noise, etc.
 - 4. Permitting and review process: Temporary employment housing shall require annual submission of an application, fee and issuance of a zoning compliance permit. Permits shall be valid for one year.
- N. Cemeteries.
- O. Funeral Homes.

Article XII

R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 12.01 INTENT

The Multiple-Family Residential District is intended to provide rental or individually owned multiple-family dwelling units. This district will generally serve as a transitional zone between the nonresidential districts and lower density One-Family Districts. The Multiple-Family District is provided to serve the limited needs for the apartment units in a single-family community.

Section 12.02 PERMITTED PRINCIPAL USES

- A. Multiple Family Dwellings, including: Townhouses, rowhouses, and garden apartments.
- B. Two-Family dwellings.
- C. Multiple housing for the elderly.
- D. Activity Center Building specifically for the elderly.
- E. Family day care homes, child care centers, day care centers and family foster care homes.
- F. Adult (foster care) home and adult foster care small group homes and adult day care.
- G. On-site signs In accordance with regulations specified in Article VII.
- H. Uses or structures accessory to principal permitted uses.

Section 12.03 SPECIAL USES

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific use listed in Section 8.11.

- A. Public swimming pools, parks, playgrounds, and playfields.

- B. Churches and other buildings for religious worship.
- C. Public and private nurseries for children, primary and secondary non-profit schools, and colleges and universities.
- D. Boarding and rooming houses.
- E. Government or community-owned buildings.
- F. Funeral homes.
- G. Adult congregate care facilities.
- H. Bed and Breakfast Inns.

Article XIII

MHP MOBILE HOME PARK RESIDENTIAL DISTRICT

Section 13.01 INTENT

The purpose of this district is to provide for mobile home parks and to promote mobile home parks with the character of residential neighborhoods. It is the intent of this ordinance that mobile home parks be located in areas which are served adequately by essential public facilities and services such as access streets, police and fire protection, and public sanitary sewer and water and storm drainage facilities. It is further the intent of this ordinance that mobile homes in mobile home parks deserve and require locations, services and facilities similar to any other single family and multiple family dwelling units built at urban densities. It is further the intent of this ordinance that various supporting uses common to urban residential areas, and also those which are unique to mobile home communities, be permitted in the district.

Section 13.02 PERMITTED PRINCIPAL USES

- A. Mobile home parks. Individual mobile home dwelling units may be sold on the sites they occupy in residential use. Other sales of new or used mobile home units shall be prohibited in this district.
- B. Signs in accordance with Article VII.
- C. One carport or garage, and one storage building, on each mobile home site.
- D. Accessory uses and structures such as management office, laundry facilities, recreation areas, and similar uses and structures commonly provided to serve the residents of a mobile home park.

Section 13.03 REGULATIONS AND STANDARDS

A. Lot Area and Width

The minimum area for a mobile home park shall be twenty (20) acres. The tract of land shall comprise a single lot, except where the lot is divided by public streets or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the mobile home park, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management. The minimum width of any other part of the lot, which contains

dwellings and buildings open to occupants of the mobile home park shall be two hundred (200) feet.

B. Maximum Permitted Density

The minimum density permitted in a mobile home park shall not exceed seven and one-half (7.5) units per gross acre. For purposes of these regulations, gross acreage shall be computed as all land area within the exterior boundaries of the mobile home park lot, including proposed streets, common open space, lands occupied by management offices and community buildings, lands occupied by mobile home stands or lots, and lands occupied by utilities installations. For purposes of these regulations, gross acreage shall not include land area within right-of-ways of existing streets; surface area of lakes, ponds or wetlands; land within a one hundred (100) year flood plain; or land within easements more than twenty (20) feet wide. In computations, each dwelling unit shall be considered to require five thousand eight hundred eighty (5808) square feet of gross land area.

C. Lot Coverage

A mobile home and its accessory buildings shall not occupy more than thirty-five (35) percent of the area of the site on which it is located. Where a roofed area, such as a carport or outdoor recreation shelter, is open for forty (40) percent or more of its perimeter, its lot coverage shall be computed as one-half the area covered by the roof. When the site is adjacent to and has direct access to approved common open space not less than ten feet in minimum width, other than vehicular areas, an additional five (5) percent of the site may be occupied by the dwelling unit.

Any nonresidential building, and its accessory buildings shall not occupy more than thirty-five (35) percent of the area of the lot on which such building is located.

D. Floor Area Ratio

The minimum floor area ratio of the entire mobile home park shall not exceed forty (40) percent.

E. Yard and Separation Requirements

1. A yard at least twenty-five (25) feet wide shall be provided along the right-of-way of each public street which the mobile home park abuts along its perimeter. Such yard may be used to satisfy site and spacing requirements for individual dwellings, but shall not contain carports, recreation shelters, storage shelters, or any other structures prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no parking bays or active recreation areas shall be allowed therein.
2. Where mobile home park abuts one or more boundaries or other zoning districts without an intervening street or permanent open space at least twenty (20) feet in

width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining zoning district is residential, the same limitations on occupancy and the use of such yards shall apply. Where the adjoining district is nonresidential, such yards may be used for on-site parking spaces or parking bays; recreation facilities, carports, or storage shelters, provided however, that a minimum of ten (10) feet shall be provided between such structures or facilities and the property line.

3. The following minimum distances shall be provided and maintained from a mobile home unit, and shall be measured from the face of the mobile home unit. If the mobile home has an attached or add-on structure, or other attached structure which is enclosed for more than fifty (50) percent of its perimeter, the applicable distances shall be measured from the face of the attached structure:
 - a. Twenty (20) feet between mobile home units.
 - b. Ten (10) feet from an on-site parking space on an adjacent site.
 - c. Ten (10) feet from a detached accessory structure.
 - d. Ten (10) feet from an attached accessory structure which is enclosed for fifty (50) percent or less of its perimeter.
 - e. Fifty (50) feet from any principal building which is not a mobile home.
 - f. Ten (10) feet from the edge of an internal road.
 - g. Twenty (20) feet from the right-of-way line of a public street within the mobile home park.
 - h. Seven and one-half (7 1/2) feet from a parking bay.
 - i. Seven (7) feet from a common pedestrian walkway.
4. Notwithstanding the requirements of Section 13.03.E.(3) preceding, two or more mobile home units may be attached along common walls if these walls contain no windows, door, or other openings; are constructed or safeguarded to provide at least one-hour fire protection when attached to other dwelling units; and are constructed to meet the acoustic controls to living unit sound transmission limitations of minimum property standards for multi-family housing, U.S. Department of Housing and Urban Development.
5. Notwithstanding the requirement of Section 13.03.E(1) preceding, carports, recreation shelters, storage buildings and similar accessory structures on adjacent sites may be attached across site lines, provided they do not impede desirable

views, including visibility at intersections of streets or of driveways with streets, or increase fire hazards.

6. Requirements for principal nonresidential buildings

Front yard - A minimum setback of thirty (30) feet.

Side yard - For interior side yards, the minimum setback shall be ten (10) feet. The side yard on a corner lot, facing a street, shall have a minimum setback of thirty (30) feet.

Rear yard - The minimum rear yard shall be twenty (20) feet.

7. Maximum Height of Structures

Principal structures - The maximum permitted height shall be thirty-five (35) feet.

Accessory structures - The maximum permitted height shall be fifteen (15) feet, except that storage buildings on individual mobile home sites shall not exceed eight (8) feet in height.

8. Parking Requirements

A minimum of two (2) parking spaces shall be provided for each mobile home unit. The minimum number of parking spaces for nonresidential uses within the mobile home park shall be two-thirds (2/3) the number required for such uses, as set forth in Article V, herein.

The required parking spaces for mobile home sites may be provided either on the mobile home site or in parking bays adjacent to the site.

9. Streets

A mobile home park shall have direct vehicular access to at least one paved public road. Each mobile home site shall have vehicular access only by streets within the mobile home park. No mobile home site within the park shall have direct vehicular access to a street which borders the mobile home park.

Street width - Streets within the mobile home park shall meet the following standards:

All streets within a mobile home park shall be paved in accordance with adopted City standards.

Street Class	Parking Permitted	Paving Width (feet)
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Minor (serving less than 50 sites or less)	No	18
	1 Side	25
	both sides	32
Collector (Serving more than 50 sites)	No	20
	1 side	27
	both sides	34

One-way streets - It is the intent of this ordinance to discourage one-way streets in mobile home parks. If one-way streets are to be provided, each such street shall serve not more than twenty (20) mobile home dwelling units.

10. Sanitary Sewers

Each mobile home unit, and each nonresidential building which has plumbing facilities, within a mobile home park, shall be connected to sanitary sewer lines which connect to a Dexter City sanitary sewer line.

11. Outdoor Storage

Common storage areas, for the storage of boats, motorcycles, recreation vehicles, and similar efficient, may be provided in a mobile home park, but shall be limited to use by residents of the mobile home only. The location of such storage area shall be shown-on the site plans required herein.

Storage under mobile home units shall be prohibited, unless the mobile home unit is placed on a crawl space or basement.

12. Site Constructed Buildings

All buildings or additions to mobile home units constructed on site within a mobile home park shall be constructed in compliance with the Michigan State Construction Code. Certificates and permits shall be required as provided in Article XXII, herein. A detailed site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with Article XXI, herein.

13. Television Antennas

If exterior installation of television antennas is necessary, a master antenna shall be provided for the mobile home park. Exterior antennas on individual mobile home units shall be prohibited. This provision shall not apply if the commercial cable vision or a similar service is available within the City which can service the mobile home park.

14. Placement of a Mobile Home Unit

- a. It shall be unlawful to park a mobile home unit so that any part of such unit will obstruct any road or sidewalk within a mobile home park.
- b. It shall be unlawful to allow any mobile home unit to be occupied in a mobile home park unless the mobile home unit is situated on a mobile home site in accordance with this ordinance and properly connected to all required utilities.

15. Required Site Plan Review

Construction of a mobile home park shall not commence until a final site plan has been approved by the City in accordance with Article XXI, herein, and until State requirements are not.

An approved final site plan shall constitute the preliminary plan for a mobile home park as required In the Mobile Home Commission Act (Act 96, PA 1987, as amended) and the Mobile Home Commission rules adopted pursuant thereto.

16. Mobile Home Standards

Each mobile home unit placed on a site in a Mobile Home Park shall meet all requirements for residential mobile units, as provided In the National Mobile Home Construction Safety Standards Act of 1974 -- (Title VI of PUB. L. 93-383, 88 STAT. 700,42 U.S.C. 5401, et. seq.).

Article XIV

C-1 GENERAL BUSINESS DISTRICT

Section 14.01 INTENT

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire City and tributary area and to accommodate commercial establishments which cannot be practically provided in the City commercial area, but can be integrated into the City at a scale and intensity consistent with the small Midwest town character.

Section 14.02 PERMITTED PRINCIPAL USES

- A. Retail sale of foods, drugs, hardware notions, books and similar convenience goods.
- B. Personal service, include barber shops and beauty salons; medical and dental clinics; self-service laundromats; sale and repair shops for watches, shoes, radios, televisions and home electronics, bicycle repair, tailor shop and music studio.
- C. Business, professional and medical offices.
- D. Stores and shops for the conducting of a service or retail business.
- E. Restaurants
- F. Outdoor Service Areas, subject to the regulations in Section 3.29.
- G. Outdoor Display Area, Temporary, subject to the regulations in Section 3.28
- H. Any service establishment of an office-showroom workshop nature of an electrician, decorator, dressmaker, tailor, baker, printer, upholsterer or an establishment doing radio or home electronics or appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.

- I. Theaters and studios for professional work.
- J. Private clubs, fraternal organizations and lodge halls.
- K. Business schools and colleges, or private schools operated for profit.
- L. Financial Institutions.
- M. Off-street parking in accordance with the regulations of ARTICLE V.
- N. Signs in accordance with the regulations of ARTICLE VII.
- O. Uses or structures accessory to principal uses.

Section 14.03 SPECIAL USES

The following uses may be permitted, upon review and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific use listed in Section 8.11.

- A. Restaurants and other establishments with drive-in or drive-thru facilities.
- B. Open air business
- C. Indoor commercial recreation such as bowling alleys, billiard halls, archery ranges, tennis courts, skating rinks, and arcades.
- D. Funeral homes.
- E. Mechanical amusement device centers and arcades as a principal or accessory use if there are more than four (4) such devices.
- F. Automobile service (gasoline) stations when developed as part of a larger planned shopping center with shared access and similar architecture.
- G. Essential public service building and storage yards.
- H. Accessory commercial outdoor sales and storage.
- I. Bars serving alcohol.

- J. Automobile and vehicle dealership.
- K. Outdoor display areas.
- L. Cleaning establishments when in compliance with fire regulations and all other City ordinances relating thereto.
- M. Small animal clinic.
- N. Automobile service center.
- O. Adult regulated uses.
- P. Single family, two family and multiple family dwelling units above the ground floor.
- Q. A dwelling unit of a resident manager or owner is permitted on the ground floor.
- R. Motels & hotels.
- S. Automatic or self-service car wash.
- T. Mixed Use Developments.
- U. Government or Community Owned Buildings

Article XIV (A)

PB PROFESSIONAL BUSINESS DISTRICT

Section 14(A).01 INTENT

The Professional Business District is intended for the offices of professionals and professional-type services. The uses in this district are generally lower impact uses than those found in the general commercial district in respect to the normal hours of operation and the amount of automobile trips generated. The PB District is also intended to provide a transition between commercial uses and residential uses. Professional Business Districts shall be located along an arterial street in order to service both local and through traffic.

Section 14(A).02 PERMITTED PRINCIPAL USES

- A. Offices of health care professionals, including physicians, dentists, chiropractors, and physical therapists.
- B. Office of architects, engineers, surveyors, community planners and other professions of similar nature.
- C. Offices of executives, administrative, legal, accounting, insurance, real estate, travel agencies and uses of similar nature.
- D. Financial institutions, including banks, credit unions, tax preparation, financial management.
- E. Child Care Centers and Day Care Centers
- F. Essential service structures, except telephone, electric, and television lines and poles, transformer stations, substations, gas regulator stations and buildings, may be permitted when operating requirements necessitate the location of said structures within the district in order to serve the immediate vicinity.
- G. Accessory uses or structures.
- H. Theaters and studios for professional work.
- I. Signs in accordance with the regulations of Article VII.
- J. Parking in accordance with the regulations in Article V.

Section 14(A).03 SPECIAL USES

The following uses may be permitted, upon review and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific use listed in Section 8.11.

- A. Funeral homes.
- B. Essential service buildings (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity.
- C. The business office of an establishment, which provides service to its customers off-site, such as electricians, decorators, plumbers, heating and air conditioning installers, but not to include retail sales, personal services, wholesaling or warehousing. A workshop with material storage incidental to the service is permitted.

Article XV

VC VILLAGE COMMERCIAL DISTRICT

Section 15.01 INTENT

The intent of the Village Commercial District (VC) is to promote the orderly development, redevelopment, and continued maintenance of Dexter's commercial district. This District is also intended to serve the comparison, convenience, and service needs of the Dexter Area. The VC district shall complement the CBD district with less intense office, service, and retail uses, all within a safe pedestrian environment and within convenient walking distance from the CBD district.

Proposed building and site design must be sensitive to the district's historical significance. Additions or modifications to historic buildings should be harmonious with the original structure as well as the surrounding neighborhood. Additions or modifications should be designed and constructed so that the character defining features of the historical building are retained and enhanced by the new construction.

Because of the variety of uses permitted in the VC district, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Off-street parking shall be located on the side or rear yard although participation in the public parking program is strongly encouraged. (Refer to section 5.1). Permitted uses should be complementary to each other, and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district. A mixture of uses within a building, such as retail, office and residential is encouraged.

Section 15.02 PERMITTED PRINCIPAL USES

- A. Retail establishments for the sale of such products as art/supplies, hardware, books, stationary, flowers, clothing, shoes, music, sporting goods, painting and wallpaper supplies, drugs, and notions, gifts, and home entertainment supplies and rental, and similar specialty retail shops.
- B. Personal service establishments such as barber shops, beauty salons, and dry cleaners; including repair shops for watches, bicycles, jewelry, and other such items.
- C. Food establishments, retail up to 2,000 square feet of gross floor: such as for the sale of groceries, fruit, meat and fish; baked goods; and dairy products.
- D. Restaurants, sit down which do or do not serve alcohol.
- E. Outdoor Service Area, subject to the regulations in Article III, Section 3.29.

- F. Outdoor Display Area, temporary, subject to the regulations in Article III, Section 3.28.
- G. Banks, savings and loan institutions, and credit unions without drive up windows.
- H. Business and professional offices such as administrative, legal, architecture, engineering, insurance, real estate, accounting, medical, dental, Computer and Internet Services and other similar offices.
- I. Printing and photographic reproduction establishments.
- J. Public buildings and offices, post offices, museums, libraries and community centers and Senior Centers.
- K. Schools, commercial: such as dance, art, and music.
- L. Theaters, cinemas.
- M. Residential dwellings on upper floors only when commercial/retail and office uses are within a building.
- N. Off-street parking and loading see Article V.
- O. Signs subject to the provisions of Article VII.
- P. Live/Work Units, subject to the regulations in Article III, Section 3.25.
- Q. Bed and breakfasts in accordance with Article III, Section 3.26.
- R. Accessory short-term rental housing in accordance with Article III, Section 3.27.
- S. Uses or structures accessory to principal permitted uses.

Section 15.03 SPECIAL USES

The following uses may be permitted upon review by the Planning Commission and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific uses listed in Section 8.11.

- A. Food establishments, retail over 2,000 square feet of gross floor area but not to exceed 10,000 square feet of gross floor area: such as for the sale of groceries, fruit and meat; baked goods; and dairy products.
- B. Restaurants, carryout.
- C. Bars/Taverns/Lounges.

- D. Vocational and technical training facilities.
- E. Banks, savings and loan institutions, and credit unions with drive-up windows.
- F. Service Establishments of an office/workshop/retail outlet or showroom nature, such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, hose appliance and similar establishments of similar character subject to the provision that not more than fifty (50) percent of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.
- G. Small animal clinics
- H. Private clubs, fraternal organizations, and lodge halls.
- I. Vacation rental housing.
- J. All buildings over 10,000 square feet gross floor area require a special use permit per Article 8.
- K. Commercial outdoor recreational facilities, such as, but not limited to, canoe/kayak/liveries, concession stands, swimming pools; provided that any necessary facilities or accessory buildings, structures or uses are constructed and located so as to cause minimal encroachment and/or intrusion upon any natural resource area, and to minimize any negative effects on adjacent residential properties. The standards of Section 8.11, sub-section B.27 shall not apply to commercial outdoor recreation facilities in the VC Zoning District. (effective 2016-12-28)
- L. Multiple-Family Dwellings
- M. Outdoor Display Areas

Section 15.04 REQUIRED CONDITIONS

- A. Architectural standards for approval include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, shape and style of lights within windows, colors and finish materials. Review of architectural concepts colors and materials will be part of site plan review.
 - 1. New construction, additions and modifications to buildings shall be architecturally compatible with the historic scale and nature of other structures in the vicinity. Additions may be made to building facades not facing a street. Additions to a structure may be permitted except that additions to a structure's façade (the front side of the building facing a street) may be made only when such addition adds to the historical or architectural value and significance of the structure. Items to be considered for site plan review include the following:

- a. Whether modifications are consistent with the existing architectural motif;
 - b. Whether new exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered;
 - c. Whether attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building; and
 - d. Whether new exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.
2. General architecture, front facade, and overall building appointments should be harmonious with the historic nature of other structures in the vicinity. Architectural concepts to be reviewed include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, colors and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. Desirable materials include brick, stone (natural and cast), wood siding and glass. Exterior materials that should not be used on large applications, but can be used as detail material or as small applications include EIFS (exterior insulation finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass.
 3. Surface Covering. Existing and proposed buildings may be painted or stained to be consistent with the majority of the established buildings in the area or which are consistent with a documented earlier or original condition of existing buildings. Surfaces which are currently covered by wood, vinyl or aluminum siding may be repaired with the same material as currently exists. Exterior color must be derived from a historical color palette and shall ordinarily be consistent with the majority of the established buildings. "Non-traditional" or "Non-historic" colors are not permitted. The use of paint to attract attention or advertise using geometric shapes and color or is other ways inconsistent with the surrounding architecture is prohibited.
 4. The use of reflective/tinted glass on the first-floor front, side and rear building windows requires Planning Commission approval.
- B. No new mid-block curb cuts are permitted. Shared driveways are strongly encouraged. Access changes are permitted where drives can be consolidated or repositioned for sharing, improved safety, or more on-street parking can be provided.

- C. All new buildings shall have at least one pedestrian entrance on the front. Rear or side entrances should be provided where parking is on the side or rear of the building.
- D. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- E. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, except as otherwise provided herein.
- F. Exterior walls facing public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should be screened on a side of the building that faces residentially-zoned or used property, or mounted and screened on the roof.
- G. The site design shall be sensitive to pedestrian and bicycle needs. Bicycle hoops are required per Section 5.03 of the Parking and Loading Standards.

Article XV(A) CBD CENTRAL BUSINESS DISTRICT

Section 15(A).01 INTENT

This District is the historical old Central Business District or commercial center. The intent is to foster continued improvements and redevelopment around the historical theme and heritage of the “old Dexter” thereby adding to the character, social and environmental diversity and improvement in economic viability of the downtown area. Off-street private parking facilities are not required due to the location of on-street and municipal parking areas. Store frontage with appealing windows and entrances and contiguous building mass along Main and other streets in the CBD are strongly encouraged.

To foster an appealing high-density pedestrian environment, the CBD is intended to be physically compact and to provide a diversity of products and services, convenient parking, and pedestrian and vehicle safety. Buildings should front primary streets with parking lots to the rear of buildings. Mixed-uses are encouraged within buildings. Along primary streets (Main, Broad, and Central) retail and eatery uses should dominate ground floors, office uses and residential dwellings on upper floors, and all buildings should be clustered within shoulder-to-shoulder block groups wherever feasible.

Section 15(A).02 PERMITTED USES

The dimensional standards and required conditions of this overlay district shall apply simultaneously with the list of uses permitted or regulated as Special Uses in the underlying district. All uses shall meet the applicable standards for the CBD District listed in Section 15.04(A) and Article XX, Schedule of Regulations.

- A. Retail establishments for the sale of such products as art/supplies, hardware, books, stationary, flowers, clothing, shoes, music, sporting goods, painting and wallpaper supplies, drugs, and notions, gifts, and home entertainment supplies and rental, and similar specialty retail shops.
- B. Personal service establishments such as barber shops, beauty salons, and dry cleaners: including repair shops for watches, bicycles, jewelry, and other such items.
- C. Food establishments, retail up to 2000 square feet of gross floor: such as for the sale of groceries, fruit and meat; baked goods; and dairy products.

- D. Restaurants, sit down which do or do not serve alcohol.
- E. Outdoor Service Areas, subject to the regulations of Section 3.29.
- F. Outdoor Display Area, temporary, subject to the regulations of Section 3.28
- G. Banks, savings and loan institutions, and credit unions without drive up windows.
- H. Business and professional offices such as administrative, legal, architecture, engineering, insurance, real estate, accounting, medical, dental, and other similar offices.
- I. Printing and photographic reproduction establishments.
- J. Public buildings and offices, post offices, museums, libraries, community centers, and Senior Centers.
- K. Schools, commercial: such as dance, art, and music.
- L. Theaters, cinemas.
- M. An integration of upper floor residential, commercial/retail, and office uses within a building.
- N. Off-street parking and loading, see Article V.
- O. Signs subject to the provisions of Article VII.
- P. Bed and breakfasts in accordance with Article III, Section 3.26.
- Q. Accessory short-term rental housing in accordance with Article III, Section 3.27.
- R. Uses or structures accessory to principal permitted uses.

Section 15(A).03 SPECIAL USES

The following uses may be permitted upon review by the Planning Commission and approval by the City Council in accordance with the general standards for all Special Land Uses listed in section 8.03, and the standards for the specific uses listed in Section 8.11.

- A. Food establishments, retail over 2000 square feet of gross floor area but not to exceed 20,000 square feet of gross floor area: such as for the sale of groceries, fruit and meat; baked goods; and dairy products.
- B. Restaurants, carryout.
- C. Bars/Taverns/Lounges.
- D. Banks, savings and loan institutions, and credit unions with drive up windows.
- E. Service Establishments of an office/workshop/retail outlet or showroom nature, such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, home appliance and other establishments of similar character subject to the provision that not more than fifty (50) percent of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.
- F. Indoor Recreation
- G. Small animal clinics.
- H. Vacation rental housing.
- I. All buildings over 20,000 square feet gross floor area require a special use permit per Article 8.

Section 15(A).04 REQUIRED CONDITIONS

- A. No minimum lot size or front, side or rear yards are required in this district providing the provisions of Section 5.07 Off-Street Loading and Unloading Requirements are complied with.
- B. Uses in this district are exempt from the requirements of ARTICLE V Off-Street Parking Requirements. New curb cuts are prohibited and closure of existing curb cuts is recommended. Where setbacks and minimum building size requirements have been met, per Section 20.01, exceptions will be considered if vehicle access is required and not otherwise possible.
- C. All new buildings shall have at least 70 percent of their 1st floor facade on the street-facing sidewalk as non-reflective/non-tinted glass. The use of reflective/tinted glass on the first-floor side and rear windows is discouraged. Use of reflective/tinted windows requires Planning Commission approval.

- D. All buildings shall be built to within one foot of the front lot line and street side lot line on corner lots.
- E. All new buildings shall have at least one pedestrian entrance on the front. Rear or side entrances should be provided where parking is on the side or rear of the building.
- F. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- G. All business, servicing, or processing, except for loading, shall be conducted within a completely enclosed building, except as permitted herein.
- H. Exterior walls facing public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should be screened on a side of the building that faces residentially-zoned or used property, or mounted and screened on the roof.
- I. The site design shall be sensitive to pedestrian and bicycle needs. Buildings over 6,000 square feet gross floor area must provide a minimum of two (2) bicycle hoops.
- J. Architectural standards for approval include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, shape and style of lights within windows, colors, and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. Desirable materials include brick, stone (natural and cast), wood siding and glass. Exterior materials that should not be used in large applications, but can be used as detail material or as a small application include EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass. Review of architectural concepts, colors and materials will be part of the site plan review committee.
 - 1. New construction, additions and modifications to buildings shall be harmonious with the historic scale and nature of other structures in the vicinity. Additions may be made to building facades not facing a street. Additions to a structure may be permitted except that additions to a structure's façade (the front side of the building facing the street) may be

made only when such addition adds to the historical or architectural value and significance of the structure. Items to be considered for site plan review include the following:

- a. Whether modifications are consistent with the existing architectural motif.
 - b. Whether new exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered.
 - c. Whether attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building.
 - d. Whether new exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.
2. General architecture, front facade, and overall building appointments should be consistent with the historical buildings of the downtown Main Street area. As an example, a multi-story, brick building with historically formatted storefront windows and doors with upper and lower cornices.
 3. Surface Covering. Existing and proposed buildings may be painted or stained to be consistent with the majority of the established buildings in the area or which are consistent with a documented earlier or original condition of existing buildings. Surfaces which are currently covered by wood, vinyl or aluminum siding may be repaired with the same material as currently exists. Exterior color must be derived from a historical color palette and shall ordinarily be consistent with the majority of the established buildings. "Non-traditional" or "Non-historical" colors are not permitted. The use of paint to attract attention or advertise using geometric shapes and color, or is in other ways inconsistent with the surrounding architecture is prohibited.

ARTICLE XV (B)

DEXTER-ANN ARBOR ROAD CORRIDOR OVERLAY DISTRICT

Section 15(B).01 STATEMENT OF PURPOSE

The Dexter-Ann Arbor Road Corridor Overlay District (ARC District) is the mixed use business district in the City which is separate and distinct from the downtown central business district. The ARC District offers a diverse range of businesses and services to the community, intermixed with residential dwellings. This district shall include uses permitted in the Commercial, Professional Business, and Multiple Family Districts. The overlay district was established in order to provide for the following:

- A. ARC District development and redevelopment is to be orderly and planned, to complement adjoining uses and harmonize with the surrounding area in terms of the physical site layout, access, building design, pedestrian/bike facilities, landscaping, signs, parking arrangements and lighting.
- B. ARC District uses may generate more activity than other uses within the City in terms of traffic, noise and pedestrians. Therefore, uses directly adjacent to residential uses, where permitted, are required to provide setbacks, buffering and sensitive site design.
- C. Establish a compact commercial center at the Dexter - Ann Arbor Road and Dan Hoey Road intersection. The requirements set forth in this ordinance will allow the commercial center to be created as a unique and pleasing center of commerce in the ARC which compliments the existing Central Business District and will not adversely affect existing and planned residential neighborhoods.
- D. Development and redevelopment of sites within the ARC District shall be consistent with the recommendations of the City Master Plan, City Parks and Recreation Plan, and the Dexter-Ann Arbor Road Corridor Plan.

Section 15(B).02 ARCHITECTURAL STANDARDS

The architectural standards contained in this section are intended to integrate the ARC District into the existing fabric of the City, contributing to the cohesive historic identity of Dexter. All proposed development within the ARC District shall visually relate to the majority of buildings in the Central Business District and the City Commercial District. However, because of the planned lower density of development along the corridor, structures shall possess architectural quality and variety to establish its own identity and create a positive image for the City's ARC District.

Development in the multiple family, commercial and professional office districts, including new buildings, additions and renovations, shall be designed to preserve or complement the intended design character of corridor development, provide visual harmony between old and new buildings, and protect the investment of adjacent landowners. These structures shall be reviewed by the Planning Commission under the following criteria:

- A. **Building Orientation:** The intent of the ARC is to contribute to the desirability of pedestrian activity within the Dexter-Ann Arbor Road area and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:
 - 1. Buildings shall front towards and have their primary pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.
 - 2. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.

- B. **Building Scale:** The intent is to create a streetscape that is compatible with the older buildings in the City by encouraging narrow facades, and discouraging single, large scale buildings.
 - 1. Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings.
 - 2. The height to width ratio of these subdivided facades of single story buildings shall not exceed 1:2. The height to width ratio of these subdivided facades of two story buildings shall not exceed 1:1.

3. Design Standards.
 - a) Building articulation shall be accomplished through combinations of the following techniques:
 - 1) Façade modulation. Stepping portions of the façade to create shadow lines and changes in volumetric spaces,
 - 2) Use of engaged columns or other expressions of the structural system.
 - 3) Horizontal and vertical divisions. Use of textures and materials, combined with façade modulation.
 - 4) Dividing facades into storefronts with visually separate display windows.
 - 5) Providing projections such as balconies, cornices, covered entrances, pergolas, arcades, and colonnades.
 - 6) Variations in the rooflines by use of dormers windows, overhangs, arches, stepped roofs, gables and other similar devices.

C. **Defined Streetscape:** Buildings shall be located to create a defined streetscape along the corridor utilizing the following guidelines. The Planning Commission may require a perspective drawing or a scale model of the proposed structure.

1. New building setbacks shall be uniform with adjacent lots in the C-1 Commercial and PB Professional Business Districts.
2. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roof line shapes, windows and doors.
3. The location, size and number of windows shall be oriented towards Dexter-Ann Arbor Road and maintain similar proportions with existing buildings.
4. All new development, additions or renovations shall provide public sidewalk connections to adjacent properties.
5. Street lighting shall be provided along roadways to match the existing streetscape lighting poles and layout.

D. **Building Materials and Design:** The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor. This shall be accomplished by the following:

1. Variety in building design shall be provided by architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked roof lines.
2. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.
3. Roof shape and materials shall be architecturally compatible with the District and enhance the predominant streetscape. Gable, hip and gambrel roofs are encouraged as the predominant shapes along the corridor.
4. The predominating surface plane of all building walls over forty (40) feet in length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.
5. Where the side or rear facade(s) of a building will be visible from a residential zoning district or public land, or the rear or side of the site will be used for public access or parking, such facade(s) shall be constructed to a finished quality comparable to the front facade.
6. Building located on corner lots shall provide distinct and prominent architectural features or site elements which reflect the importance of the building's corner location and creates a positive visual landmark. An entry feature or site landmark shall be required at the discretion of the Planning Commission. Entry features may include benches, signage, public art or other feature.
7. All mechanical equipment shall be shielded from public view.
8. Exterior building materials and treatment shall maintain a consistent overall appearance within the BRC. Any individual side of a principal building, at least eighty percent (80%) of the facade shall be constructed of, or covered with, one or more of the following materials:
 - a) Brick: smooth, hard, uniform, red, dark-red, or brown brick
 - b) Cut stone: carved and smooth finish stone
 - c) Siding: Natural wood and/or Cement-based Artificial wood siding
 - d) Glass windows and/or doors: non-reflective, clear or slightly tinted
 - e) Other materials similar to the above as determined by the Planning Commission.

9. The use of EIFS (Exterior Insulation Finishing System) shall be limited to vertically sloped architectural elements only and shall be limited to no more than 5% of each exterior building elevation.
10. Building Materials and Colors.
 - a) "Full veneer" brick or other similar high quality masonry materials such as quarried stone (i.e. granite, etc.), shall comprise one of the four required basic materials.
 - b) The percentage of high quality materials to be used on the building's exterior walls (i.e. brick veneer, quarried stone, glass, precast concrete) shall be at least 80%.
 - 1) Basic materials shall include, but not be limited to the following materials:
 - i. Preferred Building Materials
 1. Quarried Stone
 2. Cultured Stone
 3. Full veneer brick
 4. Composite lap siding
 5. Architectural concrete (with recessed panels and reveal lines)
 6. Colored CMU block and architectural CMU block (i.e. split face, fluted, scored, honed, etc.)
 7. Architectural metals and standing seam metal roofing
 8. Dimensional Shingles
 - ii. Preferred Accent Materials
 1. Precast concrete, cast stone, natural stone accents
 2. Glass accents.
 - iii. Prohibited Materials
 1. Plain, flat faced CMU block (painted CMU).
 2. Brick tiles
 3. Metal walls
 4. EIFS (if used no more than 5% permitted and must be used as an accent.
- E. The applicant shall provide a schedule indicating percentage of façade materials totaling 100% and the applicant shall provide a sample board to the Planning Commission. Architectural Design and Building Character.
- F. **Other Site Elements:** Signs, landscaping, walls, lighting, street lighting and other site elements shall be coordinated and compatible with the

building design, as well as harmonious with the intended character of the District.

G. National Tenant/National Franchise Architecture

1. Franchise architecture (building designs that are prototypical or identifiable with a particular chain or corporation) shall be revised if the proposed building design does not conform with these design standards. Building architecture that does not comply will not be approved by the City of Dexter.
2. The developer shall provide color pictures of other national tenant buildings (non prototype examples) that have been built in other cities and states.
3. Large retail establishments (i.e. Big Boxes, where possible, are encouraged to provide multiple entrances as they reduce walking distance to cars, facilitate pedestrian and bicycle access from public sidewalks, provide convenience where certain entrances offer access to individual stores or identified departments of a store, mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face other properties

Article XV(C)

HOD HERITAGE OVERLAY DISTRICT

Adopted April 10, 2006

Section 15(C).01 INTENT

The Heritage District Overlay District (HOD District) is a mixed-use district in the City's historic downtown area. The HOD includes areas located within the Central Business and City Commercial Districts. This district shall include all uses permitted, principle uses and special uses, in as defined by the underlying zoning regulations.

The City recognizes that historic structures are valued as a community resource that contributes to the City's unique character. The National Park Service recognizes "historic" property as a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the National, State, or local level generally older than 50 years. The intent of the Heritage Overlay District (HOD) is recognition of this City asset and preservation of the residential character, history and scale, architecture and cultural heritage of the commercially zoned areas within the HOD.

Proposed building and site designs must be sensitive to the district's historical character and scale. Additions or modifications to historic buildings should be harmonious with the original structure as well as the surrounding neighborhood. Additions and modifications should be designed and constructed so that the character and defining features of the historical building are retained while improving the commercial viability.

Section 15(C).02 CRITERIA FOR APPROVAL

- A. HOD development and redevelopment shall be consistent with the goals and policy recommendations in the City of Dexter Master Plan.
- B. HOD development and redevelopment shall complement adjoining uses and harmonize with the surrounding area in terms of physical site and building design, landscaping, signage, lighting, etc.
- C. Side and rear setbacks in the HOD shall conform to underlying zoning regulations. Front yard setbacks shall be consistent with adjacent properties to the extent reasonably possible, but at a minimum shall meet the front yard setback of the underlying zoning district.
- D. Standards for Approval. The following standards apply to all proposed construction, reconstruction, alteration, modifications, or additions:
 - 1. For those uses requiring site plan review, the review of architectural concepts, colors and materials will be done by the site plan review

committee. Architectural concepts to be reviewed include the following items: roof lines and cornices, fenestration and brackets, shape and style of windows, shape and style of lights within windows, colors, and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. The roof shall be principally of gable, hip style or similar residential roof design.

2. New construction, additions and modifications to buildings shall be harmonious with the historic scale and nature of other structures in the vicinity. Additions to a structure may be permitted except that additions to a structures facade (the front side of the building facing a street) may be made only when such addition adds to the historical or architectural value and significance of the structure. Items to be considered for site plan review include the following:
 - a. Whether modifications are consistent with the existing architectural motif.
 - b. Whether new exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered.
 - c. Whether attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to extent possible, its size and scale relative to the historic building.
 - d. Whether new exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.
3. Surface Covering. Existing and proposed buildings may be painted or stained to be consistent with the majority of the established buildings in the area or which are consistent with a documented earlier or original condition of existing buildings. Surfaces which are currently covered by wood, vinyl or aluminum siding may be repaired with the same material as currently exists.
 - a. Desirable exterior materials include brick, stone (natural and cast), wood siding and glass; Building materials that have a texture, pattern and scale similar to others in the district. Choose accent materials similar in texture and scale to others in the district including: brick and stone masonry, wood details such as windows, finished lumber applied to achieve traditional patterns e.g. horizontal siding rather than diagonal, finished painted metal and sheet metal, brick, clay and ceramic pavers.
 - b. Exterior materials not permitted include EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass. Resurfacing materials applied to the exterior of any existing building ordinarily should not conceal or require the removal of any original architectural detail

associated with barge boards, brackets, ornamental shingle work or other similar features.

4. Awnings, Windows and Doors. Existing awnings may be repaired and replaced. No new awnings that conceal original architectural detail on an existing building are permitted.

ARTICLE XV (D)

BAKER ROAD CORRIDOR OVERLAY DISTRICT

Section 15(D).01 STATEMENT OF PURPOSE

The Baker Road Corridor Overlay District (BRC District) is intended to promote and foster new development and redevelopment in accordance with the “Baker Road Corridor” goals and objectives as described in the City of Dexter Master Plan. It is recognized that this special mixed-use area is considered a gateway into the City Center. As a gateway into the City Center, the overlay district is established in order to provide for the following:

- A. The development of unified design elements within the corridor reflecting its pedestrian scale. Design elements shall promote the continuation of the downtown streetscape theme.
- B. New development within the corridor shall be done in a way that provides improved access management, i.e. minimize curb cuts along Baker Road and to promote shared access drives. New parking shall be developed in a flexible manner to allow shared parking between businesses, where possible.
- C. Improved pedestrian access and non-motorized transportation. Due to the mixed-use nature of this corridor and close proximity to residential areas, new development within the overlay district must provide continuous pedestrian access along Baker Road. Pedestrian access from Baker Road extending east and west into the residential areas must be provided, when possible.
- D. A mixed-use corridor to compliment the core downtown area of the City. Uses are permitted or special as found in the underlying Zoning Districts.

Section 15(D).02 ARCHITECTURAL STANDARDS

The architectural standards contained in this section are intended to integrate the BRC District into the existing fabric of the City, contributing to the cohesive historic identity of Dexter. All proposed development within the BRC District shall visually relate to the majority of buildings in the Central Business District and the Village Commercial District. However, because of the planned lower density of development along the corridor, structures shall possess architectural quality and variety to establish its own identity and create a positive image for the City’s BRC District.

The architectural character of buildings shall portray a high quality image. Individual creativity and identity are encouraged, but care must be taken to maintain design integrity and compatibility among projects in order to establish a clear, unified image throughout the community.

Architecture (where adjacent to pedestrian walks and paths) should complement the pedestrian environment to create an aesthetically pleasing image and should be of human scale, show attention to detail, and materials and colors should relate to the natural features of the region.

Development in the district, including new buildings, additions and renovations, shall be designed to preserve or complement the intended design character of corridor development, provide visual harmony between old and new buildings, and protect the investment of adjacent landowners. These structures shall be reviewed by the Planning Commission under the following criteria:

- A. **Building Orientation:** The intent of the BRC is to contribute to the desirability of pedestrian activity within the Baker Road area and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:
1. Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.
 2. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.
 3. The use of highly reflective, mirror type glass is prohibited.
- B. **Building Scale:**
1. Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings. The predominating surface plane of all building walls over forty (40) feet in length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.

2. The height to width ratio of these subdivided facades of single story buildings shall not exceed 1:2. The height to width ratio of these subdivided facades of two story buildings shall not exceed 1:1.
3. Design Standards.
 - a) Building articulation shall be accomplished through combinations of the following techniques:
 - 1) Façade modulation. Stepping portions of the façade to create shadow lines and changes in volumetric spaces,
 - 2) Use of engaged columns or other expressions of the structural system.
 - 3) Horizontal and vertical divisions. Use of textures and materials, combined with façade modulation.
 - 4) Dividing facades into storefronts with visually separate display windows.
 - 5) Providing projections such as balconies, cornices, covered entrances, pergolas, arcades, and colonnades.
 - 6) Variations in the rooflines by use of dormer windows, overhangs, arches, stepped roofs, gables and other similar devices.

C. Building Materials and Design: The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor. This shall be accomplished by the following:

1. Variety in building design shall be provided by architectural features, details and ornaments such as archways, colonnades, towers, and cornices
2. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place. Entrances shall be designed with one or more of the following:
 - a) Canopy, overhang or arch above the entrance (pillars & columns),
 - b) Recesses or projections in the building façade surrounding the entrance,
 - c) Peaked roof or raised parapet structures over the door,
 - d) Windows surrounding the entrance.
3. All awnings that do not contain sign copy shall be made of woven cloth or architectural metal. Design, color and materials shall be compatible with the building to which it is attached.

4. Roof shape and materials shall be architecturally compatible with the District and enhance the predominant streetscape. Consideration should be given to surrounding buildings when determining roof shape.
5. Exterior building materials and treatment shall maintain a consistent overall appearance within the BRC. Any individual side of a principal building, at least eighty percent (80%) of the facade shall be constructed of, or covered with, one or more of the following materials:
 - a) Brick: smooth, hard, uniform, red, dark-red, or brown brick
 - b) Cut stone: carved and smooth finish stone
 - c) Siding: Natural wood and/or Cement-based Artificial wood siding
 - d) Glass windows and/or doors: non-reflective, clear or slightly tinted
 - e) Other materials similar to the above as determined by the Planning Commission.
6. The use of EIFS (Exterior Insulation Finishing System) shall be limited to vertically sloped architectural elements only and shall be limited to no more than 5% of each exterior building elevation.
7. Building Materials and Colors.
 - 1) "Full veneer" brick or other similar high quality masonry materials such as quarried stone (i.e. granite, etc.), shall comprise one of the four required basic materials.
 - 2) The percentage of high quality materials to be used on the building's exterior walls (i.e. brick veneer, quarried stone, glass, precast concrete) shall be at least 80%.
 - 3) Basic materials shall include, but not be limited to the following materials:
 - i. Preferred Building Materials
 1. Quarried Stone
 2. Cultured Stone
 3. Full veneer brick
 4. Composite lap siding
 5. Architectural concrete (with recessed panels and reveal lines)
 6. Colored CMU block and architectural CMU block (i.e. split face, fluted, scored, honed, etc.)
 7. Architectural metals and standing seam metal roofing

8. Dimensional Shingles

ii. Preferred Accent Materials

1. Precast concrete, cast stone, natural stone accents
2. Glass accents.

iii. Prohibited Materials

1. Plain, flat faced CMU block (painted CMU).
2. Brick tiles
3. Metal walls
4. EIFS (if used no more than 5% permitted and must be used as an accent.

- 8 The applicant shall provide a schedule indicating percentage of façade materials totaling 100% and the applicant shall provide a sample board to the Planning Commission. Architectural Design and Building Character.

D. National Tenant/National Franchise Architecture

1. Franchise architecture (building designs that are prototypical or identifiable with a particular chain or corporation) shall be revised if the proposed building design does not conform with these design standards. Building architecture that does not comply will not be approved by the City of Dexter.
2. The developer shall provide color pictures of other national tenant buildings (non-prototype examples) that have been built in other cities and states.
3. Large retail establishments (i.e. Big Boxes, where possible, are encouraged to provide multiple entrances as they, reduce walking distance to cars, facilitate pedestrian and bicycle access from public sidewalks, provide convenience where certain entrances offer access to individual stores or identified departments of a store, mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face other properties

Article XVI

I-1 LIMITED INDUSTRIAL DISTRICT

Section 16.01 INTENT

This district is composed of those areas of the City whose intended principal use is light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the City to permit the development of these industrial uses, to protect adjacent residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

Section 16.02 PERMITTED PRINCIPAL USES

- A. Research oriented and light industrial park uses.
- B. Manufacturing compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
- C. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- D. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth, or other similar materials.
- E. Printing, lithographic, blueprinting, commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses.
- F. Light manufacturing industrial uses which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and

luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.

- G. Research and testing facilities.
- H. Automobile repair garages such as body shops, and paint shops for autos and other vehicles, construction and farm equipment sales.
- I. Signs, only in accordance with the regulations specified in ARTICLE VII.
- J. Accessory uses, buildings or structures.
- K. Essential service structures, except telephone, electric, and television lines and poles, transformer stations, substations, gas regulator stations and buildings, may be permitted when operating requirements necessitate the location of said structures within the district in order to serve the immediate vicinity.
- L. Off-street parking in accordance with regulations in ARTICLE V.

Section 16.03 SPECIAL USES

The following uses may be permitted upon review and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific use listed in Section 8.11.

- A. Restaurants and cafeteria facilities and child care facilities for employees when in a separate building. This provision does not apply to such facilities when provided as an incidental use within a principal building.
- B. Bus, truck, taxi and rail terminals.
- C. Open air display for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, such as household equipment, small tools, pneumatic-tired two and four wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment.
- D. Warehousing and material distribution centers and contractors' establishments provided all products, material, and equipment are stored within an enclosed building.
- E. Light-metal cutting.
- F. Essential service buildings (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity.

- G. Radio, television, microwave, and cellular phone towers.
- H. Any wholesale business including warehouse and storage buildings, lumber yards, building material yards dealing in unused material, but not including junkyards or used auto wrecking establishments or business handling wastes, coal yards, junk; the incubation, raising or storing of poultry; the slaughtering of animals or, poultry; and those businesses which are offensive by reason of odor, dust smoke or vibration to the surrounding neighborhood.

Article XVII

RD RESEARCH AND DEVELOPMENT DISTRICT

Section 17.01 INTENT

This district provides for the development or redevelopment of larger parcels of land as an industrial subdivision. This district is located to permit the development of industrial uses consistent with road, transportation and utility service availability and to protect both the industrial park and the surrounding areas against the encroachment of incompatible uses. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of industrial park activities and the purpose of this district, have been excluded. Industrial park district development shall comply with the applicable sections of the City of Dexter Subdivision Regulations.

This district is has been established to promote and to protect the health, safety and welfare of the general public; designate, regulate, and restrict the location, purpose and use of buildings and all other research and development structures in Dexter and to protect the character and stability through promotion of orderly and beneficial development; to prevent overcrowding; to promote the most advantageous development and use of these lands; to provide for appropriate facility design in keeping with the character of the subdivision; and, to encourage and promote a healthy, stable local economy.

Section 17.02 PERMITTED PRINCIPAL USES

- A. Research facilities.
- B. Manufacturing, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, non-animal agricultural products, hardware and cutlery, tools, die, gauge and machine shops, however excluding:
 - 1. Smelting or other similar processing of raw ores and metals.
 - 2. All petroleum products and products with petroleum bases, from asphalt to perfume.
 - 3. Slaughtering and/or processing of animals and animal parts.
- C. Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
- D. Manufacturing of wine, beer and/or other alcoholic beverages.

- E. Packaging of previously prepared goods and materials, but not including the bailing of discards such as iron or other metal, wood, lumber, glass, paper, rags, cloth, or other materials not generated on-site.
- F. Printing, lithographic, blueprinting, and similar processes when used to manufacture product but excluding retailing of product or service, such as a copy and printing center for carry-in/carry out service.
- G. Laboratories - experimental, film, testing.
- H. Storage of materials to be used on-site and of products made on-site, but excluding warehousing of items not involved in the on-site processes.
- I. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or natural gas.
- J. Manufacture and repair, when repair is incidental to manufacturing, of sheet metal products.
- K. Testing facilities.
- L. Retail/Showroom for goods manufactured on site or in conjunction with site operations. Maximum 15% of total gross floor area.
- M. Accessory uses, buildings or structures.
- N. Signs, only in accordance with the regulations specified in Article VII and applicable protective covenants.
- O. Off-street parking in accordance with regulations in Article V and applicable protective covenants.
- P. Essential Services
 - a. Essential services, as defined in Article 2, shall be permitted as authorized and regulated by franchise agreements and federal, state and local laws and ordinances, it being the intention of this Ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the city when strict compliance with such regulations would not be practical or feasible.
 - b. Although essential services may be exempt from certain regulations, proposal for construction of essential services shall still be subject to site plan review, as cited herein, as the intention of the city is to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services. (effective 2016-12-15)

Section 17.03 SPECIAL USES

The following uses may be permitted, upon review and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific use listed in Section 8.11.

- A. Restaurants and cafeteria facilities and child care facilities for employees when in a separate building. This provision does not apply to such facilities when provided as an Incidental use within a principal building.
- B. Bus stops and taxi stands.
- C. Any permitted use producing more than 70 decibels at the property line when such use is completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the RD district.
- D. Recycling centers.
- E. Personal fitness center.
- F. Tasting Room, subject to the following provisions):
 - 1. A tasting room shall be accessory to a wine, beer and/or other alcoholic beverage manufacturing facility, licensed as such by the State of Michigan.
 - 2. The square footage of the tasting room shall not exceed 15% of the gross floor area of the principal facility.
 - 3. A tasting room licensee may be permitted to operate an outdoor service area, subject to the following:
 - (a) Article III, Section 3.29, as applicable, unless otherwise cited herein.
 - (b) The consumption of alcoholic beverages outside of the outdoor service area enclosure shall be prohibited.
 - (c) Hours of operation shall be consistent with the hours of operation of the tasting room.
 - (d) All other federal, state, and local approvals.

SECTION 17.04 REQUIRED CONDITIONS

Unless defined herein, definitions of words and phrases shall be as contained in the City of Dexter Zoning Ordinance.

- 1. Open storage or materials and products on the lots is prohibited.
- 2. Each lot shall be at least one acre in size.
- 3. All vehicle access to any lot within an industrial or research and development park shall be constructed or permitted to exist from a park entrance drive.
- 4. All building and other structures shall be constructed of durable materials, such as face brick, treated concrete, steel, aluminum or other architectural exterior surfaces or equal material, requiring no periodic painting or treatment. All building fronts shall be 50 percent or more masonry surface including the glass surface.

5. Site Landscaping shall be in accordance with regulations specified in Article 6, Landscaping Standards.

6. The following uses are forbidden within subject lands:
 - (a) Bowling alleys, roller rinks.
 - (b) Dance halls.
 - (c) Taverns
 - (d) Drive-in/car hop restaurants
 - (e) Car wash business
 - (f) Outside bulk storage of petroleum products, lumber and chemicals
 - (g) Truck terminals
 - (h) Local and suburban transit terminals but not including bus stops along a transit route
 - (i) Auto repair and body shops
 - (j) Trailer parks
 - (k) Motels and hotels
 - (l) Miniature golf ranges
 - (m) Kennels
 - (n) New or used car dealers
 - (o) Retail commercial business
 - (p) Warehouses or facilities for storage of material or goods not associated with, or secondary to, the operations of a permitted use.

Article XVIII

PP PUBLIC PARK DISTRICT

Section 18.01 INTENT

The City of Dexter strongly values access to recreation, open space and natural features for City residents. Parks and open spaces for passive and active recreation promote healthy lifestyles, provide natural features and open spaces that constitute important physical, aesthetic and economic activity benefits, and contribute to the quality of life within the City of Dexter. The intent of the PP District is to act in concert with park land and open space options and to recognize others areas warranting park development, preservation, conservation, or protection. Further, the City of Dexter finds that these public park areas:

- A. Constitute an important component of the general welfare by maintaining open space, natural beauty and an irreplaceable heritage for the existing and future residents of the City of Dexter.
- B. Provide for the protection, preservation, use and maintenance of park lands, open space and natural areas;
- C. Protect park land, open space, natural resource and wildlife habitat area for their economic support of property values;
- D. Provide for the paramount public concern for these park land, open space and natural resource areas in the interest of health, safety and general welfare of the residents of the City of Dexter;
- E. Conserve park land, open space, wooded areas, waterways, vegetation and wildlife;
- F. Provide places for passive and active recreation;
- G. Provide places for placement of historical and cultural monuments;
- H. Provide places for social events, gathering and relaxation.

Section 18.02 PERMITTED PRINCIPAL USES

In a PP, Public Park District, no land, except as otherwise provided herein, shall be used except for one or more of the following uses, subject to the conditions hereinafter imposed for each use.

- A. Passive recreation facilities, such as, but not limited to, walkways, bicycle paths, field trails for nature study and sitting areas; provided that such facilities are located so as to cause minimal encroachment and/or intrusion upon the natural resource areas within the subject area.
- B. Active recreation facilities, such as, but not limited to, play structures, swings, play courts; provided that such facilities are located so as to cause minimal encroachment and/or intrusion upon the natural resource areas within the subject area;
- C. Park structures, such as shelters, gazebos, bathroom facilities, access ramps, fishing, observation and boating decks, amphitheatres, seating areas and plazas.
- D. Ecological restoration, habitat management and conservation, invasive species management.
- E. Preservation, including but not limited to, land, woodlands, waterways and wildlife.
- F. Conservation easements, public utility easements.
- G. Stormwater management.
- H. Signage and low level security lighting.

Section 18.03 SPECIAL USES

The following uses may be permitted, upon review and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific use listed in Section 8.11.

- A. Commercial outdoor recreational facilities, such as, but not limited to, canoe/kayak/liveries, concession stands, swimming pools; provided that any necessary facilities or accessory buildings, structures or uses are constructed and located so as to cause minimal encroachment and/or intrusion upon any natural resource area, and to minimize any negative effects on adjacent residential properties.

Section 18.04 LOCATION STANDARDS

In order to achieve the intent of this district, the PP Public Park District, may be applied to the following types of property:

- A. Areas designated as "open space/buffer zone" on the Future Land Use Plan.
- B. Privately or publicly owned property containing significant natural assets or features.
- C. Privately owned property consisting of those portions of a development area which are or will be established as open space or natural preserves under the terms of development requirements contained herein or through private actions achieving the same purpose.
- D. Floodplains or flood way areas designated or specified by related City, County or Federal standards or programs.
- E. Wetlands, determined by engineering and/or soil surveys, whose inherent conditions preclude development in a normal manner.
- F. Privately owned property committed for use for commercial outdoor recreation or greenbelt buffer purposes, in conjunction with abutting properties, under the same ownership, which may be zoned in a non-residential classification.

Article XIX

PUD PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICTS

Section 19.01 PURPOSE AND INTENT

The Planned Unit Development (PUD) is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovative land use in terms of variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to encourage aesthetically pleasing development; to ensure compatibility of a proposed PUD with adjacent uses of land and to promote the use of land in a socially and environmentally desirable manner; minimize adverse traffic impacts, to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

Specifically, the PUD District regulations set forth herein are intended to achieve the following and a petitioner for a PUD must demonstrate all of the following as a condition for a PUD:

- A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
 1. The applicant shall demonstrate to the Planning Commission and City Council that the PUD provides at least three of the following site design elements that could not be attained through a project design under conventional zoning:
 - a. Mixed-use development with residential and non-residential uses or a variety of housing types.
 - b. Redevelopment of brownfield or grayfield sites.
 - c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site.
 - d. High quality architectural design beyond the site plan requirements of this Ordinance.

- e. Extensive landscaping beyond the site plan requirements of this Ordinance.
 - f. Preservation, enhancement, or restoration of natural resources (e.g. trees, slopes, non-regulated wetland areas, views to Mill Creek and/or the Huron River).
 - g. Preservation or restoration of historic resources.
 - h. Provision of open space of public plazas or features.
 - i. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape, etc.).
 - j. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach.
 - k. Shared vehicular access between properties or uses.
 - l. Mitigation of off-site impacts on public facilities such as road improvements.
 - m. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
- B. Encourage innovation in land use and excellence in design, architecture, layout, type of structures constructed through the flexible application of land development regulations, and the preservation of natural resources.
- C. The PUD shall incorporate design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways.
- D. Long term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. The PUD emphasizes a planning approach, which identifies and integrates natural resources and features in the overall site design concept and encourages the provision of open space for active and passive use.
- E. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.

- F. Achieve economy and efficiency in the use of land, natural resources, energy and the provision for public services and utilities, provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
- G. The PUD shall be harmonious with public health, safety, and welfare of the City.
- H. The proposed PUD shall not result in an unreasonable negative environmental impact or loss of historic structure(s) on the subject site.
- I. The proposed planned unit development shall not result in an unreasonable negative economic impact upon surrounding properties.
- J. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the zoning district and City of Dexter Master Plan and shall not be detrimental to the adjoining districts.
- K. The proposed PUD shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this ordinance.
- L. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards.

Section 19.02 PUD REGULATIONS

- A. A PUD may be applied in any zoning district.
- B. Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety, and welfare to ensure the compatibility of varied land uses both within and outside of the development and to the limitations of this Article.
- C. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved final PUD site plan, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance.
- D. Regulations shall be the continuing obligation of any subsequent interest in a PUD district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article XIX. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD district shall not thereafter be developed or used except in accordance with the approved final PUD site plan.

- E. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with, or under petition for, a PUD district classification, until the requirements of this article have been met.

Section 19.03 GENERAL PROVISIONS

All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed as Permitted Principle Uses. In all cases, the strictest provision shall apply.

Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the petitioner and deemed adequate by the City Council, upon recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.

For properties approved for PUD designation, the PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of this Ordinance on the basis of the total PUD plan, subject to the approval of the PUD by the City Council, based on a recommendation of the Planning Commission, in accordance with the requirements set forth herein. 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 set forth in this Section.

A. Residential Density.

1. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. Provided, however, City Council may allow, based on a recommendation by the Planning Commission, up to a 25% density bonus upon a finding that:
 - a. Additional density is consistent with the Master Plan and/or DDA Plan; and
 - b. The project provides more than five recognizable and material benefits listed in Section 19.01 A.1.
2. Further, in the determination whether a project warrants additional density, the Planning Commission and City Council may also consider the following factors including, without limitation: innovative design; pedestrian or vehicular safety; long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of the resources base and contributes

to an area wide open space network; and improvements to the City's infrastructure.

3. To determine density achievable with the underlying zoning for projects 20 acres or greater, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional requirements, access to public utilities, and density allowed by right in the district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered. The "net buildable area" consists of the portion of the site that is not encumbered by regulated wetlands, steep slopes, existing rights- of-ways, easements that cannot be included in residential lots, and other site features that would prevent use of the site for residential purposes. The parallel plan shall be submitted as part of the preliminary PUD application. Projects less than 20 acres do not require a parallel plan.
 4. If the parcel is not zoned for residential use immediately prior to classification under this Article, the City shall make a determination as to appropriate density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of the subject parcel.
 5. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the underlying zoning districts. The location and distribution of dwellings within the PUD shall be determined through design that meets the intent of this Article, preservation of natural features and compatibility with surrounding land uses.
- B. **Mixed Use Projects.** For planned unit development projects which contain a residential component, the City shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscaping berms and/or decorative walls, shall be employed in accordance with Article VI.

- C. **Open Space Regulations.**

1. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
2. Open space areas shall be conveniently located in relation to dwelling units.
3. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
4. The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.
5. Landscaping shall be preserved and/or provided to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
6. Efforts shall be made to preserve natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains.
7. When completed, the PUD shall have significant areas devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive recreation purposes harmonious with peaceful single-family residential uses in and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
8. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways convenient to the majority of the residents within the development connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
9. Areas not considered open space.
 - a. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
 - b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
 - c. The area within any manmade storm water detention or retention pond.

- d. The required yard (setbacks) area around buildings, which are not located on an individual lot or condominium site.
- D. **Preservation of Natural Resources and Natural Features.** Taking into consideration the criteria set forth in Sections 19.01 and 19.03, the City shall evaluate the proposed PUD to determine the following:
- 1. Natural resources will be preserved to the maximum extent feasible.
 - 2. The proposed PUD respects the natural topography and minimizes the cutting, filling, and grading required.
 - 3. The proposed PUD will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands and will preserve and incorporate such features into the development's site design.
 - 4. The proposed PUD will not cause off-site soil erosion or sedimentation problems.
 - 5. The conveyance and storage of storm water will enhance the aesthetics of the site.

Section 19.04 – DESIGN STANDARDS

- A. **Generally.** The proposed development shall be consistent with the general principles and objectives of the adopted Master Plan, the subdivision ordinance, and all applicable building codes.
- B. **Setbacks in the PUD Project.** All regulations applicable to front, side and rear yard setbacks, shall be met in relation to each respective land use in the PUD upon zoning district regulations in which the proposed use is listed as a Permitted Principle Use or Special Land Use.
- C. **Vehicular and Pedestrian Circulation.**
 - 1. Vehicular circulation shall be designed in a manner, which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography. The City encourages vehicular circulation to be modeled after the grid system or a modified grid system and traditional neighborhood design (TND) guidelines.
 - 2. Walkways shall be provided in a manner, which promotes pedestrian safety and circulation. Walkways should be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian and bicycle access to, between or through all open space areas, and to appropriate off-site amenities. Informal trails may be

constructed of gravel or other similar material, however, the City may require the construction of a pathway of up to eight feet in width be constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development. The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.

3. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic. Traffic calming techniques may include but are not limited to the following, pedestrian refuge islands, central islands, chicanes, roundabouts, chokers, curb extensions and/or raised pedestrian crossings.
4. Locations for school bus stops and mailboxes shall be shown on the site plan.
5. Each lot or principal building shall have vehicular access from a public street or private street or alley approved by the City Council and recommended by the Planning Commission.
6. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation of the Planning Commission, as part of the preliminary and final site plans. All parts of a PUD district shall be interconnected by a sidewalk system with design and materials acceptable to City Council, which will provide necessary, safe, and convenient movement of pedestrians.
7. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the preliminary and final site plans provide for separation of pedestrian and vehicular traffic and adequate, off-street parking facilities. Modification of proposed public streets shall first be reviewed by the City Engineer.
8. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in Section 19.03.A.3. If private streets are to be dedicated to a public agency in the future, the petitioner shall first agree to bear the full expense of making the street suitable for public acceptance.
9. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.

10. Thoroughfare, drainage, and utility design shall meet and exceed standards otherwise applicable in connection with each of the respective types of uses served.

D. Parking and Loading Regulations.

1. The parking and loading requirements set forth in Article V, herein, shall apply except that the number of spaces required may be reduced if approved by the City Council, upon recommendation of the Planning Commission, as part of the preliminary and final site plans. Such reduction shall be based upon specific findings and further based on the provisions in Article V.
2. Parking areas within the PUD shall meet the minimum requirements of City Ordinances, unless modified by the Planning Commission and City Council.

E. Utilities.

1. Each principal building shall be connected to public water and sanitary sewer lines.
2. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention/detention ponds may be permitted.
3. There shall be underground installation of utilities, including but not limited to, electrical, telephone, and cable television lines, provided, however, that distribution lines may be placed overhead if approved by the City Council. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
4. The uses proposed in the PUD shall not adversely affect the existing public utilities and circulation system, surrounding properties, or the environment.

F. Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction and shall to the minimum extent feasible, utilize non-structural control techniques, including but not limited to:

1. Limitation of land disturbance and grading;
2. Maintenance of vegetated buffers and natural vegetation;
3. Minimization of impervious surfaces;
4. Use of terraces, contoured landscapes, runoff spreaders, grass, vegetated, or rock-lined swales; use of infiltration devices, including but not limited to rain gardens, native landscaping, and bio-retention swales.

- G. **Design Elements.** It is the intent of this article to promote excellence and innovation in design. Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character and the community, surrounding developments, and natural features of the area.

Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such manner that the scenic views across or through the site are protected and that the residential development is buffered from different land uses.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City Council, as recommended by the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Section 19.05 - APPLICATION AND PROCESSING PROCEDURES

- A. **Pre-Application Meeting (Optional).** An optional pre-application meeting with the Zoning Administrator may be requested by the applicant, and may include the Fire Inspector, other City department heads, and the City's engineer and planning consultants, as determined by the Zoning Administrator. The intent of the Pre-Application meeting is to discuss the appropriateness for the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. A generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Statements made during the pre-application meeting shall not be legally binding commitments.
- B. **Conceptual Review.** All Planned Unit Development (PUD) projects are required to undergo a conceptual review process, in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because PUD projects are generally complex projects with potentially higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety, and general welfare of City residents.
1. **Conceptual Review Procedure.** Conceptual review shall be undertaken first by the Planning Commission and then by the City Council at public meetings held pursuant to all applicable notice requirements. At this stage,

complete details of landscaping, site grading, drainage, and utilities, etc. are not essential. Basic questions of use, density, design, architecture, integration with existing development in the area and impacts on and the availability of public infrastructure are generally discussed. No formal action shall be taken on a plan submitted for conceptual review. Statements made during conceptual review shall not be legally binding commitments.

2. **Information Required for Conceptual Review.** The following information shall be required for conceptual review and shall be submitted to the Zoning Administrator at least 30 days prior to a Planning Commission or City Council meeting, as appropriate. If complete and accurate plans and documents are submitted, the case will be eligible to be placed on the meeting agenda (although placement on an agenda may be delayed due to other scheduling priorities).
- a. An application, in a form provided by the Zoning Administrator, along with the applicable fee, as set forth by resolution of the City Council.
 - b. A conceptual plan for the proposed PUD, drawn to an engineer's scale of not less than one inch = 20 feet for property less than three acres, or one inch = 100 feet for property three acres or more in size, that includes all of the following:
 - i. 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.
 - ii. Scale and northpoint;
 - iii. Location map drawn to a separate scale;
 - iv. A legal description of the property ;
 - v. Zoning classification of site and all abutting parcels;
 - vi. Net acreage (minus rights-of-ways) and total acreage. For parcels less than one acre, square footage must be provided.
 - vii. Adjacent land uses;
 - viii. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site;
 - ix. Location, type, and land area of each proposed land use; type of dwelling units, if residential use is proposed, along with the number of units and proposed density;
 - x. Proposed lot lines, lot dimensions, property liens, setback dimensions, and other improvements;

- xi. Location and height of all proposed buildings and structures;
 - xii. Location of existing and proposed roads, driveways, parking lots, sidewalks, and pathways on or within 250 feet of the site;
 - xiii. Proposed off-street parking lots and number of spaces;
 - xiv. Conceptual landscape plan;
 - xv. The general location of existing plant material;
 - xvi. Location of existing drainage courses, floodplains, rivers, and MDEQ regulated wetlands;
 - xvii. Location of existing and proposed sanitary sewers;
 - xviii. Location of existing and proposed water mains;
 - xix. Stormwater retention and detention pond locations and existing, or proposed storm sewers;
 - xx. Number and location of residential units;
 - xxi. Density calculation by type of residential unit; and
 - xxii. Location and size of recreation and open space areas.
- c. Documentation indicating how the criteria for qualifications for a PUD have been met (as outlined in Section 19.01).
 - d. A table which details all deviations from the established zoning district uses; area, height, and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This table shall clearly identify the allowed regulation in comparison to the requested deviation.
 - e. Any additional information requested by the Planning Commission and City Council to better assist in the determination of PUD qualification such as, but not limited to: market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
- C. **Preliminary PUD Application – Submission and Content.** Following the Conceptual Review with the Planning Commission and City Council, 16 hard-paper copies and one electronic PDF copy of the application and all required materials for Preliminary PUD Plan shall be submitted. The submission shall be made to the Zoning Administrator for distribution to applicable reviewing parties and agencies. The Preliminary PUD Plan shall be accompanied by an application form and fee as

determined by the City Council. The Preliminary PUD Plan shall contain the following information:

1. All information required for Preliminary Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.
 2. A narrative describing:
 - a. The nature of the project, projected phases, and timetable.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the intent of the PUD District pursuant to Section 19.01.
 - d. A statement from a registered engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - e. Proof of ownership or legal interest in property.
- D. **Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section 22.08, Public Notice. If at any time after the public hearing the Preliminary PUD becomes inactive (no new information or plans submitted) for a period of six months, the Preliminary PUD submittal shall become null and void. One extension may be granted at the discretion of the Zoning Administrator upon written request by the applicant to the Zoning Administrator with additional information provided for a period of six months. The Zoning Administrator will notify the Planning Commission and the City Council of the extension.
- E. **Preliminary PUD Plan – Planning Commission Review and Recommendation.** The Planning Commission shall review the Preliminary PUD Plan according to the provisions found in Sections 19.03 through 19.05. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions of the Preliminary PUD Plan. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:
1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.

3. The PUD shall not change the essential character of the surrounding area.
 4. Proposed phases and timetable.
 5. The proposed PUD shall be under single-ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Article. This provision shall not prohibit transfer of ownership or control which must be requested in writing to the Zoning Administrator and shall require approval of City Council.
- F. **Preliminary PUD Plan – City Council Review and Determination.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the Preliminary PUD Plan in accordance with the standards for approval and conditions for a PUD noted in Subsection E. above.
- G. **Preliminary PUD Plan – Effect of Approval.** Approval of the Preliminary PUD Plan that is required to accompany a PUD application does not constitute Final PUD Plan or rezoning approval, but only bestows the right on the applicant to proceed to the Final PUD Plan stage. The application for Final PUD consideration shall be submitted within 12 months of receiving Preliminary PUD approval or the application shall be null and void.
- H. **Final PUD Application – Submission and Content.** Following Preliminary PUD Plan approval, copies of the application for Final PUD Plan shall be submitted to the Zoning Administrator. The Final PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Final PUD Plan shall contain the same information required for the Preliminary PUD Plan in subsection C. above along with the following information and any information specifically requested by the Planning Commission and/or City Council in their review of the Preliminary PUD Plan:
1. All information required for Final Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.
 2. Detailed construction and engineering plans in accordance with 21.10.
 3. **PUD Agreement.** The applicant shall submit a Development Agreement in accordance with Section 22.12.
- I. **Final PUD Plan and Rezoning – Planning Commission Review and Recommendation.** After receiving approval of the Preliminary PUD Plan from the City Council, the Planning Commission shall review the Final PUD Site Plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed Final PUD Plan is in substantial compliance with the approved Preliminary PUD Plan and still meets the intent of the

PUD District in addition to all development standards outlined in Sections 19.03 through 19.05.

- J. **Final PUD Plan and Rezoning – City Council Review and Determination.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
- K. **Final PUD Plan and Rezoning – Effect of Approval.** The Final PUD Plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically listed in the Final PUD Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:
1. **Information Related to the Condominium Development.** The following information shall be provided with the final site plan for a condominium development
 - a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
 - b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.
 2. Legal description of the property.
 3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
 4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 19.06 RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS

- A. The City Council, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using this Zoning Chapter, the Master Plan, and other City standards and/or polices as a guide.
- B. Deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant, and deemed adequate by the City Council upon the recommendation of the Planning Commission, designed into the PUD for the purpose of achieving the intent and objectives of this Article.

Section 19.07 PUD CONDITIONS

- A. Reasonable conditions may be required by the City Council, upon the recommendation of the Planning Commission before approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that existing 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 and energy; ensuring compatibility with adjacent land uses; and promoting the use of land in a socially and economically desirable manner consistent with the Master Plan.
- B. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals within the project and those immediately adjacent, and the community as a whole; necessary to meet the intent and purpose of this Ordinance; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made part of the record of the approved PUD which shall include a Final PUD plan and development agreement signed by the City and the petitioner.

Section 19.08 PHASING AND COMMENCEMENT OF CONSTRUCTION

- A. **Phasing.**
 - 1. Where a project is proposed for construction in phases, upon completion, each phase shall be capable of standing on its own in terms of the presence of safe and convenient vehicular and pedestrian access, adequate utility services and facilities; recreation facilities and open space. Each phase shall contain all necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area, including sidewalk connections and

roadway improvements. In addition, each phase of the development which includes residential and non-residential uses shall provide the relative mix of uses and the scheduled completion of construction shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.

2. The City Council, upon recommendation of the Planning Commission, may require that development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development; so that serious overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD district request for recommendation to the City Council.
3. The Planning Commission may require, as part of a Final PUD Plan review of a development phase, that land shown as open space on the approved Preliminary PUD Plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

B. Commencement and Completion of Construction. Construction shall be commenced within one year following Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a Final PUD Plan shall expire and be null and void, provided, an extension for a one-year period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. In the event a Final PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be reviewed in light of the existing and applicable law and Ordinance provisions prior to any construction. Extensions on Final PUD Plan approvals are limited to two, one-year extension periods.

C. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued for a PUD until the requirements of this Article have been met.

Section 19.09 AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with Section 21.13, herein.

Section 19.10 PERFORMANCE GUARANTEE

Performance guarantees shall be provided in accordance with Section 21.16 herein.

Section 19.11 MODIFICATION TO AN APPROVED PUD PLAN

- A. A developer may request a change in an approved Preliminary PUD Plan, or an approved Final PUD Plan. A change which is determined by the Zoning Administrator to be a major change shall require an amendment to the approved Preliminary and/or Final PUD Plans. All amendments shall follow the procedures and conditions herein required for the original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change as determined by the Zoning Administrator, shall only require a revision to the approved Preliminary PUD Plan and/or Final PUD Plan, and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development.
- B. A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons for all proposed amendments. Such reasons shall be based upon considerations such as changing social or economic conditions; potential improvements in layout or design features; unforeseen difficulties; or advantages mutually affecting the interest of City of Dexter and the developer, such as: technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.
- C. The following changes shall be considered major:
 - 1. A change in concept of the development.
 - 2. A change in use or character of the development.
 - 3. Changes in type(s) of dwelling units.
 - 4. A change in the number of dwelling units (density).
 - 5. Changes in non-residential floor area of over five percent.
 - 6. Changes in lot coverage and/ or floor area ratio of the entire development greater than one percent.

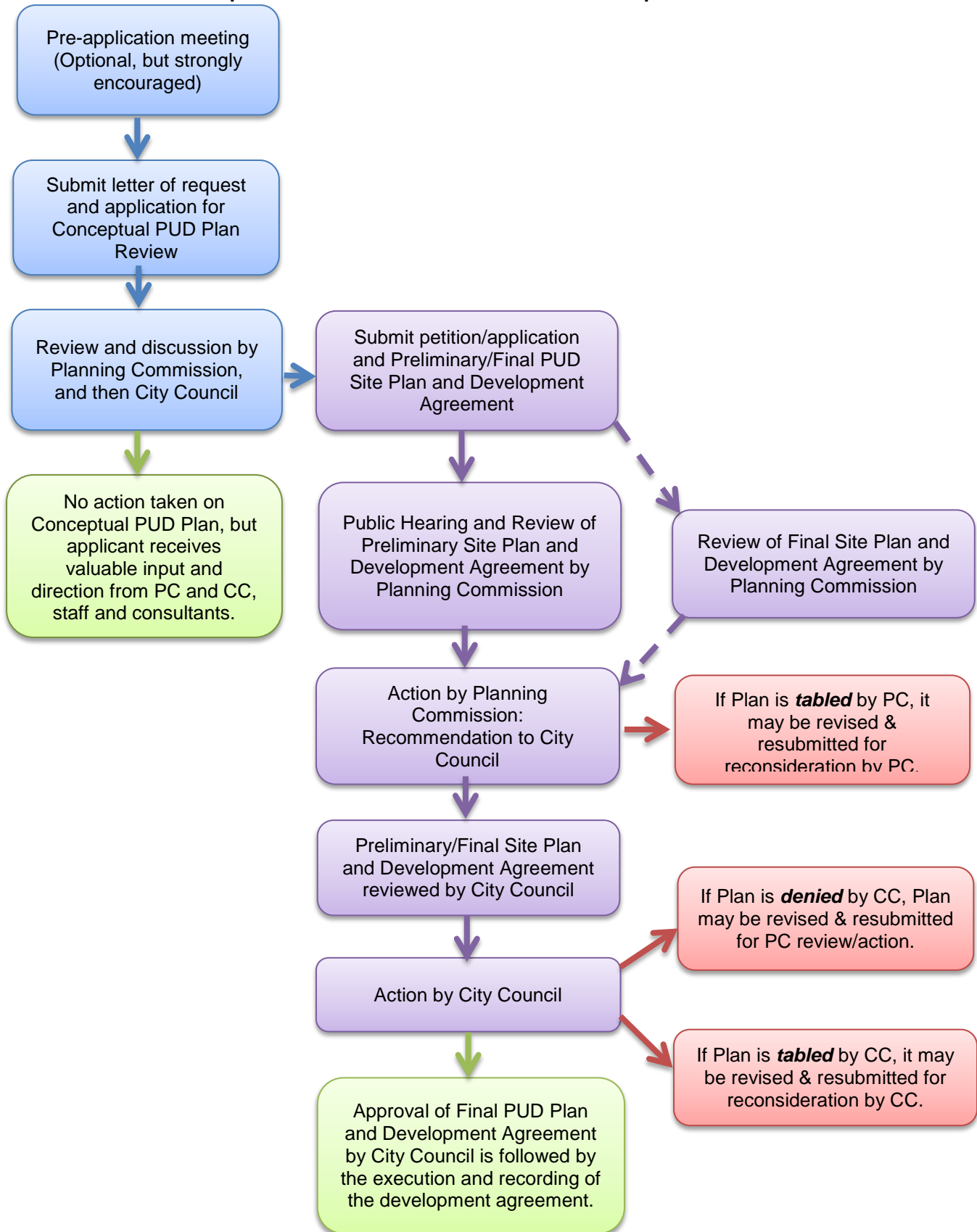
7. The rearrangement of lots, blocks, and building tracts.
 8. A change in the character or function of any street.
 9. A reduction in land area set aside for common open space or the relocations of such area(s).
 10. Horizontal and/or vertical elevation changes of five percent or more.
- D. Minor changes shall include the following:
1. A change in residential floor area.
 2. A change in non-residential floor area of five percent or less.
 3. Horizontal and/or vertical elevation changes of five percent or less.
 4. An increase in designated “areas not to be disturbed” or open space.
 5. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 6. Changes to approved building materials to higher quality materials.
 7. Changes floor plans which do not alter the character of the use.
 8. Slight modifications of sign placement or reduction of size.
 9. Minor variations in layout which do not constitute major changes.
 10. An increase in gross floor area or floor area ratio of the entire development of one percent or less.
- E. The Zoning Administrator shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change. Upon approval of a minor change, revised drawings shall each be signed by the petitioner, the owner(s) of record, and/or the legal representative(s) of said owner(s) and submitted for the record.

Section 19.12 VIOLATIONS

- A. A violation of an approved Preliminary PUD Plan, and/or a Final PUD Plan, shall be grounds for the City Council to order that all construction be stopped, and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.

- B. Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including agreements and conditions attached to an approved plan, shall be considered a violation of the City Ordinance as provided in Section 21.11.

Proposed Article 19 Planned Unit Development Process



**ARTICLE XX
SCHEDULE OF REGULATIONS**

SECTION 20.01 SCHEDULE OF REGULATIONS FOR PRINCIPAL BUILDINGS - RESIDENTIAL										
DISTRICT	MINIMUM LOT SIZE PER DWELLING UNIT (D.U.)		MAXIMUM BUILDING HEIGHT (4)		PRINCIPAL STRUCTURE MINIMUM YARD SETBACK (in feet) (2)(3)			MAX LOT COVERAGE BY ALL BLDGS. PERCENT	MINIMUM FLOOR AREA (PER UNIT, sq. ft.)	
	MIN. LOT AREA (sq. ft.)	WIDTH (ft.)	STORIES	FEET	FRONT (5)	SIDE	REAR			
PP Public Park	NA	NA	2	30	10**	10**	10**	30%	--	
R-1A One Family Residential Large Lot	12,000 sq. ft.	75	2.5	35	25	15	35	25%	1,000	
R-1B One Family Residential Small Lot	7,800 sq. ft.	60	2.5	35	15	10	25	30%	1,000	
VR Village Residential: Single Family Detached Dwelling	7,800 sq. ft.	60	2.5	35	15	10	25	30%	1,000	
Two Family Dwelling	4,500 sq. ft. per D.U.	60	2.5	35	15	min <u>one</u> 7	min <u>both</u> 17	25	50%	700
Multiple Family Dwellings	9,800 sq. ft.	--	2.5	35	15	10	20	25	60%	--
R-3 Multiple Family Residential	45,560 (1)	200 feet	2.5	35	40 for 1 story; 50 for over 1 story	25	50	50 for 1 story; 80 for over 1 story	30	--
MHP Mobile Home Park Residential	20 Acres	200			SEE ARTICLE XIII					--

* All residential lots fronting a residential street with a 66-foot right-of-way shall provide a minimum 25-foot front setback.

** Exemptions include: access for pedestrians, boating, fishing.

FOOTNOTES: The notes below are part of Section 20.01 for Residential Districts

1)

Multiple Family Residential District: Density and Lot Area Regulations for Dwelling Units (DU) in Multiple Family District		Minimum Lot Area (Square foot Per D.U.)
DISTRICT	NO. OF BR/D.U	MULTIPLE FAMILY
R-3	studio and 1	3,630
	2	4,840
	3 or more	7,260

- 2) Yard requirements: All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections three (3) feet in length from the structure wall.
- 3) Yard requirements: Where lot adjoins a lot of parcel in a more restricted zone, any adjoining front, side or rear yard of such lot shall have a minimum width equal to the required yard in the more restricted zone.
- 4) Height of building or structures: The limitations affecting the height of the structures shall not apply to the following appurtenant and structures provided they comply with all other provisions of this or any other applicable Ordinances: Parapet walls, chimneys, smokestacks, church spires, flag poles, penthouses for mechanical equipment and water tanks.
- 5) Corner Lots: A corner lot shall maintain front yard requirements for each street frontage, except in the VC and CBD District.

Section 20.01 SCHEDULE OF REGULATIONS FOR PRINCIPAL BUILDINGS - NON-RESIDENTIAL										
DISTRICT	MINIMUM LOT SIZE PER DWELLING UNIT (D.U.)		MAXIMUM BUILDING HEIGHT		PRINCIPAL STRUCTURE, MINIMUM YARD SETBACK IN FEET				MAX LOT COVERAGE BY ALL BLDGS. PERCENT	MINIMUM LOT FOOTPRINT (sq. ft.)
	MIN. LOT AREA (sq. ft.)	WIDTH (feet)	STORIES	FEET	FRONT	SIDE		REAR		
						Min. One	Min. Both			
C-1 General Business and PB Professional Business	2 acre	200	2.5	35	25	10	20	25 (2)	--	--
VC Village Commercial (3)	--	--	3.0	45	15 max.	5	10	10 ft.	80%	(1)(4)
CBD Central Business District (3)	--	--	3.0 max 2.0 min.	45	1 max.	--	--	--	100%	(1)
I-1 Limited Industrial	21,780	150	2	35	50	50	100	35 (2)	25	--
RD Research & Development	43,560	150	2	40	50	22.5	45	35	35	--

FOOTNOTES: The notes below are part of Section 20.01 for Non-Residential Districts

- 1) Min Lot Footprint = Frontage (in feet) x 40 feet (For corner lots, the frontage shall be determined by the location of the street number)
- 2) Landscaped buffer per section 6.05.
- 3) Corner Lots: A corner lot shall maintain front yard requirements for each street frontage, except in the VC and CBD District.
- 4) Density for multiple-family and Live/Work developments shall not exceed twelve (12) dwelling units per acre.

Article XXI SITE PLAN REVIEW

Section 21.01 INTENT

The intent of this Article is to provide consistent standards and methods for review and approval of site plans to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, state, and federal regulations. Further, the intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land; encourage innovative design solutions; protect natural resources; ensure safety for both internal and external vehicular and pedestrian users; achieve innovative storm water management solutions; and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

This Article also allows administrative approval in certain cases where there is a change in use, a minor change to an existing site, or a minor change determined necessary in the field during construction.

Section 21.02 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW

- A. **Site Plan Review Requirement.** The following buildings, structures, and uses require site plan review:
1. All proposed or permitted uses and related buildings, except single- and two-family dwellings located on individual lots and their associated accessory structures.
 2. All proposed special land uses and related buildings.
 3. Any alteration, addition, or expansion of an existing permitted or special use and/or related building.
 4. Any parking lot or addition thereto.

SECTION 21.03 ADMINISTRATIVE REVIEW

- A. **Authority.** The City Zoning Administrator shall have the authority to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator may seek the review and comments of applicable staff and/or consultants and reserves the right to refer

the matter to the Planning Commission if desired.

B. Projects to be Reviewed Administratively. Administrative review of a site plan may be conducted for the following projects or under the following circumstances:

1. Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.
2. Expansion or reduction of an existing conforming structure or use of 1,000 square feet or less or five percent of the floor area of the structure, whichever is less, provided the site will not require any significant change to existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
3. A change in use to a similar or less intense use provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
4. Increase in parking or loading area of up to 25% or 6,000 square feet of pavement area without any building changes.
5. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.
6. Site improvements such as installation of walls fences, lighting, or landscaping consistent with the Ordinance standards.
7. Temporary uses, sales, and seasonal events.

C. Information Required. At the direction of the Zoning Administrator, any information required in Section 21.05 and 21.06 of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:

1. Proprietors', applicants, and owner's names, addresses and telephone numbers.
2. Date (month, day, year), including revisions.
3. Title Block and Scale.
4. North arrow.
5. Proposed and existing structures, parking areas, etc. on the parcel, and within 100 feet of the parcel.

- 6. Floor plans and Elevations. Two or three dimensional color renderings may be requested by the Zoning Administrator.
- D. The Zoning Administrator shall consider the criteria set forth in Section 21.09 in the review of the site plans submitted under this Section.

Section 21.04 PRE-APPLICATION MEETING (OPTIONAL)

An optional pre-application meeting with the City Zoning Administrator and/or the Site Plan Review Committee, may be requested by the applicant, and may include the Fire Inspector, other City department heads, and the City's engineer and planning consultants, as determined by the Zoning Administrator. The intent of the pre-application meeting is to discuss the appropriateness of the development concept, solicit feedback, and receive requests for additional materials supporting the proposal. A generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Statements made during the pre-application meeting shall not be legally binding commitments.

Section 21.05 PRELIMINARY SITE PLAN REVIEW

- A. **Application and Fee for Preliminary Site Plan Review.** An application for a preliminary site plan review shall be filed with the Zoning Administrator and include the number of copies specified on the application. An application for preliminary site plan review shall be accompanied by the required fees, as well as other data, exhibits, and information hereinafter required.
- B. **Required Data for a Preliminary Site Plan.** An application for approval of a preliminary site plan shall provide the information required for a preliminary site plan as set forth in Section 21.08.
- C. **Staff/Consultant Review of Preliminary Site Plan.** The Zoning Administrator shall determine if the preliminary site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the preliminary site plan to all applicable City Departments, City Consultants, outside agencies, and other applicable review entities. City Departments, City Consultants, outside agencies, and other applicable review entities shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions, and recommendations to the City Zoning Administrator at least two weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. All plan revisions must be clearly demonstrated, i.e. "bubbled" on the revised plan sets, and accompanied by a written narrative

summarizing the revisions. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

- D. **Planning Commission Review of Preliminary Site Plan.** If complete, the Zoning Administrator shall transmit complete submittals of the application and preliminary site plan drawing(s), including Planner and Engineer reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a recommendation on approval, disapproval, or approval with modifications to the City Council.
- E. **City Council Approval of a Preliminary Site Plan – Effect of Approval.** After recommendation of the Planning Commission, the City Council may approve, deny, or may require changes in the preliminary site plan, and may attach conditions to its approval. Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.09.
- F. **Expiration of Approval.** Approval of a preliminary site plan shall be valid for a period of six months from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the City Zoning Administrator.
- G. **Phased Site Plans.** If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three years from the date of approval of the previously approved final site plan. If such period is exceeded, the City Council may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the development schedule. In such case, the City Council may require that the site plan be revised to meet current ordinance requirements.
- H. **Extension of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written request by the applicant and review and approval by City Council.

Section 21.06 FINAL SITE PLAN REVIEW

- A. **Application and Fee for Final Site Plan Review.** Following approval of the preliminary site plan, an application for final site plan review shall be filed with the Zoning Administrator, including the number of copies specified on the application

of the proposed final site plan as well as other data, exhibits, and information hereinafter required. An application for final site plan review shall be accompanied by the required fees.

B. Required Data for a Final Site Plan. An application for approval of a final site plan shall provide the information required for a final site plan as set forth in Section 21.08.

1. **Information Related to a Condominium Development.** The following information shall be provided with the final site plan for a condominium development:

- a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
- b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

2. Legal description of the property.

3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.

4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

C. Staff/Consultant Review of Final Site Plan. The Zoning Administrator shall determine if the final site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the final site plan to all applicable City Departments, City Consultants, outside agencies, and other applicable review entities. City Departments, City Consultants, outside agencies, and other applicable review entities shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from

the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

- D. **Planning Commission Review of a Final Site Plan.** The Zoning Administrator shall transmit complete submittals and applicable consultant reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a recommendation on approval, disapproval, or approval with modifications to the City Council.

The Planning Commission shall include in its study of the site plan consultation with the Zoning Administrator, the Fire Chief, planning and engineering consultants, other governmental officials and departments, and public utility companies that might have an interest in or be affected by the proposed development.

- E. **City Council Review of a Final Site Plan.** After recommendation of the Planning Commission, the City Council may approve, deny or may require changes in the final site plan, and may attach conditions to its approval. The Zoning Administrator shall advise the applicant in writing of City Council's action and any required modifications to a final site plan necessary to achieve conformance to the standards specified in this Ordinance after approval of the Official Meeting Minutes.

- F. **Approval of a Final Site Plan.** Upon approval of a final site plan by the City Council, and resolution of any approval contingencies, the applicant, the owner(s) of record, or the legal representative thereof, and the Zoning Administrator shall each sign and stamp five copies of the approved final site plan. One electronic copy of the approved site plan in PDF format shall also be provided for the City's records. The Zoning Administrator shall transmit two signed copies of the plan and any conditions attached to the approval to the applicant and City project file.

The approved site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance is agreed by the landowner and the City Council.

- G. **Effect of Approval.** Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.

- H. **Expiration of Approval.** Approval of a final site plan shall expire and be of no effect two years following the date of approval unless a Zoning Compliance Permit has been issued and construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

- I. **Extensions of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.

Section 21.07 COMBINING PRELIMINARY AND FINAL SITE PLANS

An applicant may, at the applicant's discretion and risk, with approval of the Zoning Administrator, combine a preliminary and final site plan in an application for approval. The Zoning Administrator shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in his/her opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two or more phases.

SECTION 21.08 DATA REQUIRED FOR PRELIMINARY AND FINAL SITE PLANS.

All plans shall be prepared by a professional engineer registered in the State of Michigan whose seal shall be affixed to the first sheet. All landscape plans shall be prepared by a Landscape Architect licensed in the State of Michigan whose seal has been affixed to the Landscape Plan. Preliminary and final site plans shall include the information set forth in Table 21.08 A-1.

Table 21.08 A-1. Preliminary Site Plan and Final Site Plan Submittal Requirements

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
A. Application Form		
Name and address of the applicant and property owner	X	X
Address and common description of property and complete legal description	X	X
Dimensions of land and total acreage	X	X
Zoning on the site and all adjacent properties	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Name and address of firm or individual who prepared the site plan	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Proof of property ownership	X	X
B. Site and Zoning Data		
Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site	X	X
Proposed lot lines, lot dimensions, property lines setback dimensions, structures, and other improvements to the site and within 100 feet of the site.	X	X
All existing and proposed easements, including type	X	X
Zoning district of site and all adjacent properties	X	X
Land use of site and all adjacent property	X	X
Proposed use of site	X	X
Gross and net lot area in acres and square feet, net lot area excluding all existing road rights-of-way as well as that in proposed rights-of-way, required access easements and portions covered by wetlands, bodies of water (including streams, ponds, lakes), and 90% of the area of all existing drainage easements	X	X
Ground floor and total floor area to be constructed	X	X
Lot coverage (ground floor area divided by net lot area)	X	X
Impervious surface (total impervious area and percentage of impervious area to total net lot area)	X	X
Floor area ratio (total floor area divided by net lot area)	X	X
Number and type of dwelling units and density, for residential projects	X	X
Building height, in feet and number of floors	X	X
Required yards	X	X
C. Natural Features		
General location of existing plant materials, with identification of materials to be removed and materials to be preserved	X	X
Location, sizes, types, and condition of existing trees	X	X
Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a USGS benchmark	X	X
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations	X	X
Wetlands delineated both in the field and on the plan. The existing area must be shown for each wetland. All impacted areas and mitigation areas shall be shown with calculations provided.	X	X
Soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
level, based on the Washtenaw County Soil Survey or equivalent information.		
Groundwater information on the site, with supporting evidence including, but not limited to site-specific soils information.	X	X
D. Access and Circulation		
Dimensions, curve radii, and centerlines of existing and proposed access points, roads, and road rights-of-way or access easements		X
Driveways and intersections within 250 feet of the site		X
Location of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways	X	X
Cross-section details of proposed roads, driveways, parking lots, sidewalks, and non-motorized paths illustrating materials and thickness		X
Dimensions of acceleration, deceleration, and passing lanes		X
Calculations for required number of parking and loading spaces, location, and layout	X	X
Dimensions of parking spaces, islands, circulation aisles, and loading zones		X
Fire protection plan	X	X
Traffic regulatory signs and pavement markings		X
E. Landscape Plans		
General landscape plan, including location and type of all proposed shrubs, trees, and other live plant material.	X	X
Existing live plant material to remain, and if material will be applied to landscaping requirements	X	X
Existing and proposed topography, by contours, correlated with the grading plan	X	X
Location of all proposed improvements, as shown on the site plan	X	X
Planting list for proposed landscape materials, with caliper size or height of material, root ball type, method of installation (planting/staking details), botanical and common names, spacing, and quantity		X
Irrigation system plan for watering and draining landscape areas		X
Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls, and tree wells.		X
Proposed means of protecting existing plant material during construction		X
Proposed dates of installation		X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Landscape maintenance schedule		X
F. Building, Structure, and Miscellaneous Site Information		
Location, height, and outside dimensions of all proposed buildings and structures	X	X
Building floor plans and total floor area		X
Details on accessory structures and any screening		X
Location, size, height, and lighting of all proposed site and wall signs		X
Building façade elevations for all sites, drawn at an appropriate scale		X
Description of exterior building materials and colors (samples may be required)		X
Location of exterior lighting (site and building lighting)		X
Lighting details, including size, height, initial lumen rating, type of lamp, method of shielding, type of lens, and depiction of lighting pattern for all site and building lighting		X
Lighting photometric grid overlaid on proposed site plan showing light intensity (in foot-candles) on site and 10 feet beyond parcel lines		X
Location of trash receptacle(s) and transformer pad(s) and method of screening		X
Location of any outdoor sales or display area	X	X
G. Information Concerning Utilities, Drainage, and Related Issues		
Location of existing and proposed sanitary sewer systems	X	X
Size of existing and proposed sanitary sewer systems		X
Location of existing and proposed water mains, water service, and fire hydrants	X	X
Size of existing and proposed water mains, water service, and fire hydrants		X
Site grading, drainage patterns, and other stormwater management measures	X	X
Stormwater drainage and retention/detention calculations	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls		X
Location of storm sewers and drains	X	X
Size of storm sewers and drains		X
Location of above and below ground gas, electric, and telephone	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
lines, existing and proposed		
Location of transformers and utility boxes		X
Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable		X
H. Additional Information Required for Multiple-Family Residential Development		
The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)	X	X
Density calculations by type of residential unit (dwelling units per acre)	X	X
Garage and/or carport locations and details, if proposed		X
Mailbox clusters		X
Location, dimensions, floor plans, and elevations of common building(s) (e.g. recreation, laundry, etc.), if applicable		X
Swimming pool fencing detail, including height and type of fence, if applicable		X
Location and size of recreation and open space areas		X
Indication of type of recreation facilities proposed for recreation area		X
I. Additional Study (as required by the Zoning Administrator)		
Traffic Study	As required by Zoning Administrator	
Environmental Assessment	As required by Zoning Administrator	
Noise	As required by Zoning Administrator	
Additional Study as required by the Zoning Administrator	As required by Zoning Administrator	

NOTE: If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.

Section 21.09 CRITERIA FOR SITE PLAN REVIEW

A. **Standards.** The Planning Commission (and City Council) shall review the site plan to ensure that it complies with all of the criteria below:

1. **General.**

- a. The proposed development shall be consistent with the general principles and objectives of the adopted City Master Plan, the subdivision ordinance, and all applicable building codes.

- b. All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of lot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. **Building Design.** The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development.
3. **Preservation of Significant Natural Features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, MDEQ designed/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the MEDQ.
4. **Landscaping.** The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping shall be provided and designed in accordance with the provisions of Article VI, Landscaping Standards.
5. **Streets.** All streets shall be developed in accordance with the City of Dexter Subdivision control Ordinance and Engineering Standards.
6. **Access, Driveways, and Circulation.** Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
 - a. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - b. All driveways shall meet the design and construction standards of the City.
 - c. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
 - d. For uses having frontage and/or access on a major traffic route, as defined in the City of Dexter Master Plan, the number design, and location of access driveways, and other provisions for vehicular

circulation shall comply with the provisions of Section 5.10 Access Management.

7. **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the City fire and police departments.
8. **Sidewalks, Pedestrian, and Bicycle Circulation.**
 - a. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with City of Dexter Non-Motorized Pathways Plan.
 - b. A pedestrian circulation system shall be separated from vehicular circulation systems.
 - c. In order to ensure public safety, special pedestrian measures, such as crosswalks and crossing signals, other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high-traffic areas of pedestrians or bicycles.
9. **Barrier-Free Access.** The site has been designed to provide barrier-free parking and pedestrian circulation.
10. **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the maximum standards outlined in Article V, Parking and Loading. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces as permitted in Section 5.01.G, Flexibility in Application and Section 5.09 Village Commercial (VC) District Parking.
11. **Loading and Storage.** All loading and unloading areas and outside storage areas shall be screened, as determined by the Planning Commission, in accordance with Article VI, Landscaping Standards.
12. **Soil Erosion Control.** The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the City Engineer.
13. **Utilities.** Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
14. **Stormwater Management.**

- a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
 - b. Storm water detention, retention, transport, and drainage facilities shall be designed to conserve and enhance the natural storm water system on site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Washtenaw County Water Resource Commissioner. Deviations from the Washtenaw County Water Resource Commissioner standards may be permitted upon review and approval by the City Engineer.
15. **Lighting.** Exterior lighting, in accordance with Section 3.19, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
16. **Noise.** The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
17. **Mechanical Equipment and Utilities.** Mechanical equipment and utilities, roof, building- and ground-mounted, shall be screened in accordance with the requirements of Article VI, Landscaping Standards.
18. **Waste Receptacles.** Waste receptacles shall be provided as required in Section 3.16, Dumpster and Waste Receptacles.
19. **Signs.** The standards of Article 7 must be met.
20. **Hazardous Materials or Waste.** For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
21. **Industrial site plan requirements.**

- a. Site plan proposals for new or expanded industrial development shall comply with the site plan requirements in Articles XVI, I-1, Limited Industrial District and XVII, RD Research and Development District.
- b. In order to plan for and accommodate new industries in the City of Dexter, the following information shall be provided for all proposed industrial businesses. An industrial activity statement is required in conjunction with site plan review. An industrial activity statement is also required for a new industry prior to occupying an existing building, even if a formal site plan review is not required. Responses shall be submitted on company letterhead, signed, and dated by the chief executive of the proposed facility.
 - i. Business name.
 - ii. Business mailing address.
 - iii. Business phone no., fax no., and emergency phone no.
 - iv. If a subsidiary, the name and address of the parent company.
 - v. The names and titles of individuals involved in management of the business in the City of Dexter.
 - vi. A detailed description of the business to be located in the City of Dexter, including, at minimum, the following information (this information, including the levels of emissions and discharges specified will become a part of the approved site plan, and may be used by the city to monitor compliance with the approved site plan):
 - (1) The types of industrial processes to be used.
 - (2) The products to be created.
 - (3) Identification of chemicals, hazardous substances, flammable or combustible liquids, pesticides, fertilizers, and oil products to be used, stored, or produced.
 - (4) Description of the type and maximum level of any air contaminants or air emissions to be produced by the industrial processes, and description of the measures to be taken to protect air quality.

- (5) Description of the type and maximum amount of wastewater to be produced, and description of the measures to be taken to prevent discharge of pollutants into or onto the ground.
 - (6) Description of the type and level of noise to be created by the industrial processes, and description of any noise abatement measures to be taken
 - vii. If the business is relocating from another municipality, the addresses of previous location(s).
 - viii. The expected daily hours of operation.
 - ix. The days of the week when expected to be in operation.
 - x. Number of employees expected at the facility.
 - xi. Indication whether the business has been cited within the past five years, in any form or manner, by any governmental authority for violation of any laws and regulations, including environmental laws and regulations, and indication whether the business had any permits revoked because of noncompliance with governmental regulations, with detailed explanation.
 - xii. Indication whether, in the past five years, any employees sustained on-the-job disabling injuries or injuries necessitating recovery lasting more than two weeks, or whether any employees have been killed on the job, with detailed explanation.
 - xiii. Indication whether there are any special fire protection devices or measures required by this business, with detailed explanation.
 - xiv. Indication whether there are any special waste treatment procedures or measures required by this business, with detailed explanation.
- c. **Certification Statements.** In the letter containing the above information, the following statement shall be inserted prior to the signature by the chief executive officer of the City of Dexter facility:

- i. I hereby swear or affirm that I have sufficient knowledge concerning the proposed business to provide the information provided herein and that this information is true and accurate. I further swear or affirm that I have the authority to sign this document on behalf of the applicant.
 - ii. I acknowledge that the information contained in this document is required under the City of Dexter Zoning Ordinance and shall become a part of our site plan review application. I acknowledge that any omission or material misrepresentation as to the information contained herein shall be cause for denial of the application, and if the omission or material misrepresentation is discovered subsequent to site plan approval, for revocation of that site plan approval. I acknowledge that any operations of the business that are inconsistent with or in conflict with the information presented herein shall constitute a violation of the Zoning Ordinance, and shall be subject to the penalties and corrective action specified in the Zoning Ordinance.
22. **Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the MDEQ, MDOT, Washtenaw County Road Commission, Washtenaw County Water Resources Commission, Washtenaw County Health Department, and other Federal and State agencies, as applicable.

Section 21.10 FINAL SITE PLAN AND ENGINEERING

- A. No certificates of zoning compliance or building permits shall be issued until all required site plans and engineering plans have been approved and all applicable construction permits are in effect.
- B. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, and construction permits are issued, except as otherwise provided in this Ordinance.

Section 21.11 AMENDMENT, REVISION OF SITE PLAN

- A. An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes may be approved by the Zoning Administrator. The Zoning

Administrator must provide, in writing to the Planning Commission and City Council, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Ordinance, nor any specified conditions of the plan. In considering such determination, the Zoning Administrator shall consider the following to be a minor change:

1. Change in size of structures, for residential buildings by up to 5%, provided that the overall density of units does not increase.
 2. Change in square footage of non-residential buildings by up to 10% or 2,000 square feet, whichever is smaller.
 3. Alterations to horizontal and /or vertical elevations by up to 5%.
 4. Movement of a building or buildings by no more than 10 feet.
 5. Increase in designated "areas not to be disturbed".
 6. 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 1:1 or greater basis, with approval of the Zoning Administrator.
 7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 9. Changes in floor plans, which do not alter the character of the use.
 10. Modification of sign placement or reduction of size.
 11. Internal rearrangement of parking lot, which does not change the number of parking spaces by 5% or alter access locations or design.
 12. Changes required or required by the City of safety reasons.
 13. Other minor site improvements that meet all Ordinance requirements.
- C. Should the Zoning Administrator determine that the requested site plan modification is not minor, the Planning Commission and City Council shall be notified in writing, and the applicant shall submit an application for an amendment to an approved site plan to the Zoning Administrator, in accordance with the procedure under Section 21.06.

Section 21.12 MODIFICATION OF PLAN DURING CONSTRUCTION

- A. All site improvements shall conform to the approved final site plan, including engineering drawings approved by the City Engineer. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant's risk, without any assurances that the City Council will approve the changes.
- B. It shall be the responsibility of the applicant to notify in writing the Zoning Administrator, and the City Council of any changes. The Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan, approve the proposed modification or require the applicant to make the modification request to the City Council.
- C. Any deviation from the approved site plan, except as authorized in Section 21.11, Amendment to an Approved Site Plan, shall be considered a violation of this Article.

Section 21.13 AS-BUILT DRAWINGS

- A. The applicant shall provide as-built drawings and a project engineer's certificate of all sanitary sewer, water, and storm-sewer lines and all appurtenances, which were installed on a site for which a final site plan was approved. As-built drawing requirements are available in the City's current engineering standards. The drawings shall be submitted to the Zoning Administrator, and shall be approved by the City Engineer prior to the release of any performance guarantee or part thereof covering such installation. An as-built performance deposit is required to ensure the completion of the as-built drawings.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location of any type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.
- D. Upon acceptance of the as-built drawings the applicant shall submit the required information for the dedication of public infrastructure, if applicable.

Section 21.14 PHASING OF DEVELOPMENT

The applicant may divide the proposed development into two or more phases. In such case the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase. A construction timeline must be submitted for phased development. The City Council may impose restrictions on the approval of subsequent plans and phases due to lack of permit activity for a period of more than one year. Prior to the approval of subsequent phases the City Council may require that incomplete site work, such as but not limited to incomplete sidewalks, roads or other site amenities that affect the quality of life for residents, be completed.

Section 21.15 INSPECTION

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements, such as utilities sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall deposit with the City, to be held by the City in escrow, an amount deemed reasonable by the Zoning Administrator and/or City Engineer to pay for anticipated inspections. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the City Fire Chief, and Engineer, where applicable. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the City Council and the Planning Commission in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the City Council and the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the City Council and the Planning Commission of progress toward compliance with the approved final site plan and when compliance is achieved.

Section 21.16 PERFORMANCE GUARANTEES

- A. Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the City. The guarantee shall be provided after a final site plan and/or zoning compliance certificate is approved, but prior to issuance of a certificate of final zoning compliance, or as determined by the Zoning Administrator, for any improvements covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of final zoning compliance. Site improvements shall include but not be limited to: streets and drives, parking lots, sidewalks, street signage, grading, required landscaping, required screens, storm drainage, exterior lighting, trash enclosures, utilities and

any other information shown on the approved final site plan.

- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C. If the applicant shall fail to provide any site improvement according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed. The City Council may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and City Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to sign a certificate of final zoning compliance in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of final zoning compliance shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

Section 21.17 FEES

Fees for the application and review of site plans and inspections as required by this Article shall be established and may be amended by resolution of the City Council.

Section 21.18 VIOLATIONS

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the City Council agrees to such changes as provided in this Article. Any violation of the provisions of this Article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.

Section 21.19 PROPERTY MAINTENANCE AFTER APPROVAL

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the

regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

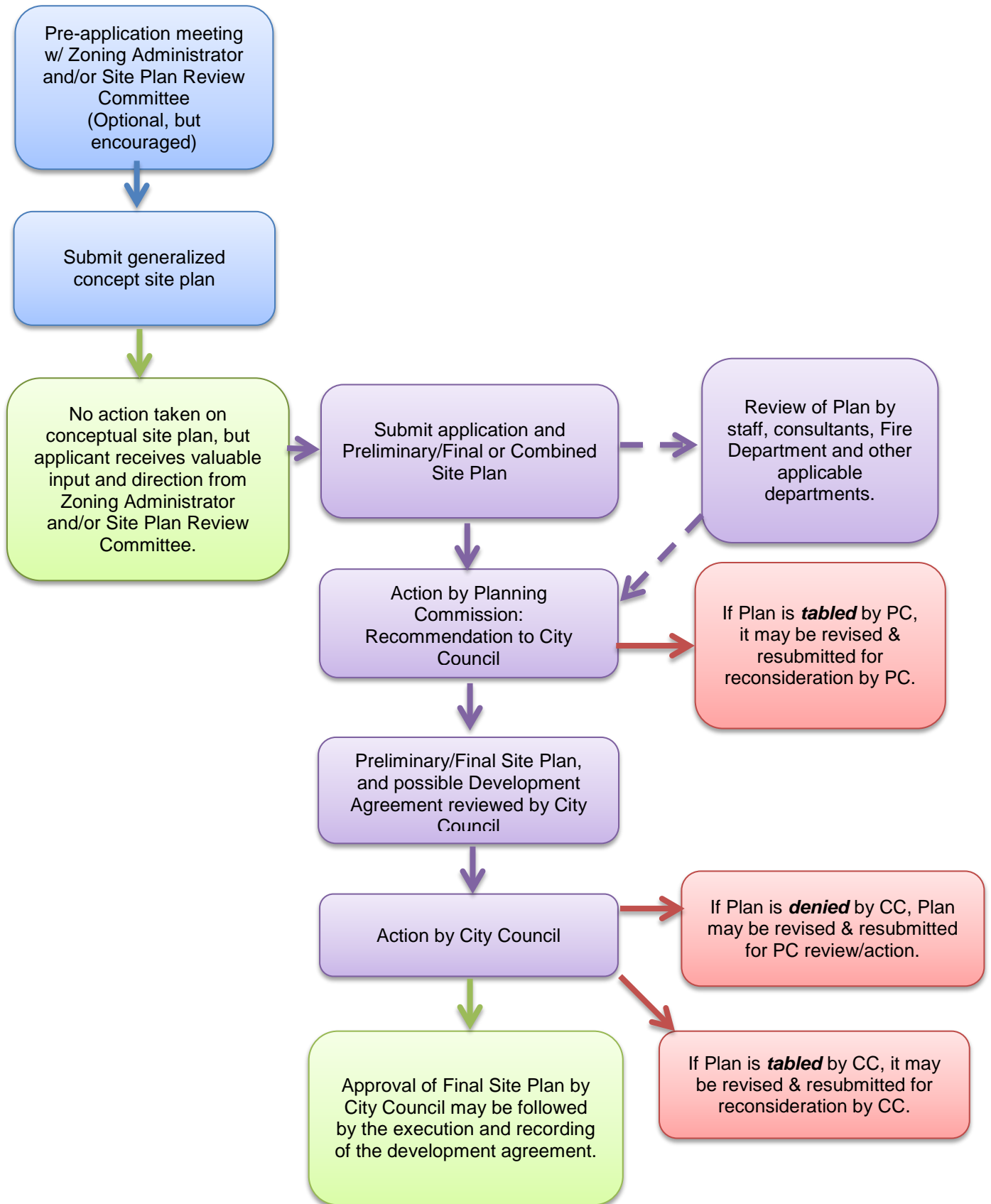
With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. A storm water management maintenance schedule shall be part of the master deed. 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. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

Prior to the transitional control date, the developer shall not amend the Master Deed without approval from the Planning Commission.

Section 21.20 DEVELOPMENT AGREEMENTS

The City Council may as a condition of final site plan approval, require the proprietor and/or developer to enter into a Development Agreement with the City. Such agreement shall set forth and define the responsibilities of the proprietor and the City, as set forth in Section 22.13.

Article 21 Site Plan Review Process



Article XXII

ADMINISTRATION AND ENFORCEMENT

Section 22.01 PURPOSE

It is the purpose of this article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of provisions of this Ordinance and amendments thereto.

Section 22.02 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Zoning Administrator, or their designee, to enforce the provisions of this Ordinance. The Zoning Administrator shall be appointed by the City Council. When the position of Zoning Administrator is vacant the City Manager shall act as Zoning Administrator until such time a Zoning Administrator is appointed by the City Council.

Section 22.03 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have the following duties and powers.

- A. The Zoning Administrator shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with said provisions.
- B. The Zoning Administrator shall receive applications for and issue certificates of zoning compliance in accordance with this Ordinance. Certificates of Occupancy are issued by the Washtenaw County Building Department. It is the applicant's responsibility to submit a copy of the Certificate of Occupancy to the Zoning Administrator upon receipt.
- C. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the City Fire Chief, Engineer, Attorney, and applicable outside agencies as deemed necessary, in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections subject to the approval of the City Council.
- D. The Zoning Administrator shall identify and process violations of this Ordinance. The Zoning Administrator shall be responsible for making periodic inspection of the City or parts thereof for the purpose of finding violations of this Ordinance.

- E. The Zoning Administrator shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- F. The Zoning Administrator shall submit to the City Council a quarterly report in which a summary of the activities of the office is presented.

Section 22.04 ZONING COMPLIANCE PERMIT

- A. **Purpose.** A Zoning Compliance Permit must first be obtained by the Zoning Administrator prior to all of the following actions;
 - 1. Procurement of a building permit from the Washtenaw County Building Department.
 - 2. Attaining a Certificate of Occupancy from the Washtenaw County Building Department.
 - 3. A change in use of a lot or structure.
 - 4. Extending a use on a lot where there is a non-conforming use or structure.
- B. **Requirements.**
 - 1. Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a description of the proposed use, specifications including a dimensional plot plan or site plan as required in Section 21.08 herein, or any other information requested by the Zoning Administrator necessary to determine zoning compliance. The Zoning Administrator may waive information requirements that do not affect compliance with the Ordinance. The Zoning Administrator shall retain the original documents in accordance with the City's document retention policy.
 - 2. A certificate of zoning compliance shall be issued for a use or structure and the lot on which situated in which one or more legal non-conformities exist. In such case, the certificate of zoning compliance shall clearly list each legal non-conformity. A certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal non-conformity exists thereon.
 - 3. Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the property owner, the application shall either be signed by the property owner or, it shall be accompanied by a letter from the property owner stating they give authorization to the applicant to make such application. The full names and

addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

4. Subject to the limitations of this section, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the zoning compliance is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.
- C. **Issuance of a Certificate.** The Zoning Administrator shall examine or cause to be examined all applications and required supplemental materials for a certificate of zoning compliance and amendments thereto within seven days after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing and state the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance as soon as possible. The Zoning Administrator shall attach his/her signature to every certificate, or may authorize a subordinate to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such applications as "Approved".
- D. **Voiding of a Certificate.** An application for a certificate of zoning compliance shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding 90 days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after time of commencing the work.

The Zoning Administrator may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.

Section 22.05 BUILDING PERMITS

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Zoning Administrator.

Section 22.06 CERTIFICATES OF OCCUPANCY

- A. **General Requirement.** It shall be unlawful to use or occupy or to permit the use of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of final zoning compliance has been issued by the Zoning Administrator. A certificate of final zoning compliance shall not be approved until it has been signed by the Zoning Administrator, signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall be obtained from the Washtenaw County Building Department, following issuance of final zoning compliance, as cited herein. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 22.11, herein.
- B. **Change in Use.** A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- C. **Existing Structure and Use.** A certificate of occupancy shall be issued upon the request of the owner for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if, after inspection of premises, it is found that such structures or uses comply with all provisions of this Ordinance, or otherwise have legal non-conforming status. All legal non-conformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal non-conformities exist.
- D. **Accessory Structures.** An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- E. **Application.** Application for certificates of occupancy shall be made in writing to Washtenaw County on forms therefore furnished. Upon receipt a copy shall be forwarded to the Zoning Administrator.
- F. **Certificate to Include Zoning.** Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures shall also constitute certificates of occupancy as required by this ordinance.
- G. **Temporary Certificates.** Where permitted under the County Building Code, a temporary certificate of occupancy may be issued by the County subject to a recommendation of approval by the Zoning Administrator.

Section 22.07 RECORDS

The Zoning Administrator shall maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

Section 22.08 NOTICES

Except as otherwise provided below, notices of hearings regarding zoning amendments, special land uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act as follows:

- A. **Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the City not less than 15 days before the hearing.
- B. **Notice Requirements.** At least 15 days before the hearing, notices shall be mailed or hand-delivered to the following:
 - 1. The applicant and the owner(s) of the property, if the applicant is not the owner.
 - 2. All persons to whom real property is assessed within 300 feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the property is located within the City.
 - 3. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City, except as set forth in Section 22.08 B.4.
 - 4. 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.
 - 5. The notice under 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. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- C. **Exemption.** Actions exempt from notification:
 - 1. Requirements for individual notice to property owners shall not apply to

Ordinance text amendments.

2. Requirement for individual notice as set forth in Section 22.08.B. does not apply to any group of adjacent properties numbering 11 or more that are proposed for rezoning.

D. **Content of Notice.** The notices shall:

1. Describe the nature of the request.
2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel ID numbers within the property. If there are not street addresses, other means of identification (including illustrations) 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.

Section 22.09 FEES

The City Council shall establish a schedule of fees, by resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the Office of the Zoning Administrator and may be altered or amended only by the City Council. No permit, certificate, space land use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until charges and fees have been paid in full.

Section 22.10 COMPLIANCE WITH PLANS AND APPLICATIONS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 22.11, herein.

Section 22.11 VIOLATIONS

- A. A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal Civil Infraction Ordinance of the City of Dexter (Section 22-9). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor

prevent the City from seeking injunctive relief or any other remedy available under the law. It shall be the responsibility of the Zoning Administrator to initiate the procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:

1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation. Or,
2. Issue a "Stop Work Order" if any one of the following apply:
 - a. A zoning compliance permit has not been issued.
 - b. Work in progress does not comply with the plan of the corresponding zoning compliance permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A copy of the order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her re-inspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

- B. If work continues after posting of the stop work order or the noted violation has not been rectified within the time period afforded, the Zoning Administrator is authorized to issue a Municipal Civil Infraction violation notice per Section 22-9 of the City of Dexter General Code. Any person who violates any provision of this section shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Section 22-9 of the City of Dexter General Code.
- C. **Public Nuisance Per Se.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 22.12 DEVELOPMENT AGREEMENTS

- A. **Development Agreement Requirement.** Following the approval of a planned unit development or conditional rezoning, an applicant shall execute a development agreement, in a form approved by the City, specifying all the terms and understandings relative to the proposed development. Development agreements following the approval of site plans or special land uses shall be at the City's discretion. All costs incurred by the City, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant.
- B. **Minimum Terms.** The content of the agreement shall outline the specifics of the proposed development, but shall at a minimum provide the following terms:
1. A survey of the acreage involved in the proposed development.
 2. A description of the ownership of the subject property.
 3. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
 4. Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas.
 5. Description of required improvements to common areas, recreational facilities, and non-motorized pathways.
 6. General description of any improvements to roads or utilities.
 7. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.
 8. Provisions 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.
 9. Provisions for the future financing of any improvement shown on the plan as 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 means satisfactory to the City.
 10. Provisions to ensure adequate protection of natural features.
 11. Financial assurances in accordance with Section 22.12 Performance Guarantee, to guarantee the completion of all site improvements.

12. Requirements that the applicant maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and required insurance provisions after the development is completed.
13. The site plan, special land use, planned unit development, or conditional rezoning shall be incorporated by reference and attached as an exhibit.
14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.
15. An acknowledgement by the applicant that the terms and conditions of the approval are fair, reasonable, and equitable, and that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each condition and provision of the development agreement.

Article XXIII

AMENDMENT PROCEDURE

Section 23.01 INITIATION OF AMENDMENTS

The City Council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments may be initiated by resolution of the City Council, the Planning Commission, or by petition of one or more property owners to be affected by the proposed amendment.

Section 23.02 AMENDMENT REQUEST

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the Zoning Amendment application form:

- A. A legal description and street address of the subject property, together with a scaled map identifying the subject property in relation to surrounding properties clearly showing the property's location.
- B. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property.
- D. The land use classification for the subject site as illustrated on the City's Master Plan.
- E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- F. A written description of how the requested rezoning meets Section 23.05 Criteria for Amendment of the Official Zoning Map, or Section 23.06 Criteria for Amendments to the Zoning Ordinance Text.

Section 23.03 AMENDMENT PROCEDURE

- A. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as required by the Michigan Zoning Enabling Act

(Public Act 110 of 2006, as amended) as provided in Section 22.08.

- 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. The Planning Commission shall consider the criteria listed in Section 23.05 for a requested amendment to the Official Zoning Map, and the criteria listed in Section 23.06 for requested amendments to the standards and regulations in the text.
- C. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. A Zoning Ordinance and any amendment shall be approved by a majority vote of members of the City Council. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in Section 23.05.
- D. Following adoption of a zoning ordinance or any subsequent amendments by the City Council, the Zoning Ordinance or subsequent amendments shall be filed with the City Clerk, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the City of Dexter within 15 days of after adoption.

The notice required shall include all of the following information:

- 1. In the case of a newly adopted Zoning Ordinance, the following statement:
“A zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Dexter.”
 - 2. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - 3. The effective date of the ordinance or amendment.
 - 4. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.
- E. Except as otherwise provided under Section 23.03 D., a Zoning Ordinance shall take effect upon the expiration of seven days after publication as required by Section 23.03 E. or at such later date after publication as may be specified by the City Council.

Section 23.04 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE

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

Section 23.05 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

- A. **Review.** In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall identify and evaluate all factors relevant to the application, and shall report its findings in full, along with its recommendations for disposition of the application, to the City Council.
- B. **Findings.** The facts to be considered by the Planning Commission and City Council shall include, but not be limited to the following criteria:
1. **Consistency with the City of Dexter Master Plan.** If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted. Consistency with recent development trends in the area may be considered.
 2. **Compatibility with the Environment.** Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
 3. **Return on Investment.** Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one of the uses permitted under the current zoning.
 4. **Use Compatibility.** The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 5. **Impact on City Services.** The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare".
 6. **Demand for Use.** The apparent demand for the types of uses permitted in the requested zoning district in the Dexter area in relation to the amount of land currently zoned and available to accommodate the demand.
 7. Other factors deemed appropriate by the Planning Commission and City

Council.

Section 23.06 CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- A. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- C. The City Attorney recommends an amendment to respond to significant case law.
- D. The amendment would promote implementation of the goals and objectives of the City's Master Plan.
- E. Other factors deemed appropriate by the Planning Commission and City Council.

Section 23.07 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST

An application for an amendment to the Official Zoning Map that has been denied shall not be reconsidered for one year, unless the applicant demonstrates that conditions have changed.

Section 23.08 CONDITIONAL REZONING OF LAND

- A. **Authorization and Limitations.** As an alternative to a rezoning amendment as described in Section 23.01 of this Ordinance, the City Council shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the City Council. In exercising its authority to consider a conditional rezoning, the City is also authorized to impose the following limitations:
 - 1. An owner of land may voluntarily offer written 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 of 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.

2. The owner's offer of conditions may not authorize uses or developments not permitted in the proposed zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
 3. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance 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 Article 24 of this Ordinance.
 4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article 8 of this Ordinance.
 5. In addition to the informational requirements provided for in Section 23.02 of this ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance. The site plan shall show the location, size, height, or other dimensions for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that are the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the City. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.
- B. **Amendment of Conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided 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 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.
- C. **Procedure.** The procedure for consideration of a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article 23 of this Ordinance in addition to the following:

1. A conditional rezoning request shall be initiated by the applicant submitting a proposed Conditional Rezoning Agreement. A conditional Rezoning Agreement shall include the following information:
 - a. A written statement that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - b. A written statement that confirms the property will not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - c. A list of conditions proposed by the applicant.
 - d. A timeframe for completing the proposed improvements.
 - e. A legal description of the land.
 - f. A sketch plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
2. The notice of public hearing on a conditional rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
3. A conditional rezoning may only be approved upon a finding and determination that all of the following are satisfied:
 - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - i. A change in City policy since the Master Plan was adopted.
 - ii. A change in conditions since the Master Plan was adopted.
 - iii. An error in the Master Plan.
 - c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to

which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.

- d. Public services and facilities affected by the proposed development will be capable of accommodating service and facility loads caused by use of the development.
- e. The conditions, proposed development and/or proposed use shall ensure compatibility with adjacent uses of land.

D. **Amendment to Zoning Map.** Upon approval by the City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

E. **Expiration** A Conditional Rezoning Approval shall expire two years from the effective date of the rezoning unless development has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City.

- 1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
- 2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
 - a. The property owner seeks a new zoning classification for the property; and/or
 - b. The City initiates a new request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- 3. The two year allotted approval may be extended upon the application of the landowner and approval of the City.

F. **Recording.** A Conditional Rezoning Approval shall not become effective until a copy of the Conditional Rezoning Agreement is filed with the Washtenaw County Register of Deeds, and a certified copy of the Agreement is filed with the City Clerk.

G. **Violation of Conditional Rezoning Agreement.** If development and/or actions are undertaken in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and

deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

ARTICLE XXV

SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION

Section 25.01 SEVERABILITY

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, building, or structure in the Village, unless otherwise stated in the judgment.

Section 25.02 REPEAL

The Zoning Ordinance text adopted by the Village of Dexter on June 12, 1995 and the Zoning Map adopted by the Village of Dexter on June 12, 1995 and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 25.03 EFFECTIVE DATE

Made and passed by the Village Council of the Village of Dexter, Washtenaw County, Michigan on June 12, 1995 and effective fifteen (15) days following publication of notice of Ordinance adoption by the Village Clerk in a newspaper of general circulation in the Village of Dexter. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 25.04 ADOPTION

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Village Council on the June 12, 1995.

- a. Public Hearing by Planning Commission: May 1, 1995.

- b. Resolution of Planning Commission to Approve Zoning Ordinance Text and Map and Recommend Village Council Adoption: May 15, 1995.
- c. Resolution of Village Council to Adopt Zoning Ordinance Text and Map: June 12, 1995.
- d. Date Ordinance Shall Take Effect: July 2, 1995.

Village President

Clerk