

APPENDIX A ZONING¹

ARTICLE 1. TITLE, PURPOSE, CONSTRUCTION, AND VALIDITY AND SEVERABILITY

¹Editor's note(s)—Printed herein is the zoning ordinance, Ord. No. 661, as adopted by the city council on June 16, 2003. Amendments to the zoning ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Prior to inclusion of Ord. No. 661, Appendix A derived from the following ordinances:

Ord. No.	Date	Ord. No.	Date	Ord. No.	Date
186	2-28-66	346	5-20-80	510	5- 3-93
195	1- 9-67	367	12-21-81	521	3- 7-94
202	10- 2-67	376	9-19-83	532	6-20-94
207	9- 9-68	382	1-23-84	533	6-20-94
209	2-17-69	385	2-20-84	535	6-20-94
214	12-15-69	386	7- 2-84	537	5-15-95
218	11- 2-70	393	5-21-85	543	3-20-95
223	8-16-71	422	4- 4-88	544	3-20-95
228	10- 4-71	425	8- 1-88	548	7-24-95
229	9- 1-72	439	7-24-89	549	10- 2-95
238	10-16-72	443	11- 6-89	561	4-15-96
248	10- 2-72	444	11- 6-89	568	5-20-96
249	10- 2-72	459	7-23-90	579	7- 7-97
270	4-15-74	460	8- 6-90	584	9-29-97
282	1-20-75	465	12-17-90	596	8-24-98
283	4-18-77	469	1-21-91	601	12- 7-98
284	1-20-75	481	7-15-91	602	12- 7-98
276	7-15-74	483	9-23-91	604	12- 7-98
296	12-15-75	488	10- 7-91	605	2-22-99
336	2-19-79	490	9-23-91	606	2-22-99
342	10- 1-79	501	3- 1-93	621	4- 3-00
343	10-15-79	506	3-15-93	638	1-22-01

Section 1.01. Title.

This ordinance shall be known and cited as the "City of Saline Zoning Ordinance."

Section 1.02. Purpose.

The purpose of this ordinance is to promote, protect, regulate, restrict and provide for the use of land and buildings within the city; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

The city is divided for those purposes into districts of the number and shape that are considered best suited to carry out this section. For each of those districts, regulations are imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and the land uses or activities that shall be permitted or excluded or subjected to special regulations.

It is also the purpose of this ordinance to provide for the establishment of a board of appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

Section 1.03. Scope and construction of regulations.

- (1) This ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- (2) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this ordinance.
- (3) Nothing within this ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

Section 1.04. Validity and severability clause.

If a court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If a court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

Section 1.05. Conflict with other laws, regulations, and agreements.

Where a condition imposed by a provision of this ordinance upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.

This ordinance is not intended to modify or annul any easement, covenant, or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this ordinance shall govern.

Section 1.06. Vested right.

It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

ARTICLE 2. DEFINITIONS AND RULES APPLYING TO TEXT

Section 2.01. Rules applying to text.

The following rules shall apply to the text and language of this ordinance:

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (5) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (6) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

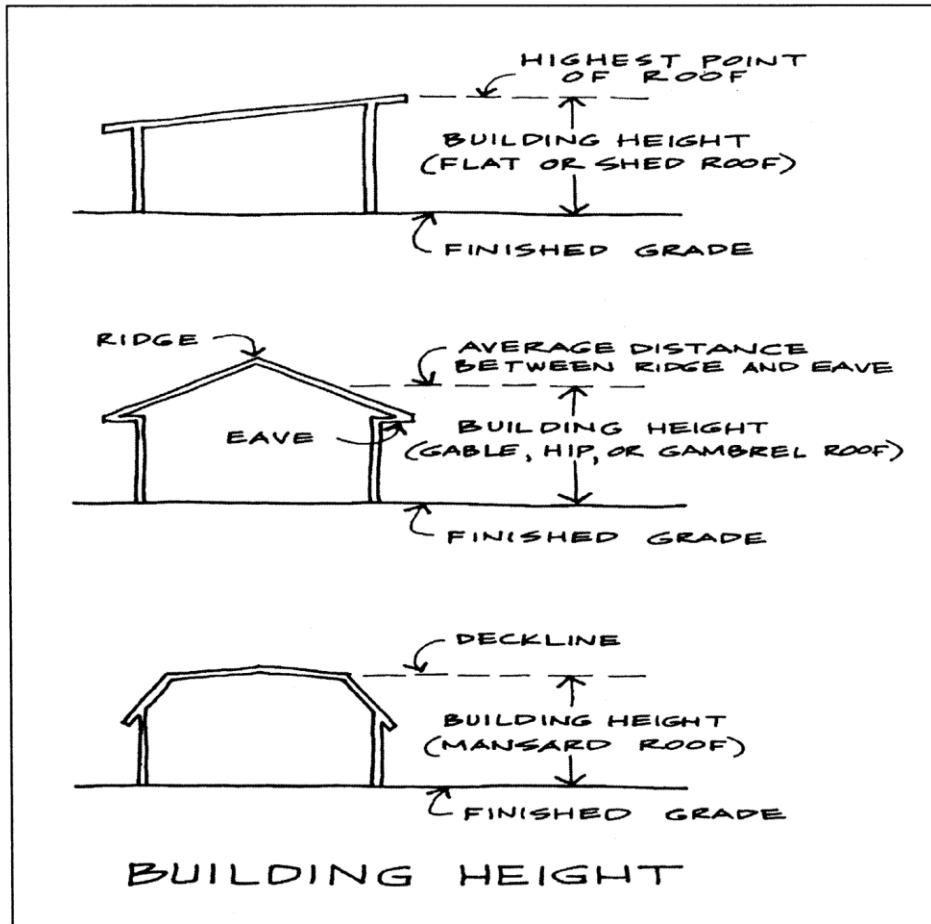
Sec. 2.02. Definitions—A through B.

The following words, terms, and phrases shall mean the following when used in the zoning ordinance:

- (a) *Access, principal*. The primary means of vehicular approach or entry to or exit from a lot.
- (b) *Accessory buildings and structures*. A supplementary building or structure on the same lot or parcel of land as the principal building occupied by or devoted exclusively to an accessory use.
- (c) *Accessory use*. A use reasonably and customarily incidental and subordinate to, the principal use of the premises.
- (d) *Adult entertainment business*. One or a combination of more than one of the following types of businesses: adult bookstore, adult cabaret, adult personal service business, adult motion picture theater, or adult novelty business.
 - (1) *Adult bookstore*. An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form or consideration, any one or more of the following:
 - (A) Books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas, or

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- (B) Instruments, devices, or paraphernalia designed for use as part of, or in connection with, specified sexual activities.
- (2) *Adult cabaret.* A nightclub, bar, restaurant, lounge, dance hall, or similar establishment where, for any form of consideration, employees and/or entertainers provide patrons, guests or members with exposure to specified anatomical areas or specified sexual activities, on a regular, irregular, or special event basis.
- (3) *Adult personal service business.* An establishment or business having as a substantial portion of its activities, one or more persons who, for any form of consideration, while nude or partially nude, provide personal services for one or more other persons in a closed room consisting of actual or simulated specified sexual activities, or erotic modeling, rubs, body painting, wrestling, or theatrical performances which are characterized by, or include emphasis on, the display of specified anatomical areas.
- (4) *Adult motion picture theater.* An establishment where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are shown, and in which a substantial portion of the total presentation is devoted to the showing of material characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.
- (5) *Adult novelty business.* A business which has as a substantial portion of its activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
- (e) *Alley.* Any dedicated public way other than a street, providing a secondary means of access to property.
- (f) *Automobile dealer.* A building and premises that are used primarily for the sale of new or used automobiles.
- (g) *Automobile filling station.* A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate additional uses as permitted in the zoning district in which the filling station is located and regulated by this ordinance.
- (h) *Automobile repair.* A building and premises that are used for the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rustproofing.
- (i) *Automobile service station.* A building and/or premises that are used or designed to be used for the retail supply of gasoline and other fuels for motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof.
- (j) *Automobile washes.* A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.
- (k) *Basement.* That portion of a building that is partly or completely below grade.
- (l) *Bed and breakfast operations.* A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.
- (m) *Bluff.* A landform having a slope in excess of 25 percent drawn from the toe of the bluff to the top of the slope.
- (n) *Boarding house.* A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding ten persons.
- (o) *Building.* A combination of materials, whether portable or fixed, forming a structure having a roof supported by columns or walls, affording a facility or shelter for use or occupancy by persons, animals or property.

- (p) *Building code.* The Michigan Building Code or other codes regarding building maintenance and construction in the city.
- (q) *Building height.* The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average finished grade as defined herein.



- (r) *Building setback line.* The line established by the minimum required setbacks forming the area within a lot in which a building may be located. An overhang shall be permitted in the required setback area, but shall not be permitted to extend more than one foot into such area.

(Ord. No. 679, § 2, 11-22-04; Ord. No. 701, § 1, 2-5-07; Ord. No. 718, § 1, 3-23-09; Ord. No. 736-1, § 1, 12-17-12; Ord. No. 785, 7-11-16; Ord. No. 802, § 1, 4-16-18)

Editor's note(s)—Ord. No. 802, § 1, adopted Apr. 16, 2018, changed the title of § 2.02 from "Definitions" to read as herein set out.

Sec. 2.03. Definitions—C through E.

- (a) *Commercial event.* An event organized by an individual permanent business or group of permanent businesses within the city.

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- (b) *Commercial retail.* Any activity involving the sale of goods or services carried out for profit.
- (c) *Commercial trailer.* A trailer used for any commercial purpose.
- (d) *Commercial vehicle.* A commercial vehicle includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or [other than] any part of the weight of a vehicle or load so drawn. For purposes of this ordinance, commercial vehicles shall also include the following terms:
- (1) *Truck.* Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property and not for the carrying of passengers, excepting a pickup truck.
 - (2) *Truck-tractor.* Truck-tractor means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
 - (3) *Semi-trailer.* Semi-trailer means a vehicle of the truck type so designed and used in conjunction with the truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor, semi-trailer combination.
 - (4) *Special mobile equipment.* Special mobile equipment means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditch digging apparatus, moving dollies, concession wagons, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels, draglines, self-propelled cranes, and earth-moving equipment.
- (e) *Community event.* An annual or semi-annual public, charitable, educational, non-profit or religious event being held within the city.
- (f) *Condominium.* Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in fee of a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in Michigan Public Act 59 of 1978, as amended.
- (g) *Condominium Act.* Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended.
- (h) *Condominium documents.* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (i) *Condominium lot.* The condominium unit, including the condominium unit and the contiguous limited common element surrounding the condominium unit, and shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended.
- (j) *Condominium unit.* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (k) *Convalescent or nursing home.* Means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a state correctional facility. Nursing home does not include one or more of the following:
- (1) A hospital.

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- (2) A veteran's facility created under Act No. 152 of the Public Acts of 1885, being sections 36.1 to 36.12 of the Michigan Compiled Laws.
 - (3) A hospice residence.
 - (l) *Convenience grocery 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 grocery stores are designed to attract a large volume of stop-and-go traffic.
 - (m) *Child care facilities.* The following definitions shall apply in the construction and application of this ordinance:
 - (1) *Group day care home.* A private residence in which seven but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
 - (2) *Child care center.* A facility, other than a private residence, receiving more than one or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the numbers of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, school, parent cooperative pre-school, pre-kindergarten, play group, or drop in center. This definition does not include the following:
 - (A) Sunday school vacation Bible school, or religious instructional class which is conducted by a religious organization and at which children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for up to four weeks during a 12-month period, or a facility operated by a religious organization where children are cared for up to three hours while persons responsible for the children are attending a religious service.
 - (B) A special education program or service conducted under the authority of Article 3 of Act No. 451 of the Public Act of 1976 as amended.
 - (C) A kindergarten, elementary, or secondary school program operated by a local or intermediate school district under the authority of Act No. 451 of the Public Acts of 1976, as amended. This exemption will not apply to pre-kindergarten program or child care center program for school age children operated by a local or intermediate school district.
 - (D) An elementary or secondary school program operated by a nonpublic school. A kindergarten operated as a part of a nonpublic elementary school. This exemption will not apply to pre-kindergarten program or child care center program for school age children operated by a nonpublic school.
 - (n) *District.* A portion of the city within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance.
 - (o) *Drainageway.* Minor watercourses which are defined either by soil type or by the presence of year-round or intermittent streams. The following areas are drainageways:
 - (1) Areas with soils, as delineated in the "Soil Survey of Washtenaw County" by the soil conservation service, of the following types: Houghton muck, Pella silty clay loam, and Granby loamy fine sand;
 - (2) The land, except where areas are designated as floodplain, on either side of and within 65 feet of the centerline of any stream or intermittent stream shown on soil survey of the city prepared by the soil conservation service.
 - (p) *Driveway.* A passageway (primarily for use by vehicles) over private property, leading from a street or other public way to a garage or parking area.

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- (q) *Dwelling*. A building or portion thereof which is used exclusively as a residence and provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The following additional definitions are provided:
- (1) *Dwelling, multiple-family*. A building consisting of three or more dwellings.
 - (2) *Dwelling, single-family*. A single building designed for, or occupied exclusively by, one family.
 - (3) *Dwelling, two-family*. A building consisting of two dwellings.
 - (4) *Manufactured dwelling*. A structure constructed in accordance with state construction code, as promulgated by the state construction code commission under the provisions of 1972, P.A. 230, as amended, in which individual components, none of which in and of itself is suitable for occupancy, are preconstructed and transported to the building site where they are in need of further assembly in order to constitute a complete dwelling ready for occupancy.
 - (5) *Manufactured home*. A factory built, single-family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which are not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.
 - (6) *Site-built dwelling*. A structure constructed in accordance with the state construction code as promulgated by the state construction code commission under the provisions of 1972, P.A. 230, as amended, in which building materials and parts are transported to the building site where they are used to construct the total dwelling unit including its major individual components and systems.
- (r) *Easement*. The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.
- (s) *Essential services*. Services that are erected, constructed, altered, or maintained by public utilities or municipal agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, poles, and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal agencies.

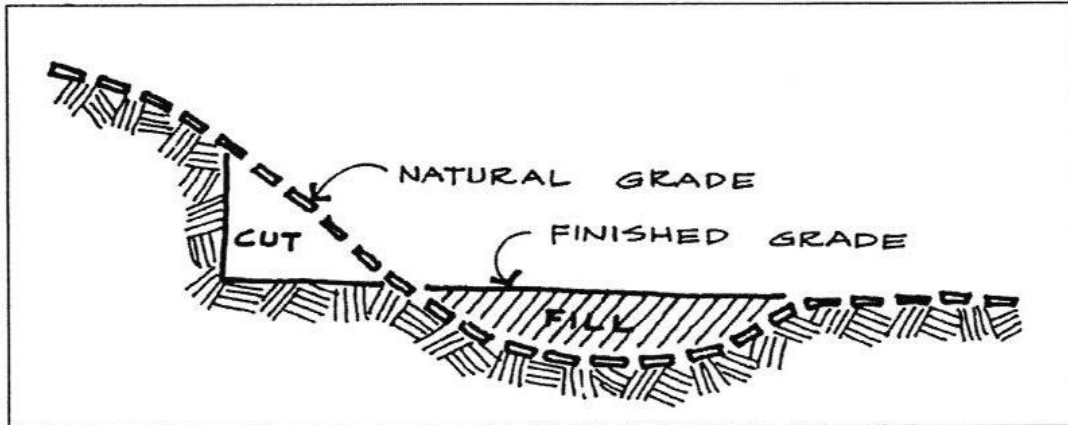
(Ord. No. 802 , § 2, 4-16-18)

Sec. 2.04. Definitions—F through K.

- (a) *Family*. An individual or a group of two or more persons related by blood, marriage or adoption, who are living together as a single, domestic, housekeeping unit in a dwelling unit; or, a collective number of individuals living together in a dwelling unit whose relationship is of a permanent, distinct, continuing and nontransient domestic character and who are cooking and living as a single, noncommercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of individuals whose domestic relationship is of a transitory or seasonal nature.
- (b) *Floodplain, 100-year*. The relatively flat or lowland area adjoining a river, stream or creek which has a one percent chance of flood occurrence in any given year. Floodplains may be either riverine or inland depressional areas. Inland depressional (one percent) floodplains are floodplains not associated with a stream system, but which are low points which surrounding lands drain to.

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- (c) *Floor area, gross.* The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.
- (d) *Floor area, ratio.* An intensity measured as a ratio, derived by dividing the gross floor area of all buildings on a lot by the total lot area.
- (e) *Floor area, useable.* In the case of residential uses, usable floor area is defined as the sum of the gross horizontal areas of each story, floor or level of a building measured from the exterior faces of the exterior walls without deduction for interior walls, closets or shafts at any level, excluding areas of unfinished attics, breezeways, and unenclosed porches. In the case of nonresidential uses, "usable floor area" is defined as the sum of the gross horizontal areas of each story, floor or level of a building measured from the exterior faces of the exterior walls without deduction for interior walls, closets or shafts at any level, but excluding common or multiple tenant hallways, stairways, stairwells, elevator shafts, toilet rooms, mechanical equipment rooms and vaults.
- (f) *Foster care facilities.*
- (1) *Adult foster care facility.* A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701 et seq., as amended.
 - (2) *Adult foster care family home.* A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 - (3) *Adult foster care group home.* A facility with approved capacity to receive at least seven but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
 - (4) *Adult foster care congregate facility.* An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
- (g) *Front.* A lot fronts on the street from which principal access is provided. Lots which front on a service drive shall be considered to front the street to which the service drive is parallel.
- (h) *Frontage.* The portion of a lot which abuts the right-of-way of a street or road.
- (i) *Garage, private.* An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (j) *General common elements.* The common elements other than the limited common elements.
- (k) *Grade.* The degree of rise or descent of a sloping surface.
- (l) *Grade, average finished.* If the ground is not entirely level, the average finished grade shall be determined by averaging the elevation of the ground for each face of the building.
- (m) *Grade, finished.* The final elevation of the ground surface after development (see below). Also, the finished ground level adjoining the building at all exterior walls.

- (n) *Grade, natural.* The elevation of the ground surface in its natural state, before manmade alterations (see below).



Natural Grade

- (o) *Home occupation.* An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- (p) *Housing for the elderly.* A building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the Federal Fair Housing Amendments Act of 1988. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the state.
- (q) *Junk yard.* A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any 30 consecutive days.
- (r) *Kennels and catteries, commercial.* Any lot or premises wherein commercial activities relative to dogs and/or cats are engaged, i.e. boarding, grooming, breeding, or training, for profit, is considered the primary activity.
- (s) *Kennels and catteries, noncommercial (hobby).* Any lot or premises of a person, at his/her residence, wherein multiple dogs and/or cats are kept, bred, trained, and/or conditioned for personal recreational use (exhibiting, trailing, racing, hunting, sledding); or any dogs or cats retired from such activities, and not for profit.

(Ord. No. 802 , § 2, 4-16-18)

Sec. 2.05. Definitions—L through O.

- (a) *Lake.* A natural or artificial body of water, two acres or more in size, which retains water year-round. The shore of a lake shall be measured from the normal high-water mark rather than from the permanent pool in the event of any difference.
- (b) *Landscape elements.* Living plant material such as, but not limited to, grass, ground covers, shrubs, vines, hedges or trees, and nonliving durable material commonly used in landscape development such as crushed

rock, brick, wood chips, cobblestones, tile or decorative blocks whether as a vertical element such as a wall, or a horizontal element such as a bed, walk, or path.

- (c) *Landscape pond*. An excavation, container, lining or other means of holding permanent water which is two feet or less in depth, has a water surface of 300 square feet or less and is intended for viewing purposes only.
- (d) *Landscaping*. A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover required to be planted, preserved and maintained in conjunction with certain approval for use of property. The following additional definitions shall apply in the construction and application of this ordinance:
 - (1) *Berm*. A landscaped mound of earth which blends with the surrounding terrain.
 - (2) *Buffer*. A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
 - (3) *Caliper*. A measurement of the size of a tree equal to the diameter of its trunk, measured four and one-half feet above natural grade.
 - (4) *Canopy tree*. Tree species which grow to a mature height of 40 to 100 feet, allowing smaller trees and shrubs to grow beneath.
 - (5) *Conflicting nonresidential land use*. Any nonresidential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
 - (6) *Conflicting residential use*. Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
 - (7) *Dripline*. The outer limit of a tree's branches, projected to the ground. The point where water dripping off the canopy will hit the ground.
 - (8) *Greenbelt*. A landscaped area, established at a depth of the minimum required front yard setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use. A strip of land containing specified landscape elements such as berms, fences, and plant material, which separates land uses, and minimizes conflicts between them.
 - (9) *Hedgerow*. Mature row of plant material lining the edge of a field or old field, consisting of 25 percent or more canopy trees having ten inch or greater caliper and covering more than 75 percent of the length of the border of the field. The dripline of the trees defines the land area of a hedgerow.
 - (10) *Opacity*. The state of being impervious to sight.
 - (11) *Shrubs*. Self-supporting, deciduous and/or evergreen woody species normally branched near the base, bushy, less than 15 feet in height, as normally grown in the county.
 - (12) *Specimen (landmark) tree*. Any large tree, native or planted, which equals 50 percent or more in size of the recorded county record for that species, which stands alone from or distinct within a group of trees or a woodland. The dripline of it defines the area it occupies.
 - (13) *Trees*. Self-supporting, woody, deciduous and/or evergreen plants with a well-defined central stem or species which normally grow to a height of 15 feet or more in the county.
 - (14) *Vines*. Plants which normally require physical support to reach mature form.
- (e) *Limited common elements*. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

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- (f) *Loading space.* An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.
- (g) *Lodging facility.* Any establishment in which individual units are rented to transients for periods of less than 30 days for the purpose of sleeping accommodations. The term shall include hotels and motels but shall not include bed and breakfast operations, multiple family dwellings or boarding houses.
- (h) *Lot.* A parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; any combination of complete and/or portions of lots of record; or a parcel of land described by metes and bounds.
- (1) *Lot, corner.* A lot with frontage on two intersecting streets. (See illustration entitled "Corner, Interior and Double Frontage.")
 - (2) *Lot, through or double frontage.* A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.
 - (3) *Lot, interior.* An interior lot is a lot other than a corner lot with only one lot line fronting on a street.
 - (4) *Lot area.* The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.
 - (5) *Lot coverage.* The percentage of the lot area covered by the building area.
 - (6) *Lot depth.* The mean horizontal distance from the front line to the rear lot line.
 - (7) *Lot lines.* Any line dividing one lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.
 - (8) *Lot of record.* A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the office of the register of deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the state, and said description so recorded with the register of deeds.
 - (9) *Lot width.* The required horizontal distance between the side lot lines measured at the two points where the required front yard setback line intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to 80 percent of the required lot width.
- (i) *Manufacturing.* The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.
- (j) *Manufactured home.* A factory built, single-family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which are not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.
- (k) *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 for the project, and all other information required by section 8 of the Condominium Act.

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- (l) *Mezzanine*. An intermediate floor in any story occupying but not to exceed more than one-third of the floor area of such story.
 - (m) *Mobile home*. A detached portable single-family dwelling prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, a flush toilet, a wash basin, a tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.
 - (n) *Mobile home park*. Any parcel of land intended and designed to accommodate more than one mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to that living use.
 - (o) *Muck soils*. Organic solid dominated by organic matter, as defined by the "Soil Survey of Washtenaw County," Michigan, including Adrian, Edwards, Edwards Shallow, Variant, Houghton and Palms soils.
 - (p) *Myotherapy establishment*. Shall mean any building, Turkish bath parlor, steam bath, sauna bath, room premises, place, institution or establishment, where body massage is regularly practiced on the human body, to club members or to the general public for a charge or consideration, but the term "myotherapy establishment" shall not include licensed hospitals, nursing homes, medical clinics, offices of licensed physicians, surgeons, osteopaths or chiropractors. Massage shall mean an alcohol rub, fomentation, bath, common massage, magnetic massage procedure, manual manipulation of the body or any method treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting, or tapping with the hand, elbow, fingers, or any instrument, electric, magnetic or otherwise, with or without supplementary aids.
 - (q) *Natural features*. Elements occurring naturally on a lot which have physical, biotic, cultural, or aesthetic importance to natural systems, the overall landscape or the character of the city.
 - (r) *Nonconforming building*. A nonconforming building is a building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.
 - (s) *Nonconforming use*. A nonconforming use is a use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
 - (t) *Off-street parking area*. A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.
 - (u) *Off-street parking lot*. An area holding more than four vehicles.
 - (v) *Open space*. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for preservation purposes, and/or public or private use or enjoyment, as well as:
 - (1) Stormwater detention or retention ponds and facilities meeting the low impact design criteria of the Washtenaw County Water Resources Commission. In addition, to be considered open space all stormwater detention or retention ponds and facilities must be constructed in a naturalized fashion.
 - (2) Active recreational facilities such as golf courses, community swimming pools, playgrounds, ball fields, court games, and picnic areas.
 - (3) All required setbacks and buffer areas.

(Ord. No. 802 , § 2, 4-16-18)

Sec. 2.06. Definitions—P through R.

- (a) *Parking space.* One unit of a parking area provided for the parking of one vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
- (b) *Parking lot, accessory.* A tract of land other than a street, designed and used for the parking or storage of motor vehicles, for the use of occupants, employees and patrons of the building or premises to which it is accessory.
- (c) *Parking lot, public.* A tract of land, other than an accessory parking lot or a street, used for the parking or storage of motor vehicles for general public use, either free or for remuneration.
- (d) *Pond.* A natural or artificial body of water less than two acres in size, which retains water year-round. Artificial ponds may be created by dams or may result from excavation. The shore of a pond shall be measured from the normal high-water mark rather than from the permanent pool in the event of any difference.
- (e) *Principal building or structure.* The main building or structure in which the primary use is conducted.
- (f) *Professional.* A person who is engaged in a vocation, calling, occupation, or employment involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill is predominantly mental or intellectual, rather than physical or manual.
- (g) *Public utility.* Any person, firm, corporation, or municipal agency authorized under federal, state, county or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.
- (h) *Required parking.* Parking areas devoted to customer, visitor, and employee parking.
- (i) *Residential use.* Any building on a property, regardless of its incorporation into a zoning district, shall be deemed residential use if the ground floor is occupied, lived in or slept in by human occupants as permitted in a residential district.
- (j) *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.
- (k) *Restaurant, carry-out.* A carry-out restaurant is a restaurant 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.
- (l) *Restaurant, drive-in.* A drive-in restaurant is a restaurant 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.
- (m) *Restaurant, drive-through.* A drive-through restaurant is a restaurant 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.
- (n) *Restaurant, fast-food.* A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (o) *Restaurant, standard.* A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely

enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

- (p) *Bar/lounge*. 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.
- (q) *Right-of-way*. A legal right of passage over real property typically associated with roads and railroads.
- (r) *Recreational vehicle*. A recreational vehicle is defined as a vehicle primarily designed and used for recreational, camping or travel purposes including a vehicle having its own motor power or vehicle mounted on or drawn by a motor vehicle. For purpose of this ordinance, recreational vehicle shall also include the following terms:
 - (1) *Camper trailer (pop-up)*. A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed 24 feet in length and five feet six inches in height in a collapsed position.
 - (2) *Motor home*. A portable dwelling designed or designed and constructed as an integral part of a self-propelled vehicle not to exceed 40 feet in length and 12 feet in height.
 - (3) *Off-street vehicle*. A motorized vehicle typically designed for use off of public streets. Off-street vehicles include snowmobiles, dune buggies, and three- and four-wheeled all terrain vehicles.
 - (4) *Pickup camper*. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
 - (5) *Travel trailer*. A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed eight feet in width and a body length not exceeding 35 feet.
 - (6) *Watercraft*. Any unit that is used for water travel or pleasure, 35 feet or less in length but not to exceed 12 feet in height, either mounted on a boat trailer or unmounted, also any boat trailer without a boat mounted.

(Ord. No. 802 , § 2, 4-16-18)

Sec. 2.07. Definitions—S through W.

- (a) *School*. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. This includes business schools, trade schools, schools of dance and the martial arts, as well as academic institutions. The following additional definitions shall apply:
 - (1) *Elementary*. Any school licensed by the state and that meets the state requirements for elementary education.
 - (2) *Parochial*. A school supported and controlled by a church or religious organization. See "private."
 - (3) *Private*. Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.
 - (4) *Secondary*. Any school licensed by the state and that is authorized to award diplomas for secondary education.
 - (5) *College/university*. An educational institution authorized by the state to award baccalaureate or higher degrees.

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- (6) *Vocational*. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting state requirements as a vocational facility.
 - (b) *Screen*. A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.
 - (c) *Setback*. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features.
 - (d) *Self storage facility*. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.
 - (e) *Shopping center*. More than one commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.
 - (f) *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 square feet shall not be considered signs.

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

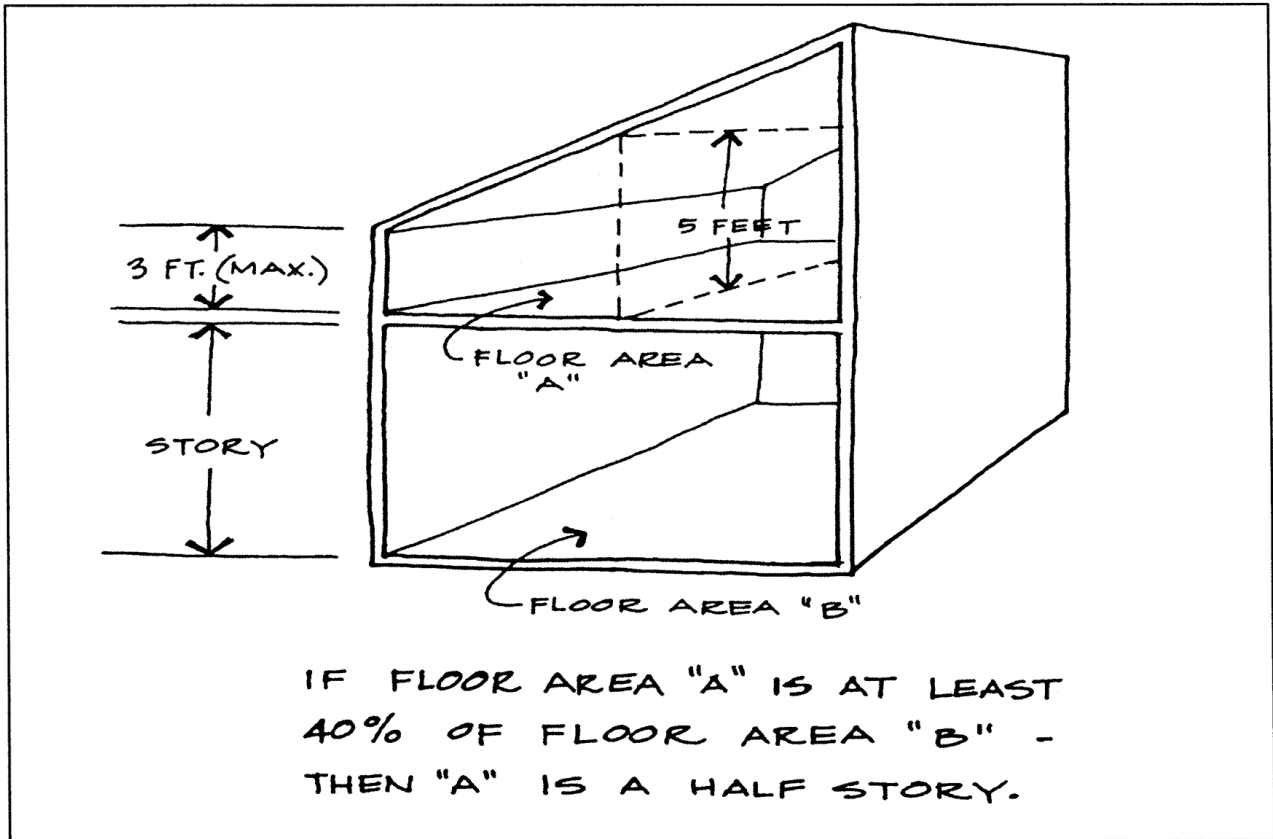
- (1) *Abandoned sign*: A sign which no longer directs or exhorts any person, or advertises a bona fide business, lesser, owner, product or activity conducted or product available on the premises where such sign is displayed.
- (2) *Animated sign*: A sign employing actual motion or the illusion of motion or light projection, whether moving or not, of words or images. Animated signs include the following types:
 - A. *Electrically activated*. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination and/or light projection capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - 1. *Flashing*. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle of illumination and non-illumination.
 - 2. *Patterned illusionary movement*. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
 - 3. *Light projections*. Animated signs or animated portions of signs that are being projected onto a surface, whether the words and images are moving or not.
 - B. *Environmentally activated*. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
 - C. *Mechanically activated*. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- (3) *Balloon*: A bag made of thin rubber, mylar or other lightweight material inflated with air or with some lighter-than-air gas, used as a decoration, or for advertisement with a logo or printed words.
- (4) *Banner*: Any sign of lightweight fabric or similar material that is attached to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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- (5) *Beacon*: Any light source with one or more concentrated beams of light directed at one or more points not on the same zoning lot as the light source.
 - (6) *Billboard*: An off-premises sign with an area in excess of 200 square feet.
 - (7) *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.
 - (8) *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.
 - (9) *Business center sign*: A sign which identifies a group of two 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.
 - (10) *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.
 - (11) *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.
 - (12) *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. Changeable copy signs may include both electronic and non-electronic message areas. A sign on which the message changes more than one 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.
 - (13) *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 (wireway) while others may be mounted flat against the building wall.
 - (14) *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. A commercial activity sign must be located on the same lot as the commercial activity taking place.
 - (15) *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.
 - (16) *Electronic message board sign*: An electrically activated changeable sign whose variable message capability can be electronically programmed.
 - (17) *Flag*: Any fabric or banner containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
 - (18) *Fuel pump/dispensing sign*: Any advertising placed on, attached to, or integral to a fuel pump/dispensing unit. Electronic as well as non-electronic signage is included in this definition.
 - (19) *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.
 - (20) *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. A business name or business logo may be included as a part of an incidental sign.

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- (21) *Incidental business sign*: Signs associated with the drive-thru portion of a business, such as a menu-board sign.
 - (22) *Institutional sign*: Temporary signs announcing any annual or semiannual public, charitable, educational or religious event or function of a non-profit nature.
 - (23) *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.
 - (24) *Non-conforming sign*: Any sign that does not conform to the requirements of this ordinance.
 - (25) *Off-site sign (off-premises sign)*: A sign other than an on-site sign.
 - (26) *On-site sign (on-premises sign)*: A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.
 - (27) *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.
 - (28) *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.
 - (29) *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 outside the D-1 district; 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.
 - (30) *Projecting sign*: Any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
 - (31) *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.
 - (32) *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.
 - (33) *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 inches.
 - (34) *Suspended sign*: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
 - (35) *Temporary sign*: A sign that is intended to be displayed for a limited period of time.
 - (36) *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.
 - (37) *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.

- (g) *Site condominium.* A development containing five or more detached single-family or two-family dwellings under the condominium form of ownership in which the building site is the condominium unit. For purposes of this zoning ordinance, the term site condominium does not include residential planned unit developments approved pursuant to article 10.
- (h) *Site 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, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; 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.
- (i) *Slope.* The inclination of the land's surface from the horizontal expressed in percentages or degrees.
- (j) *Special land use.* A use which is subject to special approval by the city council. A special use may be granted only when there is a specific provision for it in the various articles of this ordinance. A special use is not considered to be a nonconforming use.
- (k) *Specified anatomical areas.* Specified anatomical areas means and includes any one or more of the following:
 - (1) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (l) *Specified sexual activities.* Specified sexual activities means and includes any one or more of the following:
 - (1) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy;
 - (3) Human masturbation, actual or simulated;
 - (4) Human excretory functions as part of, or as related to, any of the activities described above; and
 - (5) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.
- (m) *Story.* That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it and including those basements used for the principal use.
- (n) *Story, one-half.* A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath (see figure below).



- (o) *Street.* A public or private thoroughfare which affords the principal means of access to abutting property.
- (p) *Street line.* The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as 33 feet on either side of the center of the street.
- (q) *Structure.* Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, amateur radio towers, sheds, and decks.
- (r) *Structural alterations.* Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.
- (s) *Utility trailer.* A trailer used for noncommercial purposes including the transportation of motor vehicles, off-street vehicles, watercraft, and miscellaneous landscape and household items. Utility trailers may be open top or closed top.
- (t) *Vehicle display parking.* Parking areas devoted to the display of vehicles intended for sale associated with an on-site auto sales and service facility.
- (u) *Vehicle inventory storage/auto service and repair storage.* Parking areas devoted to the storage of excess vehicle inventory associated with an on-site or off-site auto sales and service facility, and may also include vehicles stored for repair or service associated with an on-site auto sales and service facility.
- (v) *Vehicular use area.* The total area traversed by any and all types of vehicle, whether such vehicles are moving, at rest, self-propelled or not, less the area defined as parking space, including, but not limited to, lot areas of drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants and the like. Areas used for long or short-term off-street parking or paved areas serving single-family dwellings are not included in the definition.

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- (w) *Wetland*. Wetlands include all areas defined by the Natural Resources and Environmental Protection Act.
 - (x) *Wireless communication facilities*. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which pre-empt municipal regulatory authority. For purposes of this ordinance, the following additional terms are defined:
 - (1) *Attached wireless communications facilities*. 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.
 - (2) *Collocation*. The location by two 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.
 - (3) *Wireless communication support structures*. 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.
 - (y) *Woodland*. An area of plant material covering one acre or more and consisting of 30 percent or more canopy trees having an eight-inch or greater caliper, or any grove consisting of 12 or more trees having a ten-inch or greater caliper. The dripline of the trees defines the area of woods.

(Ord. No. 802 , § 2, 4-16-18; Ord. No. 816 , §§ 2, 4, 12-16-19)

Sec. 2.08. Definitions—X through Z.

- (a) *Yard*. An open space on the same lot with a building, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot, except as otherwise provided herein; provided, however, that fences and walls may be permitted in any yard, subject to the height limitation as indicated herein and in the building code. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.
- (b) *Yard, front*. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line shall be considered to be that portion of the lot which abuts a public road right-of-way or private road easement.
- (c) *Yard, rear*. A yard extending across 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 principal building.
- (d) *Yard, side*. A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.
- (e) *Zone lot*. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

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- (f) *Zoning official*. The administrative officer designated to administer the zoning ordinance.
 - (g) *Zoning or code inspector*. The administrative official or designated personnel whose duties involve enforcement of the zoning code or other codes and regulations adopted by the city.

(Ord. No. 802 , § 2, 4-16-18)

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

Section 3.01. Enforcement.

The provisions of this ordinance shall be administered by the zoning official and/or the building inspector as appointed by the city council. The duty of enforcement thereof shall rest with the zoning official, building inspector or code enforcement officer as shall be authorized therein by law, and such persons shall for the purpose of this ordinance have the power of public officers.

Section 3.02. Duties.

The office of the city clerk shall:

- (1) Receive all applications for site plan review which the planning commission is required to decide under this ordinance.
- (2) Receive all applications for appeals, variances, or other matters which the zoning board of appeals is required to decide under this ordinance and refer such applications to the zoning board of appeals for determination.
- (3) Receive all applications for special land uses and amendments to this ordinance and refer such applications to the planning commission and city council for determination.
- (4) Implement the decisions of the planning commission and city council.

Section 3.03. Certificate of zoning ordinance compliance.

- (1) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot until the zoning or code inspector has issued a certificate of zoning ordinance compliance and/or a certificate of occupancy. This application shall be made in writing to the zoning or code inspector on forms provided for that purpose. A record of all such applications shall be kept on file by the city.
- (2) The building and zoning department shall receive all applications for zoning compliance and occupancy permits and conduct inspections of buildings and premises necessary to enforce the provisions of this ordinance. The zoning official shall require that every application for a zoning ordinance compliance permit shall be accompanied by a written statement and plans or plats showing the following in sufficient detail to enable the zoning or code inspector to ascertain whether the proposed work or use is in conformance with this chapter:
 - A. The actual shape, location and dimensions of the lot.
 - B. The existing and intended use of the lot and of all buildings or structures to be erected, altered or moved and any other structures already on the lot.

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- C. Such other information which may be essential for determining whether the provisions of this chapter are being observed including requirements for parking, refuse collection, storm water management, landscaping and property maintenance.

Section 3.04. Use of consultants.

From time to time, the city may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special use permits, site plans, rezonings or other matters related to the planning and development of the city.

Section 3.05. Performance guarantee.

To ensure compliance with this zoning ordinance and any conditions imposed hereunder, the landowner may be required to deposit with the city clerk cash, a certified check, an irrevocable bank letter of credit, or a surety bond acceptable to the city, covering the estimated cost of improvements associated with a project for which zoning approval is sought to insure faithful completion of the improvements required hereunder. Such performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The city shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Specific standards for performance guarantees for site plan review and approval are found in section 8.11 of this ordinance.

Section 3.06. Temporary certificates of occupancy.

Temporary certificates of occupancy may be issued for the use of lands, buildings or parts thereof, provided that the occupancy or use of the completed portion shall not interfere with or be endangered by the completion of the remainder of the building or any portion thereof, and that a satisfactory schedule of the completion and a financial guarantee for the remainder of the building or structure is submitted to assure that all buildings, access, parking, landscaping and accessory buildings can be reasonably completed within a specified time. A temporary certificate of occupancy may be issued for a period of time as judged by the building inspector as necessary to complete the construction provided, that a cash bond, certified check or irrevocable letter of credit equivalent to the value of the amount of work to be completed is deposited with the city clerk.

Section 3.07. Violations and penalties.

Uses of land, buildings, or structures converted in violation of this article are hereby declared to be a nuisance per se and shall be considered a municipal civil infraction and shall be subject to all processes thereof.

ARTICLE 4. ZONING DISTRICT REGULATIONS

Section 4.01. District designations.

For the purpose of the ordinance, the city is hereby divided into the following districts:

Designation	Title of District
R-1	Single-family residential
R-1A	Single-family residential
R-1B	Single-family residential
R-1C	Single-family residential
R-2	Two-family residential

R-3A	Multiple-family residential
R-3	Multiple-family residential
RMH	Mobile home park
PB	Professional business
OS	Office service
C-1	Central area
C-2	Central business
C-3	General business
I-1	Limited industrial
I-2	General industrial
I-4	Heavy industrial
SPA-1	East Michigan development overlay

Section 4.02. Zoning district map.

- (1) *Identified.* The zoning districts as provided in section 4.01 are bounded and defined as shown on the map entitled "Zoning District Map of the City of Saline." The zoning district map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this ordinance.
- (2) *Authority.* Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map available for public inspection shall be located in and maintained by the zoning official's office. The clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the city.
- (3) *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:
 - A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
 - B. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - C. A boundary indicated as approximately following a municipal boundary line shall be construed as following such line.
 - D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 - E. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - F. Where a district boundary divides a lot which was in a single ownership and of record at the time of enactment of this ordinance, the use authorized and the other district requirements applying to the least restricted portion of such lot, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot constitutes less than 25 percent of the total area of the lot. The use so extended shall be deemed to be conforming.
 - G. Where an existing physical feature is at variance with that shown on the official zoning map or any other circumstances not covered by A through F preceding, the zoning board of appeals shall interpret the location of the zoning district boundary.

Section 4.03. Application of district regulations.

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Except as hereinafter provided, district regulations shall be applied in the following manner.

- (1) *Uses in districts.*
 - A. *Permitted uses.* Permitted uses shall be permitted by right only, if specifically listed in the various zoning districts.
 - B. *Accessory uses and buildings.* Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
 - C. *Special land uses.* Special land uses are permitted at the discretion of the city in accordance with article 9 only if specifically listed in the various zoning districts.
 - D. *Illegal uses.* Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited in all zoning districts.
- (2) *Application of area, width and frontage regulations.*
 - A. The area and width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
 - B. Every lot shall have frontage on and direct access to a public street which has been accepted for maintenance by the city, or a private street approved by the city.
- (3) *Application of setback regulations.*
 - A. No part of a required setback for any building or use shall be included as a part of a required setback for another building or use.
 - B. All required front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
 - C. All required side and rear yard setback lines shall be the minimum perpendicular distance between the nearest points on the side or rear of the structure and the side or rear lot line parallel thereto.
 - D. On all corner lots, the required front setbacks shall be provided along both street frontages, unless otherwise noted herein.
 - E. Exceptions.
 1. Terraces, patios, and similar structures may project into a yard as required herein, provided that such structures be unroofed, without walls or other continuous enclosure, and be located a minimum of five feet from any adjacent property line.
 2. Unenclosed, unscreened, roofed porches or decks may project into a required front or rear yard a distance not more than eight feet provided that such porch shall not exceed one story in height. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
 3. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of 16 inches.

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4. Flag poles are exempt from standard setback requirements; however, they must be setback a minimum of 15 feet from adjacent property lines.

(4) *Application of height regulations.*

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located.
- B. Exceptions. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles in nonresidential districts, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed by more than 15 feet the height limit of the district in which it is located, nor shall such structure have a total area greater than 25 percent of the roof area.
- C. Communication towers shall be subject to the regulations set forth in section 6.11.
- D. Hotels up to three stories in height with a total height not to exceed 55 feet may be granted by the city council after review and recommendation by the planning commission in accordance with the special land use provisions of article 9, Zoning.

(5) *Location and number of buildings on lot of record.*

- A. Every building erected, altered, or moved shall be located on a lot of record as defined herein.
- B. There shall be only one single-family dwelling permitted per lot. Where there is more than one single-family dwelling located on a lot of record at the time of adoption of this ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this ordinance.

(Ord. No. 727, § 1, 6-7-10; Ord. No. 790 , § 1, 5-15-17)

Section 4.04. Purposes and uses within zoning districts.

- (1) *R-1, single-family residential district.* This district is composed in those areas of the city where the principal use is intended to be single-family dwellings on larger lots. In addition to the dwellings permitted in this zoning district, there are a certain limited number of nonresidential uses which may be compatible with and supportive of a residential environment and may be permitted through the special approval of the city.

A. *Permitted uses.*

1. Single-family detached dwellings.
2. Public parks and playgrounds.
3. Home-based business, Tier 1, subject to the requirements set forth in section 5.08.
4. Accessory uses, buildings and structures, subject to the requirements set forth in section 5.03.

B. *Special land uses.*

1. Churches and other institutions for religious worship.
2. Police and fire stations, public safety buildings, public utility buildings, telephone exchange buildings, electric transformer stations and gas regulator stations, but not including service or storage yards.
3. Bed and breakfasts, subject to the requirements set forth in section 6.10.

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4. Home-based business, Tier 2, subject to the requirements set forth in section 6.15.
- (2) *R-1A, single-family residential district.* This district is composed in those areas of the city where the principal use is intended to be single-family dwellings. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which may be compatible with and supportive of a residential environment and may be permitted through the special approval of the city.
- A. *Permitted uses.*
1. Single-family detached dwellings.
 2. Public parks and playgrounds.
 3. Cemeteries, public libraries.
 4. Home-based business, Tier 1, subject to the requirements set forth in section 5.08
 5. Accessory uses, buildings and structures, subject to the requirements set forth in section 5.03.
- B. *Special land uses.*
1. All special uses allowed in R-1 district.
 2. Day care homes subject to the requirements set forth in section 6.03.
 3. Adult foster care large group homes subject to the requirements set forth in section 6.04.
 4. Hospitals.
 5. Elderly housing, subject to the requirements set forth in section 6.05.
 6. Kennels and catteries, noncommercial (hobby), subject to the requirements set forth in section 6.14.
- (3) *R-1B, single-family residential district.* This district is composed in those areas of the city where the principal use is intended to be single-family dwellings. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which may be compatible with and supportive of a residential environment and may be permitted through the special approval of the city.
- A. *Permitted uses.*
1. All permitted uses allowed in the R-1A district.
- B. *Special land uses.*
1. All special uses allowed in the R-1A district.
- (4) *R-1C, single-family residential district.* This district is composed in those areas of the city where the principal use is intended to be single-family dwellings. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which may be compatible with and supportive of a residential environment and may be permitted through the special approval of the city.
- A. *Permitted uses.*
1. All permitted uses allowed in the R-1A district.
- B. *Special land uses.*
1. All special uses allowed in the R-1A district.
- (5) *R-2, two-family residential district.* This district is composed of those areas of the city where the principal use is intended to be single- and two-family dwellings. The regulations of this district are designed to permit a lower density than is allowed in the R-3 district. Areas zoned R-2 shall be located in a compatible manner

with areas zoned for single-family residential use. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which are compatible with and supportive of a residential environment and may be permitted through the special approval of the city.

A. *Permitted uses.*

1. All permitted uses allowed in the R-1A district.
2. Two-family dwellings.

B. *Special land uses.*

1. All special uses allowed in the R-1A district.
2. Child day care centers subject to the requirements set forth in section 6.03.

- (6) *R-3A, multiple family residential district.* This district is composed of those areas of the city where the principal use is intended to be multiple family dwellings at a lower density than permitted in R-3. These areas would be located near major streets for good accessibility and be designed to be compatible with adjacent single-family areas. Various types and sizes of residential units, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community without creating an unreasonable burden to existing community facilities, utilities, or services. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which are compatible with and supportive of a residential environment and may be permitted through the special approval of the city.

A. *Permitted uses.*

1. All permitted uses allowed in the R-2 district.
2. Multiple-family dwellings subject to the requirements set forth in section 5.07.

B. *Special land uses.*

1. All special uses allowed in the R-2 district.
2. Adult foster care congregate facilities, subject to the requirements set forth in section 6.04.
3. Convalescent centers or nursing homes subject to the requirements set forth in section 6.05.

- (7) *R-3, multiple-family residential district.* This district is composed of those areas of the city where the principal use is intended to be multiple family dwellings at a higher density than R-3A. These areas would be located near major streets for good accessibility and be designed to be compatible with adjacent single-family areas. Various types and sizes of residential units, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community without creating an unreasonable burden to existing community facilities, utilities, or services. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which are compatible with and supportive of a residential environment and may be permitted through the special approval of the city.

A. *Permitted uses.*

1. All permitted uses allowed in the R-3A district.

B. *Special land uses.*

1. All special uses allowed in the R-3A district.

- (8) *RMH, mobile home park residential district.* The intent of this district is to provide for mobile home residential development in areas where the natural conditions and features, public services, and infrastructure are capable of supporting such development. Areas zoned RMH shall be located in areas which are compatible with the character and density of adjacent uses.

A. *Permitted uses.*

1. Mobile home parks subject to the provisions set forth in section 5.06.
2. Parks and playgrounds.

B. *Special land uses.*

1. All special uses allowed in the R-1A district.

(9) *Professional business district.* The PB, professional business district is intended to provide areas for the offices of professional services, as well as single-family residences. The district shall be characterized by low intensity uses which generally operate during normal business hours, produce a low volume of traffic, and serve as a compatible transition between commercial and residential areas and/or between thoroughfares and residential areas. It is further intended that professional office uses in this district are planned and designed to be compatible with neighboring residential areas.

The PB district is also designed: To safeguard the unique historical heritage of the city, where applicable, by preserving historic structures and areas which reflect elements of the city's unique cultural, social, economic, political or architectural history; to maintain and improve property values and the economy within historic areas; to foster civic beauty and pride; and to promote the use of historic areas for the education, pleasure and welfare of the citizens of the city.

In PB districts, all architectural plans for the construction of new or conversion of existing buildings, other than those used exclusively as single-family dwelling, shall be presented to the planning commission and receive their approval prior to submitting plans to the building department for approval and issuance of a building permit.

It is intended that such professional office buildings, when located adjacent to a residential area, shall take on the appearance of residential buildings in order to preserve the general character of the residential neighborhood.

All PB buildings shall conform to the regulations prescribed under "commercial buildings" as specified by the city.

A. *Permitted uses.*

1. All uses permitted in R-1C districts.
2. Office buildings occupied by the practice of any one or more of the following professions: physician, dentist, attorney, chiropractor, accountant, engineer, or architect.

B. *Special land uses.*

1. All uses permitted in R-2 districts.
2. Offices for one or more than one of the following professional or business services: Insurance, real estate, secretarial, manufacturers' representatives, sales representatives, or financial management and tax preparation.
3. Office buildings occupied by professionals which are similar to those set forth in section 4.04(9)A.2.
4. Child care centers as defined.

(10) *OS, office service district.* The intent of the office service district is to provide locations for uses which primarily include office and technical uses, and business and personal services uses which are dependent on and supportive of an office environment. The office service district is intended to provide for a compatible transitional use between commercial and residential areas and/or between thoroughfares and residential areas.

The district shall be characterized by uses which: generally operate during normal business hours; produce a low volume of traffic; may require some service areas along with storage facilities; and, are located in buildings which are architecturally compatible with the surrounding area.

The office service district is not intended to permit commercial retail uses that generate a large traffic volume. A limited range of business and service uses are permitted for the benefit of office personnel, tenants and visitors, provided that offices and technical uses remain the predominant use within the district.

In OS districts, all architectural plans for buildings shall be presented to the planning commission and receive their approval prior to submitting plans to the building department for approval and issuance of a building permit.

It is intended that such office service buildings, when located adjacent to a residential area, shall take on appearance of residential buildings in order to preserve the general character of the residential neighborhood.

A. *Permitted uses.*

1. Office buildings for the use of any of the following occupations: Executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales.
2. Medical and dental offices, including clinics and medical laboratories.
3. Banks, credit unions, savings and loan associations.
4. Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
5. Retail sales of office supplies, computer and business machines, and personal communication equipment.
6. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
7. Studios for musical, dance or artistic instruction.
8. Private service clubs, fraternal organizations and lodge halls.
9. Retail sale of drug and health care products, when occupying no more than 25 percent of the floor area included as part of a building containing medical and dental offices, clinics and medical laboratories.
10. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
11. Business and/or technical schools.

B. *Special land uses.*

1. Standard restaurants.
2. Personal service establishments, such as photographic studios, barber and beauty shops, watch, clothing and shoe repair, locksmith and similar establishments.
3. Florist shops.
4. Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted.
5. Laundry and dry cleaning customer outlets, provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.
6. Child care centers subject to the requirements set forth in section 6.03.

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7. Public utility transformer stations and substations, telephone exchanges, and public utility offices.
 8. Medical marihuana safety compliance facility as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 9. Adult use marihuana safety compliance facility as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
- (11) *C-1, central area district.* The district is designed primarily for the convenience of persons residing in the city by providing for a complementary variety of office, limited retail, and business service uses that require a central location. It is the purpose of these regulations to recognize that lots in the central area are too small and too tightly developed to provide setbacks, on-site parking and loading areas; and that cars are not brought to individual stores in a central area but are parked in common spaces, either on-street or in parking lots; to recognize the essential interdependence of activities in the central area; and that compactness of development and pedestrian convenience are vital to that interdependence; and to exclude from the central area those retail sales establishments which tend to interfere with or detract from a high intensity of shopping activity and pedestrian convenience.
- A. *Permitted uses.*
1. All permitted use allowed in the OS office service district.
 2. Food and beverage sales including grocery, meat market, bakery, party store, delicatessen and fruit market.
 3. Florist shops.
 4. Retail sales of gifts, antiques and collectibles.
 5. Standard and carryout restaurants.
 6. Bars and lounges.
 7. Retail sales of drug and health care products.
 8. Retail sale clothing, shoes, jewelry and accessories.
 9. Video rental and sales.
 10. Laundromats and dry cleaning customer outlets. Does not include dry cleaning or laundry plants serving more than one customer outlet.
 11. Funeral homes.
 12. Personal service establishments, such as photographic studios, barber and beauty shops, watch, clothing and shoe repair, locksmith and similar establishments.
 13. Any service establishment of an office, showroom, or workshop nature or an electrician, plumber, decorator, carpenter or upholsterer.
- B. *Special land uses.*
1. Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted.
 2. Automobile filling and service stations and automobile washes, subject to the requirements set forth in section 6.08.
 3. Multiple-family residential dwellings, provided that dwelling units shall be located on the second floor or higher floors of a building.

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4. Drive-in or drive-up facilities such as drive-up windows for banks, drive-in cleaners and similar facilities, but not including drive-in restaurants.
 5. Medical marihuana provisioning center as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 6. Adult use marihuana retailer, as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
- (12) *C-2, central business district.* This district is designed to provide for a variety of office, business service, entertainment and retail uses which occupy the prime retail frontage, by serving the comparison, convenience, and service needs of the market area which includes the city and surrounding communities. The regulations of the CBD are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services and nonretail uses which tend to break up such continuity.
- A. *Permitted uses.*
1. All permitted uses allowed in the OS and C-1 districts except drive-through facilities.
 2. Retail sales of musical instruments, hardware, paint and home decorating supplies, floor covering, sporting goods, furniture, home accessories, and appliances.
 3. Myotherapy establishments subject to the requirements set forth in section 6.12.
- B. *Special land uses.*
1. Multiple-family housing and/or apartment dwellings on the second floor and above.
 2. Sidewalk cafe service or outdoor dining, operated by a restaurant or other food establishment which sells food or drinks for immediate consumption, subject to the requirements set forth in section 6.09.
 3. Medical marihuana provisioning center as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 4. Medical marihuana safety compliance facility as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 5. Adult use marihuana retailer as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
 6. Adult use marihuana safety compliance facility as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
- (13) *C-3, general business district.* This district is intended to accommodate office, business service, and retail uses that serve a larger market than C-1 district including the city and portions of the surrounding communities. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.
- A. *Permitted uses.*
1. All permitted uses allowed in the OS, C-1 and C-2 districts.
 2. Shops of interior decorators, plumbers, electricians, exterminators and other similar services and trades.
 3. Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted.

B. *Special land uses.*

1. Lodging facilities.
 2. Automobile dealers with related repair service center subject to the requirements set forth in section 6.08.
 3. Automobile repair subject to the requirements set forth in section 6.08.
 4. Automobile filling and service stations and automobile washes subject to the requirements set forth in section 6.08.
 5. Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls and miniature golf.
 6. Wholesale sales.
 7. Public utility transformer stations and substations, telephone exchanges, and public utility offices.
 8. Kennels and catteries, commercial.
 9. Adult entertainment business subject to the requirements set forth in section 6.13.
 10. Drive-in, drive through and fast food restaurants.
 11. Medical marihuana provisioning center as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 12. Medical marihuana safety compliance facility as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 13. Adult use marihuana retailer as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
 14. Adult use marihuana safety compliance facility as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
- (14) *I-1, limited industrial.* The I-1 district is intended for limited assembly and manufacturing industrial operations and facilities. The district is designed to help insure compatibility with non-industrial neighboring lots. This district is intended to permit only those uses which emit a minimum of noise, vibration, smoke, dust and dirt, gases or offensive odors, glare, and radiation. The I-1 district is so structured as to permit, along with any specific uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, is not permitted. Outdoor storage is permitted if screened from public view.

A. *Permitted uses.*

1. Manufacturing, processing, packaging or assembling of the following:
 - a. Communication, transmission and reception equipment such as coils, tubes, semi-conductors, navigation control equipment and systems guidance equipment.
 - b. Data processing equipment and systems.
 - c. Metering instruments.
 - d. Optical and photographic devices, equipment and systems.
 - e. Scientific and mechanical instruments such as calipers and transits.

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- f. Testing equipment.
 - g. Electrical machinery, equipment and supplies, electronic equipment, components and accessories.
 - h. Office, computing and accounting machines.
2. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where said offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
 3. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
 4. Office buildings occupied by attorneys, physicians, dentists, chiropractors, accountants, engineers, architects, or other similar profession.
 5. Office buildings occupied by one or more than one of the following professional or business services: insurance, real estate, secretarial, manufacturer or sales representatives, or financial management and tax preparation.
 6. Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
 7. Printing, publishing and related activities.
 8. Office and warehouse of skilled trade contractors such as electrical, heating and plumbing contractors and service contractors such as cleaning services and home maintenance and repair, subject to the requirements set forth in section 6.07.
- B. *Special land uses.*
1. Warehousing, refrigerated and general storage, but not including self-storage facilities.
 2. Tool and die and machine shops.
 3. All uses permitted and uses permitted after special approval, as regulated in the C-2 central business district, except residential uses, drive-up facilities, and restaurants.
 4. Medical marihuana safety compliance facility as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 5. Adult use marihuana safety compliance facility as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
- (15) *I-2, general industrial.* The I-2 district is intended for manufacturing, assembly and material distribution facilities. The permitted uses in this district tend to have a more intensive use of products and chemicals than those permitted in the I-1 district. Manufacturing, processing, or assembling shall be permitted, provided that the materials, equipment, and processes utilized are clean, quiet, to a considerable extent, and free from objectionable or dangerous nuisance or hazard. Outdoor storage is permitted if screened from the public view.
- A. *Permitted uses.*
1. All permitted uses in the I-1 district.
 2. Manufacturing, processing packaging or assembling of the following:
 - a. Pharmaceutical preparations, cosmetics and toiletries.

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- b. Plastic products such as laminate pipe, plumbing products, and miscellaneous molded or extruded products.
 - c. Stone, clay, glass and leather products.
 - d. Food products, bakery goods, candy and beverages.
 - e. Prefabricated buildings and structured members.
 - f. Appliances.
 - g. Paper and wood products such as office supplies, bags, books, cabinets, furniture and toys.
3. Tool and die shops, job shops, and machine shops.
 4. Metal fabrication.
 5. Warehousing, refrigerated and general storage, but not including self-storage facilities.
 6. Packaging operation, but not including baling of discarded or junk materials, such as, but not limited to, paper, cloth, rags, lumber, metal or glass.
 7. Manufacture and repair of signs, and heating and ventilating equipment.
- B. *Special land uses.*
1. Automobile repair facilities and collision shops, subject to the requirements set forth in section 6.08.
 2. Self-storage facilities, subject to the requirements set forth in section 6.06.
 3. Offices and warehouses of general and heavy equipment contractors.
 4. Bulk storage, dispensing and distribution of petroleum and chemical products, flammable liquids or gases.
 5. Collection center for household waste materials to be recycled.
 6. Solid waste processing and transfer facilities.
 7. Retail sale of drug and health care products, when occupying no more than 15 percent of the floor area included as part of a building containing medical and dental offices, clinics, and medical laboratories.
 8. Business service establishments such as printing and photocopying services, publishing, mail and packaging services, typing and secretarial services and related activities.
 9. Studios for musical, dance or artistic instruction.
 10. Private service clubs, fraternal organizations and lodge halls.
 11. Business and/or technical schools.
 12. Retail sales of goods produced on the premises and occupying no more than 15 percent of the building floor area.
 13. Laundromats and dry cleaning customer outlets, including dry cleaning and laundry plants serving more than one customer outlet.
 14. Photographic studios.
 15. Health club/gymnasiums.
 16. Indoor sports facility.

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17. The following uses may be considered as special land uses in the I-2 general industrial district if the property where the use is proposed has frontage on Michigan Avenue or Maple Road:
 - a. Medical and dental offices, including clinics and medical laboratories.
 - b. Banks, credit unions, savings and loan associations.
 - c. Funeral homes.
 - d. Retail sales of musical instruments, hardware, paint and home decorating supplies, floor covering, sporting goods, furniture, home accessories and appliances.
 18. Medical marihuana processor as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 19. Medical marihuana secured transporter as defined in article IV, medical marihuana facilities, of chapter 22 of the Code of the City of Saline.
 20. Adult use marihuana processor as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
 21. Adult use marihuana secured transporter as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline.
- (16) *I-4*. The I-4 district is intended for manufacturing and nonmanufacturing industrial activities which are more intense and produce greater environment disturbances than those permitted in any other zoning district. Outdoor storage is permitted if screened from the public view.
- A. *Permitted uses*.
 1. All permitted uses in the I-1 and I-2 districts.
 2. Office and warehouse of general and heavy equipment contractors.
 3. Trucking and cartage facilities.
 - B. *Special land uses*.
 1. Auto repair facilities and collision shops, subject to the requirements set forth in section 6.08.
 2. Bulk storage, dispensing and distribution of petroleum and chemical products, flammable liquids or gases.
 3. Auto salvage yards.
 4. Concrete and concrete products plants.
 5. Asphalt and other bituminous plants.
 6. Plating shops.
- (17) *SPA-1 East Michigan Avenue development zone district*. Please see article 11 for specific development and use regulations.

Notwithstanding anything in this ordinance to the contrary, as it pertains to marihuana facilities, only medical marihuana provisioning centers and medical marihuana safety compliance facilities as defined in chapter 22, article IV, medical marihuana facilities, both to be processed as special land uses shall be allowed in this district.

Notwithstanding anything in this ordinance to the contrary, as it pertains to adult use establishments, only adult use retailers and adult use marihuana safety compliance facilities as defined in article V, adult use marihuana establishments, of chapter 22 of the Code of the City of Saline, shall be allowed in this district and both shall be processed as special land uses.

(Ord. No. 712, § 1, 2-4-08; Ord. No. 738, § 1, 10-1-12; Ord. No. 827, §§ 1—7, 6-21-21; Ord. No. 834, §§ 1—7, 3-21-22)

Section 4.05. Schedule of area, height, width and setback regulations.

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks			Maximum Lot Area Space Coverage (% of area)	Footnotes	
	Area (sq ft)	Lot width (ft.)	Stories	Feet	Front (ft.)	Side (ft.)				Rear (ft.)
						(Least)	(Total)			
R-1, Single-family residential	20,000	100	2	35	35	10	25	50	30	A & B
R-1A, single-family residential	11,700	90	2	35	30	10	25	35	30	A & B
R-1B, Single-family residential	9,100	70	2	35	25	8	20	35	30	A & B
R-1C, single-family residential	7,800	60	2	35	25	7	17	35	30	A & B
R-2, two-family residential	9,800	60	2	35	25	10	20	50	30	A, B & C
R-3A, low density multiple family residential	7,800	100	2	35	35	15	35	35	40	A, B, & C
R-3, multiple family residential	7,800	100	2	35	25	20	50	50	40	A, B & C
RMH, mobile home residential	See section 5.06									

PB, professional business	10,000	80	2	35	25	7	17	30	25	D & E
OS, office service district	10,000	80	2	35	25	7	17	30	30	
C-1, central area	—	—	3	45	—	—	—	—	—	F
C-2, central business	—	—	2	35	15	10	20	20	30	G
C-3, general business	10,000	—	2	35	15	10	20	20	60	
I-1, limited industrial	10,000	60	2	30	8	10	20	10	55	
I-2, general industrial	20,000	100	2	40	50	20	40	20	30	
I-4, heavy industrial	1 ac.	200	2	40	200	100	200	100	30	
SPA-1	See article 11									

Section 4.06. Footnotes to schedule of regulations.

- (A) In cases where 50 percent or more of the frontage in any one block between two adjacent streets has been built upon, the minimum front yard shall be established by using the average depth of the front yards provided on the lots built upon.
- (B) Corner lots shall have an additional lot width of 20 feet greater than the specified minimum.
- (C) Required lot area, lot width and other regulations for single-family dwellings in an R-2 district shall be the same as required for the R-1C district. Required lot area, lot width and other regulations for single-family and two-family dwelling in R-3A and R-3 districts shall be the same as required for the R-2 district.
- (D) In PB districts, the ratio of building floor area to lot area shall not exceed a factor of 0.5.
- (E) In PB districts, every one-family dwelling shall comply with requirements established for the R-1C district. A one-family dwelling unit may occupy the same structure as any other permitted or special approval use.
- (F) Buildings and structures in the C-1 district are not required to have setbacks for front walls. Side or rear walls of buildings or structures shall meet following setback requirements:
 - A. *Nonwindow walls:* No setbacks are required; however city building code must be followed.
 - B. *Window walls:* Where windows are provided or where windows are required in side or rear walls by city ordinance, the walls shall be set back not less than 15 feet from the lot line, beginning at the bottom of the second story, or at the bottom of the lowest residential story, if such residential story is above second story. Such setback shall be increased in width by two feet for each eight feet total building height above the second story. The maximum setback width determined by this formula shall apply to the entire wall from the bottom of the first residential story to top of said wall.
- (G) In C-2 districts side yards are not required along an interior side lot line where all walls of buildings abutting such interior side lot line are wholly without windows, doors or other openings, but, if windows or openings

are provided, a side yard of not less than ten feet shall be provided. The width of a side yard abutting upon a street shall not be less than 15 feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall not be less than 25 feet.

ARTICLE 4a. DOWNTOWN FORM-BASED CODE DISTRICTS (DFBC)

Section 4a.01. Intent.

The zoning ordinance regulates the intensity and use of development, which is appropriate in most parts of the city. There are also areas within the city in which the master plan places greater emphasis on regulating form and character of development as well as use and intensity of use. The Downtown Form-Based Code (DFBC) districts use form-based provisions to accomplish this, with a special sensitivity to the contextual relevance of two unique downtown subdistricts within the overall DFBC. This unique zoning district allows the city to regulate land use in a more flexible format for this specific area to encourage a viable, dynamic mix of uses.

Physically, the DFBC is intended to promote a unified vision for supporting the historic commercial core of the City of Saline focused on increased and maintained land use intensity and improved public amenities that are oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use regulation inherent in the overall DFBC regulations, paired with the prescriptive physical development regulations in the section will result in a compact, walkable environment that creates new opportunities for investment while protecting quality attributes of the existing area.

Specifically, the DFBC will do the following:

- A. Ensure that development is of human scale, primarily pedestrian-oriented and designed to create attractive streetscapes and pedestrian spaces.
- B. Promote mixed-use development in both a horizontal and vertical form.
- C. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
- D. Provide economic development opportunities by allowing a wider range of potential uses and creative redevelopment techniques that will expand the employment base and value of land.
- E. Provide a simple, predictable, efficient way to allow complex, innovative development that would otherwise require special planning procedures.
- F. Encourage the incubation of a residential element within the traditional downtown to foster a 24-hour community.
- G. Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.
- H. Orient building entrances and storefronts to the street to add visual interest, put "eyes on the street" for enhanced crime surveillance, increase pedestrian traffic, and create memorable outdoor spaces.
- I. Limit the impact of off-street parking areas which interrupt the flow and consistency of the "street wall."
- J. Enhance a sense of place and contribute to the sustainability of the city.
- K. Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit).
- L. Visually distinguish the downtown from the rest of Saline by encouraging full use of property, consistency, and density while respecting adjacent residential areas.

(Ord. No. 736, § 1, 12-17-12)

Section 4a.02. Applicability and organization.

Any new use, structure, or expansion of an existing use or structure, unless otherwise noted herein, shall comply with the requirements of this article and other applicable requirements of this ordinance. Uses, buildings and structures that are nonconforming to the requirements of this article are subject to the regulations of article 15, Non-conforming uses, structures, and lots.

- A. The standards of subsection 4a.03.2, Landscape and streetscape elements, and section 4a.05, Design standards, shall not apply to:
 - 1. Continuation of an existing permitted use within an existing structure provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 2. Reoccupation of an existing building with a permitted use provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 3. The expansion of an existing structure, whether conforming or legal nonconforming, by less than 500 square feet or five percent, whichever is less, when the building will be occupied or reoccupied by a permitted use, provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 4. Changes of use within existing structures provided the new use is permitted in the subdistrict of the DFBC where the site is located.
 - 5. Normal repair and maintenance of existing structures that do not increase its size.
 - 6. Continuation of a legal non-conforming use, building, and/or structure.
- B. *The DFBC is divided into two subdistricts.* These two subdistricts are identified as the Downtown Core (D-1) and Downtown Edge (D-2). These subdistricts are identified on the zoning map as separate and distinct subdistricts within the overall DFBC zoning classification.
- C. This article contains a set of regulations unique to the DFBC. Specifically, these include:
 - 1. General standards that apply to all DFBC properties in both subdistricts. These include special provisions for parking and landscape and streetscape elements.
 - 2. Permitted uses table that provides for a dynamic mix of uses throughout both subdistricts.
 - 3. Design standards applicable to all DFBC properties.
 - 4. Form-based dimensional requirements for the D-1 and D-2 subdistricts. These include special provisions not found in other zoning districts, including:
 - a. Minimum and maximum height.
 - b. Required building lines and setback lines.
 - c. Exemptions and modifications from form-based provisions for streetscape elements.
 - d. Parking location.
 - e. Lot coverage and open space.

(Ord. No. 736, § 1, 12-17-12)

Section 4a.03. Standards applicable to D-1 and D-2 subdistricts.

1. *Parking.*

- A. *D-1 subdistrict parking.* In recognition of available public parking, and to encourage re-development within the D-1 subdistrict, a change of use and/or new construction that is required by this ordinance to provide less than 25 parking spaces as determined through the site plan review process shall be exempt from providing any new parking.

For uses that exceed the parking exemption set forth herein, the parking requirements shall be calculated by deducting 25 parking spaces from the parking calculation set forth in section 13.04 of this ordinance.

A full exemption shall extend to any substitution of a similar use within an existing building regardless of the number of required spaces.

- B. *D-2 subdistrict parking.* Parking shall be provided for D-2 subdistrict sites in accordance with the provisions of section 13.04.
- C. *Parking location.* When provided on-site, whether required or not required, parking must comply with the following:
- 1) When parking is located in a side yard (behind the front building line) but fronts on a required building line, no more than 25 percent of the total site's linear feet along the required building line or 60 feet, whichever is greater, shall be occupied by parking.
 - 2) For a corner lot or lot with multiple frontages, no more than 25 percent of the total site's linear feet along the required building line or 60 feet, whichever is greater, shall be occupied by parking on both frontages.
- D. If due to lot size or building configuration, the provision of required parking in the D-1 sub-district is not feasible (pursuant to the above section), parking credits may be purchased from the city in an amount as determined by city council, subject to periodic change.

Monies collected via parking credits would be paid into the general fund of the city to be utilized only for construction or future expansion of municipal parking facilities. The amount paid into the parking fund for spaces shall not apply against any present or future special assessment levied by the city for parking. Parking credits may be paid in lump sum or installments as approved by the city council.

All parking credits shall exist in perpetuity and shall be transferred with the title of the property.

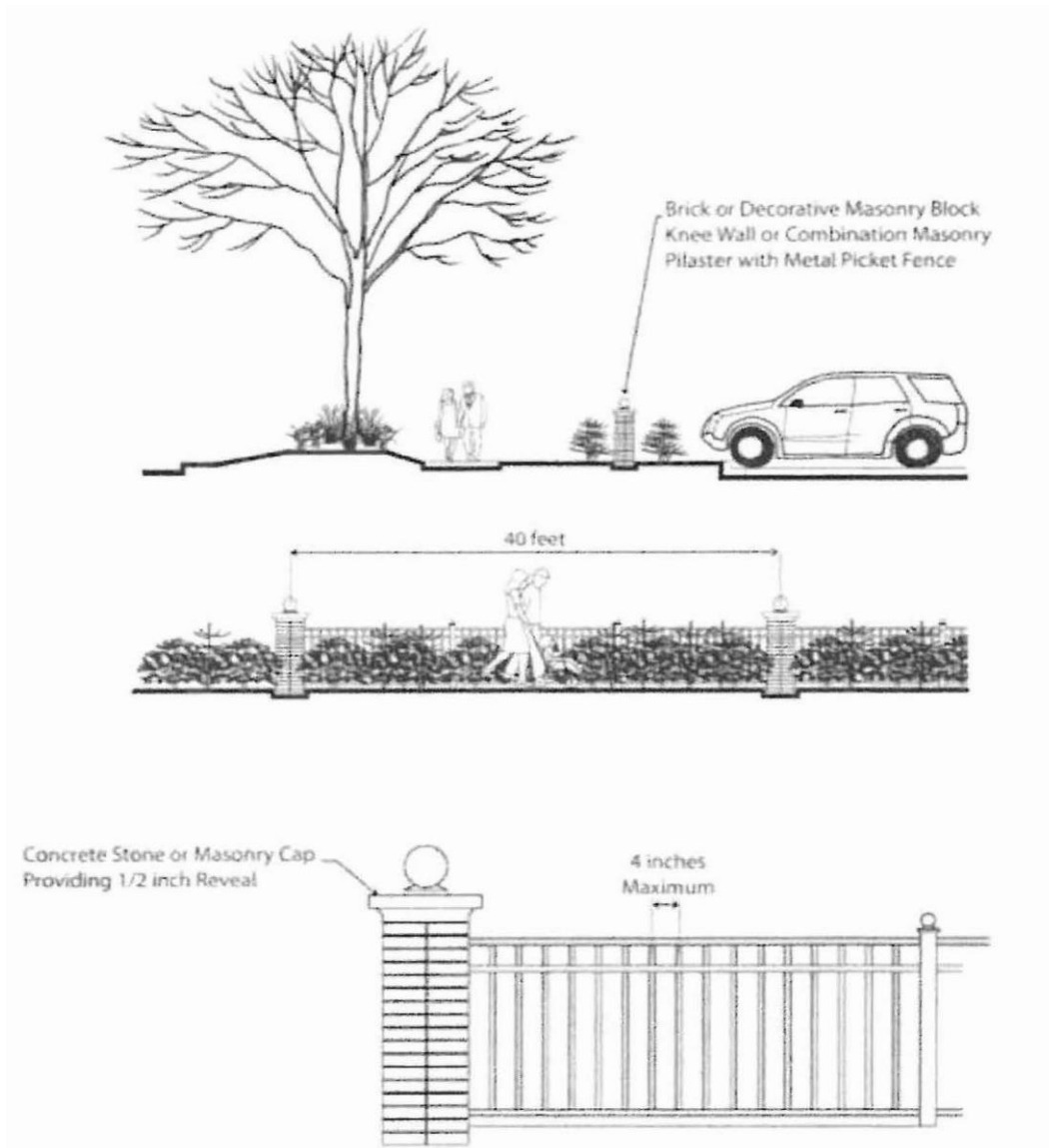
2. *Landscape and streetscape elements* shall be required in accordance with section 7.02 and the following. Whenever provisions of section 7.02 (or any other provisions of this ordinance) may conflict with provisions of article 4a, the provision of article 4a shall prevail:

- A. Street furniture shall be provided at a ratio of one element for every 30 linear feet of frontage along a right-of-way. Street furniture may be located in the right-of-way or on private property, provided they are located between the front building line and the back-of-curb. Permitted street furniture features include:
- 1) A permanently mounted seating fixture constructed of decorative metal.
 - 2) A permanently reserved planting bed with defined, durable edges. Such beds must be a minimum of 20 square feet in area and should be raised or protected from the surrounding paved areas by a durable curb, edge, or other designed feature. Planting beds must be planted with hardy plants and general areas within planting beds must be planted with groundcover to reduce soil loss.
 - 3) Waste receptacle constructed of decorative metal.

- B. Parking areas which front on a right-of-way shall be screened from the public right-of-way by a 36-inch decorative masonry wall.

When a decorative masonry walls are used to help screen parking lots, the wall shall be constructed of brick or decorative masonry block and shall also include a concrete stone or masonry cap providing a minimum one-half inch reveal on both sides. In lieu of a wall, decorative metal ornamental picket fencing shall be permitted. The fencing shall contain maximum four inch spacing between pickets with posts and rails and masonry brick, capped pilasters spaced each 40 feet similar to the design elements found in figure shown below. The planning commission has the discretion to allow other similar options as proposed by the applicant.

Such wall may be located directly along the front property line or may be recessed and buffered by a landscape bed three feet in depth.



- C. Planning commission modification. Any of the landscape provisions noted above may be waived or modified through site plan approval, provided the planning commission first makes a finding:

1. That a physical site feature or characteristic create conditions that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.
2. That the public benefit intended to be secured by the section will exist with less than the required landscaping or screening.

(Ord. No. 736, § 1, 12-17-12; Ord. No. 751, 11-18-13)

Section 4a.04. Uses permitted.

Authorized uses are identified in Table 4a.04.1.

If a use is not listed but is similar to other uses within a category, the zoning official may make the interpretation that the use is similar to other uses and is permitted to the same extent and under the same conditions as the similar use.

Table 4a.04.1 Permitted Uses

Uses are permitted by right (P), as a use subject to special land use (S), not permitted (NP), OR permitted on upper floors only (UP).

	D-1	D-2
Single-family detached dwellings	NP	P
Public parks and playgrounds	P	P
Home occupations, subject to the requirements set forth in section 5.08	P	P
Accessory uses, buildings, and structures, subject to the requirements set forth in section 5.03	P	P
Churches and other institutions for religious worship	S	S
Police and fire stations, public safety buildings, public utility buildings, telephone exchange buildings, electric transformer stations, and gas regulator stations, but not including service or storage yards	P	P
Bed and breakfasts, subject to the requirements set forth in section 6.10	S	S
Day care homes, subject to the requirements set forth in section 6.03	P	P
Adult foster care large group homes, subject to the requirements set forth in section 6.04	P	P
Hospitals	S	S
Elderly housing, subject to the requirements set forth in section 6.05	S	S
Two-family dwellings	S or UP	UP
Child day care centers, subject to the requirements set forth in section 6.03	P	P
Multiple-family dwellings	S or UP	P
Adult foster care congregate facilities, subject to the requirements set forth in section 6.04	P	P
Convalescent centers or nursing homes, subject to the requirements set forth in section 6.05	P	P
Office buildings occupied by the practice of any one or more of the following professions: physician, dentist, attorney, chiropractor, accountant, engineer, or architect	P	P
Offices for one or more than one of the following professional or business services: insurance, real estate, secretarial, manufacturers' representatives, sales representatives, or financial management and tax preparation, and advanced research and development centers where said centers are intended for the development of pilot or experimental products	P	P

Office buildings occupied by professionals which are similar to those set forth above	P	P
Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales	P	P
Medical and dental offices, including clinics and medical laboratories	P	P
Banks, credit unions, savings and loan associations	P	P
Publicly-owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices	P	P
Retail sales of office supplies, computer and business machines, and personal communication equipment	P	P
Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services	P	P
Studios for musical, dance, or artistic instruction	P	P
Private service clubs, fraternal organizations, and lodge halls	P	P
Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment	P	P
Business and/or technical schools	P	P
Personal service establishments, such as photographic studios, barber and beauty shops, watch, clothing, and shoe repair, locksmith, and similar establishments	P	P
Florist shops	P	P
Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted	NP	S
Laundry and dry cleaning customer outlets, provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited	NP	S
Food and beverage sales, including grocery, meat market, bakery, party store, delicatessen, and fruit market	P	P
Retail sales of gifts, antiques, and collectibles	P	P
Standard and carryout restaurants	P	P
Bars and lounges	P	P
Retail sales of drug and health care products	P	P
Retail sale clothing, shoes, jewelry, and accessories	P	P
Video rental and sales	P	P
Funeral homes	P	P
Any service establishment of an office, showroom, or workshop nature, of an electrician, plumber, decorator, carpenter, or upholsterer	P	P
Drive-in or drive-up facilities such as drive-up windows for banks, drive-in cleaners, and similar facilities.	NP	S
Retail sales of musical instruments, hardware, paint and home decorating supplies, floor covering, sporting goods, furniture, home accessories, and appliances	P	P
Myotherapy establishments, subject to the requirements set forth in section 6.12	P	P
Sidewalk café service or outdoor dining, operated by a restaurant or other food establishment which sells food or drinks for immediate consumption, subject to the requirements set forth in section 6.09	P	P
Lodging facilities	P	P
Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls, and miniature golf	S	S
Health clubs or gymnasiums	P	P
Indoor sports facility	S	S

Section 4a.05. Design standards.

In addition to standards set forth in this article, all proposed development in the DFBC shall comply with the standards set forth herein.

1. *Building design and materials.*
 - A. *Overall design.* It is the intent of this article to improve the appearance of and add visual interest to the DFBC. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
 - B. *Materials.* Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency and ground story activation requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior insulation finishing systems (E.I.F.S.) and vinyl or aluminum siding may not constitute more than ten percent of the surface area of any façade's overall surface area.
2. *Modulation required.* Modulation is required to ensure that the building is not monotonous in appearance. Modulation is defined as a change in the vertical plane of the building façade. Building façades shall be modulated at least every 30 feet horizontally and at least every 20 feet vertically. Modulational shall measure at least three inches perpendicular to the building face.
3. *Ground story activation.*
 - A. *Transparency.*
 - 1) The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than 50 percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the façade.
 - 2) Transparency requirements shall not apply to sides which abut an alley.
 - 3) Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.
 - B. *Transparency alternatives.* The following alternatives may be used singularly or in combination. They may count toward no more than 80 percent of the transparency requirement.
 - 1) *Wall design.* Wall designs that provide visual interest and pedestrian scale may count as a transparency alternative if they provide a minimum of three of the following elements, occurring at intervals no greater than 25 feet horizontally and ten feet vertically:
 - (a) Expression of structural system and infill panels through change in plane not less than three inches.
 - (b) System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters.

- (c) System of horizontal and vertical reveals not less than one inch in width/depth.
 - (d) Variations in material module, pattern, and/or color.
 - (e) System of integrated architectural ornamentation.
 - (f) Green screen or planter walls.
 - (g) Translucent, fritted, patterned, or colored glazing.
- 2) *Outdoor dining/seating.* Outdoor dining/seating located between the building and the primary street zone lot line may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area.
 - 3) *Permanent art.* Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall or immediately between the building wall and the right-of-way may count toward the transparency requirement. Public art alone shall not be an eligible feature to allow the relocation of the required building line identified in Table 4a.06.A.1, footnote 1, but may satisfy the ground story activation requirements of subsection 4a.05.3 when located in an otherwise permitted setback area.
4. *Pedestrian access/entrance.*
- A. The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
 - B. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 1. Fully paved and maintained surface not less than five feet in width.
 2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
 - C. *Additional entrances.* If a parking area is located in the rear or side yard, it must also have a direct pedestrian entrance to the building that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.
 - D. Direct vehicular access to a building within the DFBC from the right-of-way is prohibited.

(Ord. No. 736, § 1, 12-17-12)

Section 4a.06. Form-based regulations.

- A. *Downtown Core D-1 subdistrict:* Downtown core buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property and continues the traditional "street wall" of adjacent historic buildings. D-1 sites must comply with the following regulations.

Table 4a.06.A.1

height	minimum	stories	1 story
		feet	12 feet

	maximum	stories	3 stories ¹
		feet	45 feet ¹
	ground floor minimum	feet	12 feet
placement	front	required building line ²	0 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration ²
		minimum setback	n/a
	side	minimum setback	n/a
	rear	minimum setback	n/a
lot	required open space		n/a
	lot coverage by all buildings		n/a
	access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way
	parking location		Parking shall be located in a side or rear yard.

¹Buildings may exceed three stories and/or 45 feet in height upon approval of the planning commission as a special land use, pursuant to article 9 of this ordinance.

²The planning commission may adjust the required building line to a maximum of 15 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.

- B. *Downtown Edge D-2 subdistrict:* Downtown edge buildings and sites will be developed in a manner which contributes to the character of the downtown, as well as the adjacent residential areas. The D-2 area will provide a softer transition between the downtown and the rest of Saline with more transitional use, dimensional and height regulations. D-2 sites must comply with the following regulations.

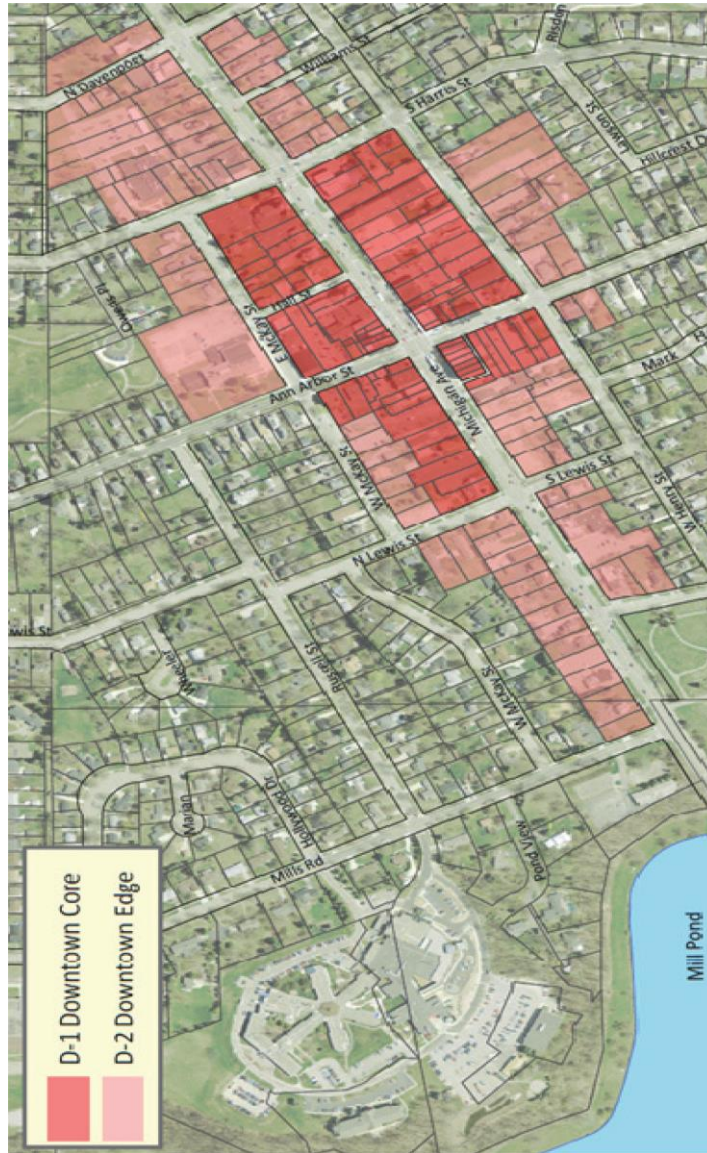
Table 4a.06.B.1

height	minimum	stories	1 stories
		feet	12 feet
	maximum	stories	2 stories ¹
		feet	35 feet ¹
	ground floor minimum	feet	12 feet
placement	front	maximum setback	15 feet.
		minimum setback	n/a
	side	minimum setback	n/a
	rear	minimum setback	n/a
lot	required open space		30 percent
	lot coverage by all buildings		n/a

	access and circulation	Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way
	parking location	Parking shall be located in a side or rear yard.

¹ Buildings may exceed two stories and/or 35 feet in height upon approval of the planning commission as a special land use, pursuant to article 9 of this ordinance.

- C. Single-family residential dwellings are exempt from these regulations. All existing and proposed single- and two-family residential uses must meet the area, height, width and setback regulations for the R-1C, single-family residential district, pursuant to section 4.05 of this ordinance.



(Ord. No. 736, § 1, 12-17-12; Ord. No. 751, 11-18-13)

ARTICLE 5. GENERAL PROVISIONS

Section 5.01. Intent.

The intent of this article is to provide for those regulations which generally apply regardless of the particular zoning district.

Section 5.02. Size of dwellings.

- (1) Except where noted in this ordinance, the minimum size of residential dwellings shall be in compliance with this section.

Minimum Floor Area Requirements for Dwellings (in sq. ft.)

		1-Story	1½-Story 1st Floor Area	Finished 2nd Floor Area	Total	2-Story 1st Floor Area	Finished 2nd Floor Area	Total
R-1								
	With basement	1,600	1,300	500	1,800	1,000	1,000	2,000
	Without basement	1,800	1,500	500	2,000	1,100	1,100	2,200
R-1A								
	With basement	1,500	1,260	500	1,760	900	900	1,800
	Without basement	1,620	1,380	500	1,880	1,000	1,000	2,000
R-1B								
	With basement	1,200	940	400	1,340	750	750	1,500
	Without basement	1,320	1,060	400	1,460	850	850	1,700
R-1C								
	With basement (3 bedrooms)	1,080**	800	400	1,200	650	650	1,300
	With basement (2 Bedrooms)	880***	800	400	1,200	650	650	1,300
	Without basement (3 bedrooms)	1,200**	900	400	1,300	750	750	1,500
	Without basement	1,000**	900	400	1,300	750	750	1,500

	(2 bedrooms)							
R-2								
	With basement*	800 per unit	720	300	1,020	600	600	1,200
	Without basement*	920 per unit	840	300	1,140	700	700	1,400

* Minimum square foot area requirements per unit.

** Three-bedroom dwelling or two-bedroom dwelling with a den or other spare room that may be converted to a third bedroom.

*** Two-bedroom dwelling.

- (2) In the event of the construction of a single-family home upon a lot of record of 40 feet or less of frontage, the minimum size of a one-family dwelling may be 720 s.f. of first floor area. R-2 single-family upper and lower units shall use one-story requirements for each unit.
- (3) R-3A and R-3. All dwellings with one or more bedrooms shall have 650 s.f. per unit with a basement and 770 s.f. per unit without a basement. Efficiencies shall have 550 s.f. per unit with basement and 650 s.f. per unit without basement.

Section 5.03. Accessory buildings and structures.

- (1) Requirements applicable to all accessory buildings within residential districts.
 - A. No accessory building or structure shall be built upon a lot or parcel unless and until a principal structure is erected.
 - B. Private garages shall be considered an accessory building.
 - C. Accessory buildings and structures shall be included in lot coverage limitations.
 - D. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
- (2) Attached accessory buildings (residential). Where the private garage is structurally attached to a main building, it shall conform to all setback and height regulations of this ordinance and building code applicable to main building.
- (3) Detached accessory buildings (residential).
 - A. All detached garages and accessory buildings located in side and rear yards and within ten feet of the rear wall of any principal building shall comply with all yard requirements applicable to the principal structure in the district. In no event shall such garages locate closer than five feet from any side lot lines.
 - B. Detached garages and accessory buildings shall not exceed one story, or 14-foot building height for garages and ten-foot building height for accessory buildings. Detached garages and accessory buildings that are more than ten feet from the rear wall of the principal structure shall not be nearer than three feet from the side or rear lot lines. Garages and accessory buildings shall be separated from other existing garages and accessory buildings on the same or adjacent lot by at least six feet.
 - C. Garages on corner lots which face a side street shall not be constructed closer than the required front yard setback from the side street lot line; garages which face the front street and are attached to and

become a part of the principal building shall not be constructed closer than the required front yard setback from the side street lot line or closer to the side lot line than the location of the principal building thereon, whichever is greater.

- D. Garages and accessory buildings or uses customarily incident to any residential permitted use, shall be located on the same lot as the principal structure, and shall not be used for any business, profession, trade or occupation. One private garage shall be allowed for each residential lot, and shall house not more than three vehicles, not more than one of which may be a commercial vehicle, which shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one ton capacity, and shall be kept housed within a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. Only one accessory building shall be allowed on a lot/parcel. All garages and/or accessory buildings shall contain not more than the square footage of floor area set forth:

Lot Size	Garage	Accessory Building
Under 8,000 square feet	720	120
8,000 to 12,000 square feet	770	150
Over 12,000 square feet	840	200

- E. Carports, permanent shelters or structures for housing vehicles, shall have open sides facing the side and front lot lines; provided, however, that such sides may be partially enclosed to a maximum height of 48 inches, leaving the remaining space entirely open. Such structures may project onto all required side yards up to within three feet of the side lot line; provided, however, that no such structure shall be erected or maintained closer than ten feet from any building on the adjoining lot. Carports cannot exceed 500 square feet in area. Any enclosed storage area at the rear of the carport shall not exceed 200 square feet.

(4) Private swimming pools shall be subject to the following:

- A. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- B. Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located. Rear yard setbacks shall be a minimum of 15 feet.
- C. All swimming pools shall be enclosed in accordance with applicable building codes.
- D. A swimming pool shall not be less than four feet between the pool wall and any building on the lot.

(5) Landscape ponds shall be subject to the following: (See also definition)

- A. A landscape pond may be constructed as an element ancillary to a residential use only. A landscape pond may not be developed on a lot which does not contain a single-family use.
- B. The water source for the landscape pond may be an open source of water (water fall, simulated creek, etc.) provided it is ten feet or less from the landscape pond, six to eight inches in depth and is three feet or less in width (water surface).
- C. The landscape pond shall meet the setback requirements as specified for swimming pools in section 5.03(4).

(Ord. No. 675, §§ 1—4, 12-15-03)

Section 5.04. Temporary buildings.

- (1) *Emergency temporary dwellings.* Emergency temporary dwellings may be permitted upon a finding by the city that the principal residential structure has been destroyed in whole or forth herein have been met.
 - A. An application for a permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the zoning or code inspector. The application shall be accompanied by a plot plan showing the location of the proposed structure.
 - B. The application shall be reviewed by a committee composed of the zoning or code inspector and two elected city council members, other than the zoning or code inspector. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:
 1. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
 2. The temporary dwelling unit shall be connected to public sewer and water.
 3. The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
 - C. The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one year from the date of approval by the committee. Any conditions of approval shall be specified in writing on the permit.
 - D. To guarantee compliance with the provisions of the ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the city council may require a cash bond to be posted prior to the issuance of a permit.
- (2) *Construction trailers.* Temporary construction trailers 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 or code inspector. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a final certificate of occupancy for the project.
- (3) *Portable tent structures.* Portable tent structures shall not be permitted as an accessory building or for permanent storage of automobiles or other materials within the city. Portable tent structures shall be permitted on a temporary basis only, not to exceed 72 hours of use at any one time.

Section 5.05. Single-family dwellings, mobile homes, prefabricated housing.

No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- (1) *Square footage.* Each such dwelling unit shall comply with the minimum square footage requirements of this ordinance for the zone in which it is located.
- (2) *Dimensions.* Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of 20 feet and shall comply in all respects with the building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the state construction code commission, then and in that event such federal or state standard or regulation shall apply.

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- (3) *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
 - (4) *Undercarriage.* Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
 - (5) *Sewage disposal or water supply.* Each such dwelling unit shall be connected to public sewer and water.
 - (6) *Storage area.* Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - (7) *Architecture and compatibility.* The compatibility of design and appearance shall be determined in the first instance by the zoning official. The zoning official may also refer any determination of compatibility to the planning commission. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 500 feet of the subject dwelling. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.

All homes shall have a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two exterior doors with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The foregoing 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.

- (8) *Additions.* Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (9) *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, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) *Building permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.
- (11) *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 5.06. Mobile home park requirements.

The mobile home code, as established by the mobile home commission and the state department of public health rules under the authority of 1987 PA 96, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the code. In addition to the rules and standards of the state, the city imposes the following conditions:

- (1) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of 1987, as amended and subsequently adopted rules and regulations governing mobile home parks.
- (2) Mobile home parks shall not be permitted on parcels less than ten acres in size.
- (3) Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 s.f. per mobile home being served. This 5,500 s.f. minimum may be reduced by 20 percent, provided that the individual site shall be equal to at least 4,400 s.f. For each square foot of land gained through this reduction of the site below 5,500 s.f., an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
- (4) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
- (5) The minimum setback for mobile home parks shall be 50 feet from a public right-of-way. Mobile home parks shall be landscaped as follows:
 - A. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - B. If the park abuts a nonresidential development, the park need not provide screening.
 - C. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- (6) The landscaping shall consist of evergreen trees or shrubs of minimum three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
- (7) Mobile home parks shall be subject to preliminary plan review requirements in accordance with the Mobile Home Commission Act 96 of 1987 as amended.
- (8) A permit shall not be required for the construction or erection of canopies or awnings which are open on three sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

Section 5.07. Multiple family dwellings.

- (1) Multiple family dwellings located within the R-3A district shall be subject to the following:
 - A. *Lot area and density.*
 1. Every lot in the R-3A district on which a principal permitted use is erected shall provide a minimum lot area of 7,800 s.f. for the first living unit, and not less than 2,250 s.f. of lot area for each additional dwelling unit with one bedroom, and not less than 3,000 s.f. of lot area for each

additional two-bedroom unit, and not less than 3,750 s.f. for each additional three or four bedroom unit. Every such lot shall have a minimum total area of one-half acre, and a minimum width of 100 feet; excepting, however, lots of record at the time this provision becomes effective which do not meet these minimum requirements.

2. The maximum density of dwelling units per acre in R-3A districts shall be as follows:
 - (a) One-bedroom units: 12 per acre.
 - (b) Two-bedroom units: ten per acre.
 - (c) Three- and four-bedroom units: nine per acre.
- B. *Yard requirements.*
 1. Front, side and rear yards shall comply with section 4.05.
 2. If more than one building shall be constructed on the same site, the following minimum distance between buildings shall be:
 - (a) Seventy feet when front to rear, front to front, and/or rear to rear.
 - (b) Twenty-five feet end to end.
 - (c) Fifty feet end to front and/or end to rear.
 3. No required yard space or minimum distance between buildings shall be used for required parking, drives or aisles, except that a maximum of 15 percent of these required distances between buildings and required yards may be used for parking, after the off-street parking requirements of this ordinance have been met.
- C. *Maximum units per floor.* No more than eight dwelling units per floor may be built in a rectangular building and no more than 12 dwelling units per floor in a T or L shaped building. The intersecting building projection that forms the T or L shall be at least 20 feet long from the inside corner to the end wall.
- D. *Modulation required.* Modulation is defined as a change in the vertical plane of the building facade. Building facades shall be modulated at least every 30 foot horizontally and at least every 20 feet vertically. Modulational shall measure at least three inches perpendicular to the building face.
- E. *Undifferentiated facades prohibited.* Differentiation is defined as a visual relief or change in the surface of a building. Undifferentiated facades shall not exceed 20 feet horizontally or 15 feet vertically. Walls can be differentiated by:
 1. Changes in siding texture;
 2. Changes in surface texture;
 3. Details such as trim and brackets;
 4. Building projections such as bay windows, dormers, balustrades;
 5. Change in color.
- F. *Blank facades prohibited.* Blank facades shall not be visible from public rights-of-way or adjacent single-family properties. Blank facades can be alleviated through use of windows, architectural detail, modulation, or differentiation.
- G. *Architectural compatibility.* All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
- H. *Floor area.* Each dwelling unit shall comply with the requirements set forth in section 5.02(3).

(2) Multiple family dwelling located within the R-3 district shall be subject to the following:

A. *Lot area and density.*

1. Every lot in an R-3 district on which a multiple-family dwelling is to be erected shall provide a minimum lot area of 7,800 s.f. for the first living unit, and not less than 2,000 s.f. of lot area for each additional efficiency unit or dwelling unit with one bedroom and not less than 2,750 s.f. of lot area for each two-bedroom unit, and not less than 3,500 s.f. for each additional three-bedroom unit.
2. The maximum density of dwelling units per acre in R-3 districts shall be as follows:
 - (a) One-bedroom units: 18 per acre.
 - (b) Two-bedroom units: 14 per acre.
 - (c) Three- and four-bedroom units: 11 per acre.

B. *Yard requirements.*

1. Front, side and rear yards shall comply with section 4.05.
2. If more than one building shall be constructed on the same site, the following minimum distance between buildings shall be:
 - (a) Seventy feet when front to rear, front to front, and/or rear to rear.
 - (b) Twenty-five feet end to end.
 - (c) Fifty feet end to front and/or end to rear.
3. No required yard space or minimum distance between buildings shall be used for required parking, drives or aisles, except that a maximum of 15 percent of these required distances between buildings and required yards may be used for parking, after the off-street parking requirements of this ordinance have been met.

C. *Maximum units per floor.* No more than eight dwelling units per floor may be built in a rectangular building and no more than 12 dwelling units per floor in a T or L shaped building. The intersecting building projection that forms the T or L shall be at least 20 feet long from the inside corner to the end wall.

D. *Modulation required.* Modulation is defined as a change in the vertical plane of the building facade. Building facades shall be modulated at least every 30 foot horizontally and at least every 20 feet vertically. Modulational shall measure at least three inches perpendicular to the building face.

E. *Undifferentiated facades prohibited.* Differentiation is defined as a visual relief or change in the surface of a building. Undifferentiated facades shall not exceed 20 feet horizontally or 15 feet vertically. Walls can be differentiated by:

1. Changes in siding texture;
2. Changes in surface texture;
3. Details such as trim and brackets;
4. Building projections such as bay windows, dormers, balustrades;
5. Change in color.

F. *Blank facades prohibited.* Blank facades shall not be visible from public rights-of-way or adjacent single-family properties. Blank facades can be alleviated through use of windows, architectural detail, modulation, or differentiation.

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- G. *Architectural compatibility.* All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - H. *Floor area.* Each dwelling unit shall comply with the requirements set forth in section 5.02(3).
- (3) Multiple family dwellings located within the R-2 district shall be subject to the following:
- A. *Modulation required.* Modulation is defined as a change in the vertical plane of the building facade. Building facades shall be modulated at least every 30 foot horizontally and at least every 20 feet vertically. Modulations shall measure at least three inches perpendicular to the building face.
 - B. *Undifferentiated facades prohibited.* Differentiation is defined as a visual relief or change in the surface of a building. Undifferentiated facades shall not exceed 20 feet horizontally or 15 feet vertically.
Walls can be differentiated by:
 - 1. Changes in siding texture;
 - 2. Changes in surface texture;
 - 3. Details such as trim and brackets;
 - 4. Building projections such as bay windows, dormers, balustrades;
 - 5. Change in color.
 - C. *Blank facades prohibited.* Blank facades shall not be visible from public rights-of-way or adjacent single-family properties. Blank facades can be alleviated through use of windows, architectural detail, modulation, or differentiation.
 - D. *Architectural compatibility.* All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - E. *Floor area.* Each dwelling unit shall comply with the requirements set forth in section 5.02(1).

(Ord. No. 675, §§ 5, 6, 12-15-03; Ord. No. 693, §§ 1—3, 7-10-06)

Section 5.08. Home-based business, Tier 1.

All home-based businesses, Tier 1, shall be in single-family residences subject to the following requirements:

- (1) A home-based business, Tier 1, shall be registered with the building inspector using a form developed by the city.
- (2) A home-based business, Tier 1, shall be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than 25 percent of the floor area of the dwelling shall be devoted to a home occupation.
- (3) A home-based business, Tier 1, shall not change the character of the building in which it is conducted.
- (4) A home-based business, Tier 1, shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.
- (5) A home-based business, Tier 1, shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (6) No employees shall be permitted other than members of the immediate family of the resident in the dwelling unit.

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- (7) All activities shall be carried on within an enclosed structure. There shall be no outside display or other external or visible evidence of the conduct of a home-based business, Tier 1.
 - (8) No more than two customers, clients, students, or patients shall be permitted on the premises at any given time.
 - (9) No signs advertising the home-based business shall be allowed on the premises.
 - (10) A home-based business, Tier 1, shall be subject to inspection by the city building inspector and fire code official, as relevant to the nature of the business conducted, to ensure compliance with city ordinances and codes, and with applicable state laws. The city building inspector and fire code official may enter the premises for the purpose of inspecting during normal business hours.
 - (11) A registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Mich. Admin. Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act MCL 333.26421 *et seq.* (the Act), and the requirements of this section, shall be allowed as a home-based business, Tier 1.
 - a. For purposes of this section, the terms "marihuana" and "medical use of marihuana" shall have the same meanings as given in Section 3 of the Act, MCL 333.26423.
 - b. Since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory section adopted in any other provision of this ordinance, shall be construed as granting immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or the owners of properties on which medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
 - c. The following requirements for a registered primary caregiver shall apply:
 1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act (MCL 333.26421 *et seq.*) and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 2. A registered primary caregiver must be located outside of a 1,000-foot radius from any school or library, as defined by Section 7410 of the Public Health Code (MCL 333.7410), to ensure community compliance with federal drug-free school zone requirements.
 3. Not more than one primary caregiver shall be permitted to service qualifying patients per dwelling unit.
 4. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
 5. All medical marihuana shall be contained within the primary residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the city's building inspector.
 6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
 7. If a room with windows is utilized as a growing location, any lighting methods that exceed the usual residential periods between the hours of 11:00 p.m. to 7:00 a.m., local time, shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

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8. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, or where the storage of any chemicals such as herbicides, pesticides and fertilizers occurs, shall be subject to inspection and approval by the fire department to ensure compliance with applicable provisions of the fire code.

(12) Any violation of this section shall be a municipal civil infraction punishable by a fine of up to \$250.00.

(Ord. No. 738, § 1, 10-1-12; Ord. No. 756, § 1, 9-8-14)

Section 5.09. Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the city. The construction of buildings associated with essential services shall be subject to the provisions of article 8, site plan review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this ordinance.

Section 5.10. Buildings to be moved.

- (1) No permit shall be granted for the moving of buildings or structures from without or within the limits of the city to be placed on property within said limits unless the zoning or code inspector shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the building code and other codes regulating public health, safety, and general welfare. A performance bond as established by the city council of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than six months from date of permit shall be furnished before permit is issued.
- (2) Any building moved within a district and placed upon a foundation or any building moved into a district shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, certificates, and site plan review per the requirements of this ordinance.

Section 5.11. Outdoor displays of products or materials intended for retail sale or rental.

(1) *General standards.*

- A. An outdoor display shall be considered as an accessory to and conducted by the principal business use conducted on the premises.
- B. The exterior of the premises shall be kept clean, orderly and maintained.
- C. The city shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of an outdoor display.
- D. In the administration of these provisions, the zoning or code inspector shall be permitted to refer a request to the planning commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.

(2) *Standards within C-2, D-1 and D-2 districts.*

- A. An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- B. If an outdoor display is located on a public sidewalk, a minimum of five feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to

allow car doors to open along the curbside. An outdoor display on a public sidewalk shall be confined to normal business hours.

(3) *Standards within C-3 districts.*

- A. An outdoor display may not be located within the required front yard and shall not be located within any public road right of way.
- B. An outdoor display shall not occupy or obstruct the use of any fire lane; pedestrian path required off-street parking or landscaped area required to meet the requirements of this zoning ordinance.

(Ord. No. 736-1, § 2, 12-17-12)

Section 5.12. Transient and seasonal sales.

The sale of perishable, seasonal items, examples of which are Christmas trees, flowers and plants, pumpkins, and fruit and beverages, by persons other than the owner or occupant of the premises, shall be permitted in the C-2, C-3, D-1 and D-2 districts. Farmers market on public property as approved by city council, within nonresidential districts. Such uses will be subject to the following standards and conditions:

- (1) Transient or seasonal sales may be located within any required yard, but shall not be located within any public road right-of-way or sidewalk.
- (2) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street or landscape area required to meet requirements of this zoning code, or create a traffic or safety hazard.
- (3) Transient or seasonal sales shall be conducted in a manner so as not to create a public nuisance to neighboring properties. Adequate on site parking together with proper ingress and egress to the site shall be provided.
- (4) Transient and seasonal sales shall be allowed only upon a zoning compliance permit issued by the building department. To secure a permit, an application for a permit shall be submitted which shall include the following:
 - A. Name, address and phone number of the merchant who will conduct the transient and/or seasonal sale;
 - B. Written approval for such sales by the legal owner of the property affected;
 - C. A plot plan depicting the layout of the area where sales will be conducted, as necessary to determine compliance with this section.
 - D. Health department approval, where applicable.
 - E. A permit fee as established by the city council.
 - F. Permit may be revoked by the city if becomes a nuisance or fails to comply with the provisions of this ordinance.
- (5) Signage for transient or seasonal sales shall be limited to one portable free standing sign with a maximum size of nine s.f. per side and a height limitation of four feet six inches.
- (6) The permit issued under this section for transient and/or seasonal sales shall be valid for a maximum period of 120 days from the date of issuance. At the end of the permit period, any and all temporary structures shall be removed.

(Ord. No. 736-1, § 3, 12-17-12)

Section 5.13. Pet ownership in residential districts.

- (1) Pet ownership of certain animals expressly owned by any residents shall be permitted in residential districts and shall include:
 - A. Small animals (legal, nonprotected species) confined solely within the dwelling proper (e.g. rodents, birds and reptiles);
 - B. Marine (fish) species except those prohibited by protective law;
 - C. Domesticated dogs and household cats as single pets providing they are in compliance with chapter 14 of the City Code;
- (2) Keeping, possession, or harboring of live hogs, cows, sheep, goats, or any species of equines (except as exempted in City Code, section 14-4) is prohibited.
- (3) Keeping, possession, or harboring of protected species, except as federally approved, is prohibited. Keeping, possession, or harboring undomesticated animals of a wild or feral nature, or larger than a house cat, is prohibited.
- (4) Any resident who keeps more than three (3) dogs and/or cats shall be required to first obtain a special use permit from the city council after a public hearing held in the manner required for special use permits under the provisions of the zoning ordinance of the city.

Any resident who keeps more than three dogs and/or cats shall annually, on or before the first day of January, apply for and obtain from the city zoning official a zoning compliance permit, which application shall certify under oath that the applicant is in full compliance with all the provisions of this ordinance and all other ordinances pertaining to the keeping of dogs and cats in the city. The fee for such permit shall be as established by resolution of the city council.

Section 5.14. Yard use.

The front yard area, and side yard along a street for corner lots, shall be used for ornamental purposes only, and nothing shall be placed thereon except trees, shrubs, flowers, or common landscape items of similar nature. Parking or storage of vehicles shall be restricted to driveways and shall be prohibited on lawn and landscape areas. One paved driveway, not exceeding 27 feet in width, and two house walks, not exceeding four feet wide shall be allowed in the front yard area, and shall be designed to install the least amount of paved area. No play equipment, play pads, or other items shall be constructed in the front yard area; provided, however, that this restriction shall not apply to public play-fields, parking lots, parks, school grounds, recreation areas or public alleys.

A rear yard may be used for any detached garage or accessory building other than a garage, in accordance with zoning district regulations. This rear yard may be penetrated by driveways servicing a detached or attached garage. Parking or storage of vehicles in the rear yard shall be restricted to driveways and shall be prohibited on lawn and landscape areas.

Section 5.15. Reconstruction of damaged buildings and structures.

Reconstruction or demolition of buildings or structures damaged by any means shall be commenced within two months of the date of partial destruction and shall be diligently carried on to completion within a period of one year after said partial destruction. When pending insurance claims require an extension of time or the city fire chief or state fire marshall determines additional time is necessary, a time extension may be granted provided that the property owner submits a certification from the insurance company, fire chief or state fire marshall attesting to the delay. Until such time as debris from the damage is fully removed, the premises shall be adequately secured by the owner to guarantee the health, safety and welfare of the general public.

Section 5.16. Storage, dumping of waste, junk, garbage and other similar materials.

The use of land for the storage, collection or accumulation of new or used building materials, new or used household items, auto parts, and other used materials, or for the dumping or disposal of broken concrete, scrap iron, junk, garbage, rubbish or other refuse or for ashes, slag or other industrial waste or by-products shall be strictly prohibited in all districts.

Section 5.17. Site condominium projects.

- (1) *Site plan approval required.* Preliminary and final site plan approval in accordance with Article 8 shall be required as a condition to the right to construct, expand or convert a site condominium project, provided, however, that preliminary and final site plans shall not be combined for site condominiums. In addition to the site plan, the applicant shall submit condominium documents for review and approval by the city attorney before final site plan approval.
- (2) *General requirements.*
 - A. Each condominium lot shall be located with a zoning district that permits the proposed use.
 - B. Each condominium lot shall front on and have direct access to a public street or a private street approved by city council. Such approval for a private street shall be obtained before final site plan approval.
 - C. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located.
- (3) *Site condominium agreement required; contents.* The city shall, prior to approval of the final site plan, require the developer to enter into an agreement with the city, which agreement shall define the respective responsibilities of the city and the developer in regard to the conditions of approval and the physical development of the site condominium. Such agreement shall include but may not be limited to:
 - A. Any exception or modification of any requirements of this section. Provided, however, that such exceptions or modifications shall not authorize the violation of the then-effective zoning ordinances of the city.
 - B. A progress schedule of the order and time of the installation of improvements in the site condominium.
 - C. A provision that the developer shall construct the following improvements in accordance with said order and time schedule, and in accordance with city design standards, at no expense to the city.
 1. Streets, traffic control devices and pavement markings.
 2. Street lighting and security lighting.
 3. Curbs and gutters.
 4. Sidewalks, crosswalks and non-motorized pathways.
 5. Water mains, valves, gatewells, hydrants and laterals.
 6. Sanitary sewer mains, laterals and manholes.
 7. Storm sewer mains, laterals and manholes.
 8. Stormwater detention system.

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9. Grading which will prevent surface storm water from causing damage to lots within the site condominium or to land adjacent to the site condominium.
 10. All improvements necessary to comply with the soil erosion and sedimentation control ordinance of the city.
 11. All street name signs and posts.
 12. All trees on lawn extensions in accordance with FHA and city specifications and ordinances.
 13. Monuments set at all boundary corners and deflection points and all road right-of-way intersections, corners and deflections points.
 14. Lot irons set at all condominium lot corners and deflections points of condominium lot lines.
 15. Water shutoff valves, catch basins and yard drains at the locations shown on the constructions plans approved by the city.
 16. Acceleration and deceleration lanes on streets abutting the tract of land being developed which are used for access to said tract, if needed for the traffic safety of persons entering and leaving said site condominium.
 17. Recreational facilities shown on the site plan.
 18. Buildings and other improvements conforming as near as is reasonably possible to the design concepts set forth in the approved site plan.
 19. All improvements necessary to comply with the City of Saline Phase II Storm Water Management Program.
- D. A provision that the owner shall make arrangements for all local distribution lines within a site condominium (excepting such facilities as are required by the Michigan public service commission to be above ground) for telephone and all other communications systems and electric service to be placed underground entirely throughout a site condominium area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways.
- E. A provision that the developer shall reimburse the city for all reasonable costs incurred by the city in connection with the review or approval of the plans and specifications for required subdivision improvements, and in connection with the inspection and testing of said improvements by city approved inspectors and testers during, and upon completion of, the construction thereof. Said reimbursement shall be made by the owner to the city at the time billed by the city and no building permits shall be issued while any amounts so billed are in default. The city shall advise the owner of all such costs incurred on a monthly basis.
- F. A provision that the developer shall pay a proportionate share of the cost of all improvements required to be constructed outside of the site condominium to protect the health, safety and welfare of the public as a result of the development of the site condominium; together with a description of said required improvements, the estimated cost thereof, the share of said estimated cost to be paid by the developer, and the proposed date of completion of said required improvements.
- G. A provision that all improvements required to be constructed inside and outside the site condominium shall be constructed in accordance with all statutes, ordinances, regulations and rules in effect at the time of construction.
- H. A provision that all internal site condominium streets, and all streets providing direct access to the subdivision, shall be designed and constructed so that they shall be not more than six inches below the established 100-year floodplain.

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- I. A provision that the storm drainage system for the site condominium shall be designed and constructed to adequately convey any and all storm waters underground in the event of at least a ten-year storm of a 30- minute duration.
 - J. A provision that all provisions of the soil erosion and sedimentation control ordinance of the city shall be complied with during construction of the site condominium.
 - K. Where public streets are planned, a provision that all street rights-of-way to be dedicated within the site condominium, or lying outside the site condominium but on land owned by the developer and planned for future development related to the site condominium, shall meet the requirements of the city master plan and/or the intercounty highway plan.
 - L. A provision that all sidewalks adjacent to land owned by the developer and necessary to serve the site condominium, whether lying inside or outside the boundaries of the site condominium, shall be constructed by the developer prior to the time they are needed for use by the residents of the site condominium, or as soon thereafter as feasible, together with a description of said sidewalks and the proposed date of completion thereof.
 - M. A provision that all buildings constructed with a "floodplain area" as shown on the site condominium shall be constructed to the standards provided in the latest edition of the "Flood Proofing Regulations" from the office of the chief of engineers, U.S. Army, Washington, D.C.
 - N. A provision that the developer shall install street lighting conforming to city standards as shown on the final site plan at the owner's expense. The owner shall coordinate the installation of all street lighting with the public utility providing the electrical service and with the city superintendent with the understanding that no occupancy permits shall be issued by the city for any house not adequately served by streetlights.
 - O. A provision that all required storm water retention areas shall be designed and constructed to adequately store the volume of water projected to accumulate during a 100-year storm, and a description of the manner in which the cost of maintaining said areas will be borne in the future. A maintenance schedule shall be included in the master deed.
 - P. A provision that all plans and specifications for the site condominium improvements shall be provided by the site condominium in sufficient number for review by the council, the planning commission, the staff and the city engineers; and that all cost incurred by the city in connection with the review, approval, or inspection of said plans, specifications and improvements shall be charged to and paid for by the developer.
- (4) *Information required prior to occupancy.* Prior to the issuance of occupancy permits for any condominium units, the developer shall submit the following to the city:
- A. A copy of the recorded master deed (including exhibits).
 - B. A copy of any recorded restrictive covenants.
 - C. A copy of the site plan on laminated photostatic copy or mylar sheet.
 - D. Two copies of an "as-built survey."
 - E. CAD or GIS electronic submittals of the site plan and "as-built survey."
- (5) *Revision of condominium subdivision plan.* If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
- (6) *Amendment of master deed or bylaws.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall

be reviewed and approved by the city attorney and planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

(Ord. No. 679, § 1, 11-22-04)

Section 5.18. Mobile food vending units.

- (1) For purposes of this section, "mobile food vending unit" means any vehicle operating in accordance with article IV, chapter 22 of the City of Saline Code of Ordinances.
- (2) One or more food vending units shall be allowed to operate on any parcel in the I-1, I-2, I-4, PB, OS, C-1, C-2, C-3, D-1, or D-2 zoning districts, as a primary or accessory use, with permission of the owner of the parcel.

(Ord. No. 801 , § 1, 5-7-18)

Section 5.19. Small cell wireless facilities.

- (a) The purpose of this ordinance is to regulate the use of land for small wireless communications facilities in conformance with the small wireless communication facilities deployment act, Act No. 365 of the Public Acts of 2018 (the "Act"). In doing so, the City of Saline (the "authority") wishes to ensure the reasonable and fair control and management of public rights-of-way, support new technology, avoid interference with right-of-way use, and protect the public, health, safety, and welfare.
- (b) Unless otherwise defined by this section, words shall have the meanings as set forth in the Act.
- (c) The activities set forth in section 15(5) of the Act are exempt from zoning review being:
 - (1) The replacement of a small cell wireless facility with a small cell wireless facility that is not larger or heavier, in compliance with applicable codes.
 - (2) Routine maintenance of a small cell wireless facility, utility pole, or wireless support structure.
 - (3) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.
- (d) A wireless provider may, as a permitted use not subject to zoning review or approval, except that an application for a permitted use is still subject to approval by the authority pursuant to section 15 of the Act, collocate small cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in, along, across, upon, and under the ROW. Such structures and facilities shall be constructed and maintained so as not to obstruct or hinder the usual travel or public safety on the ROW or obstruct the legal use of the authority's ROW or uses of the ROW by other utilities and communications service providers. Both of the following apply:
 - (1) A utility pole in the ROW installed or modified on or after the effective date of this act shall not exceed 50 feet above ground level, unless a taller height is agreed to by the authority and is subject to the special land use process.
 - (2) A small cell wireless facility in the ROW installed or modified shall not extend more than five feet above a utility pole or wireless support structure on which the small cell wireless facility is collocated.

(Supp. No. 16)

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- (e) Per the Act, the authority requires zoning approval for certain activities that take place within or outside the public ROW that are not a permitted use under section 13(5) of the Act and Section 5.19(4) which shall hereby be a special land use:
 - (1) The modification of existing or installation of new small cell wireless facilities.
 - (2) The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.
 - (f) Applications shall be submitted as required by article 9 of this ordinance.
 - (g) Along with applicable zoning criteria, the authority shall not deny an application unless all of the following apply:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

The review is also subject to the following:

- (4) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures. The authority will consider the height of such structures in its zoning review, but shall not discriminate between the applicant and other communications service providers.
 - (5) The authority shall not evaluate or require an applicant to submit information about an applicant's business decisions with respect to any of the following:
 - a. The need for a wireless support structure or small cell wireless facilities.
 - b. The applicant's service, customer demand for the service, or the quality of service.
 - (6) Any requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping, shall be reasonable.
- Special land use criteria shall be used in the review of the applications under this section. The planning commission may consider spacing, setback, and fall zones that are substantially similar to those of other commercial structures. The planning commission may also consider aesthetics as it relates to the area of the proposal. The authority shall publish reasonable aesthetics criteria within a reasonable time.
- (h) The application fees under this Section shall be as follows:
 - (1) One thousand dollars for a new wireless support structure or modification of an existing wireless support structure.
 - (2) Five hundred dollars for a new small cell wireless facility or modification of an existing small cell wireless facility.
 - (i) Within one year after a zoning approval is granted, a wireless provider shall commence construction of the approved structure or facilities that are to be operated for use by a wireless services provider unless the authority and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required pursuant to section 15(2)(l) of the Act, the zoning approval is void, and the wireless provider may reapply for a zoning approval.

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- (j) The authority may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.
 - (k) As it pertains to small cell wireless facilities, this section shall control over general telecommunications provisions found in section 6.11 "Wireless communication facilities.
 - (l) If either the Act or the Order does not become effective or becomes ineffective or is modified due to court action or otherwise, this ordinance shall conform to the court order or amendment or in the absence of the Act or Order the authority may implement reasonable procedures as the authority deems appropriate to process applications."

(Ord. No. 809 , § 1, 3-18-19)

ARTICLE 6. LAND USE PROVISIONS

Section 6.01. Intent.

The intent of this Article is to provide for specific regulations which apply to special land uses. The regulation set forth in the article are in addition to the standards and procedures set forth in article 9.

Section 6.02. Open space preservation provisions.

- (1) *Intent.* The intent of the open space preservation provision is to permit the development of single-family dwellings in an attached or detached residential pattern which, through design innovation, will:
 - A. Allow greater flexibility;
 - B. Encourage a more creative approach to the development of single-family residential areas;
 - C. Encourage a more efficient, aesthetic, and desirable use of the land;
 - D. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets;
 - E. Encourage the provision of open space so that benefits may accrue directly to the residents of the development;
 - F. Provide for optimum setbacks from major thoroughfares and/or freeways;
 - G. Provide for the sound physical development and handling of site situations where a conventional subdivision approach would be unnecessarily restrictive.
 - H. The open space preservation provisions of this section shall not be applied if the subject development is dependant upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this article would also depend upon such an extension.
- (2) *Special approval and site plan review required.* Open space preservation developments may be permitted in the R-1, R-1A, R-1B, R-1C and R-2 districts under such conditions as the planning commission, after hearings, finds the proposed use not being injurious to the district and surrounding area and not contrary to the spirit and purpose of this ordinance, subject further to the reviews by the city council and approval thereof.

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- (3) *Qualification of parcels.* In order for the cluster housing option designation to be applied for a parcel of land zoned for either R-1, R-1A, R-1B, R-1C and R-2 the parcel must meet one (1) or more of the following characteristics:
- A. The parcel contains natural assets which would be preserved through the use of open space preservation developments. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water (i.e., streams, rivers, and lakes), unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
 - B. The parcel contains major topographic conditions which make development under the normal subdivision approach impractical. In considering qualification under this subsection, the city shall determine that one or more of the following conditions exist, where applicable:
 - 1. The natural land forms are so arranged that the change of elevation within the site includes slopes in excess of 15 percent between these elevations. These elevation changes and slopes shall appear as the predominant feature of the site rather than the exceptional or infrequent feature of the site.
 - 2. Mass grading of the site would be necessary if developed without the cluster housing option.
 - 3. The use of one-family clusters will allow for a greater preservation of a desirable natural setting.
 - C. The parcel contains substantial portions of floodplain and wetlands. A floodplain and wetlands map, certified by the appropriate federal, state, or county agency, indicating the extent of the wetlands and floodplain area, shall be submitted to the city in order to support the proposal for the parcel's qualification for open space preservation developments.
 - D. The parcel is either too small or unusually shaped to be reasonably platted as a conventional subdivision or site condominium development.
- (4) *Site design requirements.* All open space preservation developments submitted shall conform to the following site design requirements:
- A. A minimum of 20 percent of the total site area shall be designated and preserved as common open space. The computation of designated open space shall not include: rights-of-way or easements designated for road purposes, or any area within 30 feet of a dwelling unit. No more than 50 percent of wetlands regulated by the DNR, may be included in the open space calculations. Land which is under water (lakes, streams, watercourses, and other similar bodies of water), or an area to be improved into a lake or pond may not be included in the calculation of the designated open space.

Area devoted to open space may be devoted to active or passive recreation or remain in its natural state. However, it is not the intent of these provisions to allow only land which is otherwise unusually or unbuildable to be devoted to common open space. Area set aside as open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land acceptable to the city pursuant to section 7.15 of this ordinance.
 - B. The number of dwelling units permitted shall not exceed the number of dwelling units in the zoning district in which the proposed development is located. In order to calculate density, the applicant shall submit a concept site plan of the property which illustrates achievable development as a subdivision or site condominium without application of the open space preservation option and with all applicable ordinances and laws observed.

In general the plan shall be drawn with sufficient detail to permit the planning commission to determine the density which would be achieved by conventional development. Specifically, the plan shall contain the following information:

1. Evidence of ownership; location and description of site; dimensions and areas.
 2. Topography soils information to the detail found in the soil survey for the county and the location of woodlands, wetlands, floodplains and surface waters.
 3. Scale, north arrow, date of plan.
 4. Existing zoning of site; existing land use and zoning of, adjacent parcels; location of existing buildings, drives and streets on the site and within 100 feet of the site.
 5. Lot and street layout.
 6. Location, size, and uses of open space.
 7. General description of proposed water, sewage disposal, and storm drainage systems.
- C. In the case of single-family detached units, the following yard requirements shall be applied.

Minimum Setbacks per Unit

District	Front	Side	Rear
R-1	30	10	30
R-1A	30	10	30
R-1B	25	5	25
R-1C	25	5	25
R-2	25	5	25

- D. In the R-1 district, dwelling units shall not be attached. In the R-1A, R-1B and R-1C districts, up to 75 percent of the total number of dwelling units may be attached, provided that individual buildings shall not include more than four attached dwelling units. In the R-2 district, up to 100 percent of the total number of dwelling units may be attached provided that individual buildings shall not include more than four attached dwelling units. In the case of single-family attached units, the following yard requirements shall be applied:

Minimum Setbacks

District	From Internal Street Rights-of-Way or Easements for Ingress or Egress	From Perimeter Property Boundaries
R-1A	30	50
R-1B	25	50
R-1C	25	50
R-2	25	50

Minimum Distance Between Buildings Based on Building Orientation

District	Side/Side	Side/Front Side/Rear	Front/Front Rear/Rear
R-1A	30	45	60
R-1B	20	35	50
R-1C	20	35	50
R-2	20	35	50

- E. No building shall be located closer than 50 feet from the ordinary high-water mark of a body of water.

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- F. All open space and common areas shall have a demonstrated means of maintenance.
 - G. It is the intent of the city that open space developments shall not appear to be more intense than conventional development as viewed from off-site. In addition to any required minimum setback specified in section 6.02(4)C. and D., a greenbelt having the minimum width of 50 feet shall be required along any adjacent public road, measured from the right-of-way line. The city at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
 - H. In order to provide an orderly transition of density when a open space preservation development abuts a single-family residential district of equal or lower density, the city, at its discretion, shall require designation of open space along the common boundaries; screening in accordance with the requirements of section 7.02; and/or an area or row of lots of commensurate size as neighboring residential lots.
 - I. In the R-1 district, the minimum lot size in an open space preservation development shall be no less than 16,000 s.f. in area.

Section 6.03. Child care facilities.

(1) *Child care center.*

- A. Child care centers may be permitted in all zoning districts, except single-family residential and industrial districts, subject to the following minimum standards:
 - 1. Operator must be licensed by the state department of consumer and industry services.
 - 2. A compliance permit must be obtained from the clerk's office before operation commences and compliance must be continuous, and the compliance permit must be renewed annually.
 - 3. Site plan approval by the planning commission must be obtained.
 - 4. Outdoor play areas shall be fenced, and such play areas shall be made and kept safe by the caregivers.
 - 5. Maintenance of the property consistent with the visible characteristics of the neighborhood.
 - 6. A child care center shall comply with all fire and traffic standards set by the state department of consumer and industry services and the city as determine by the chief of police and fire chief. Child care facilities will be inspected annually by the fire department to meet city requirements.
 - 7. Caregivers shall maintain control of noise to protect the surrounding neighborhood.
 - 8. All child care centers shall be registered with the 911 dispatch center on forms provided by said center.
 - 9. No person other than the licensee or his/her immediate family may reside on the licensed property. No one need reside on the premises.
 - 10. License holder and all employees shall be subject to, and provide, a background check by a method recommended and approved by the Saline Chief of Police before commencement of employment.

This will be done at the time of hire of a new employee and annually the facility will provide a list of all employees.

- B. The fees to be charged in connection with applications for child care center permits and renewals thereof shall be established by resolution of the city council.

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- C. The said child care center compliance permit shall be issued for a period of one year. Written renewal request must be made 30 days prior to expiration. After the first year, a follow-up 300-foot notice will be sent if there has been a substantiated written complaint. No subsequent annual notices will be sent, unless deemed necessary by the building official. After request, and there no substantiated complaints on file, the clerk's office can renew the permit at that time. Permits are valid from January 1, to December 31, of each year.
 - D. No compliance permit for a child care center shall be issued or renewed if the applicant has failed to file an annual personal property statement with the city assessor covering the property used in connection with said child care center, as required by law, or has failed to pay the personal property tax assessed on said personal property.
 - E. The city permit to operate may be revoked at any time that conditions at the child care center become such that allowing continued operation could prove to be detrimental to the health, safety or welfare of the children. Appeals to this section will be before the zoning board of appeals as provided for in the code.

(2) *Group day care home.*

- A. Group day care homes may be permitted in single-family residential districts subject to the following minimum standards:
 - 1. A compliance permit must be obtained from the clerk's office before operation commences and compliance must be continuous, and the compliance permit must be renewed annually.
 - 2. A group day care home shall not be located closer than 500 feet to any of the following:
 - (a) Another licensed group day care home.
 - (b) An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - 3. Outdoor play areas shall be in rear yards only and such rear yards shall be made and kept safe by the care-givers.
 - 4. Maintenance of the property consistent with the visible characteristics of the neighborhood.
 - 5. Signage shall not be allowed.
 - 6. A group day care home shall comply with all the fire and traffic safety standards set by the Michigan Department of Consumer Industry Services and the City of Saline as determined by the Saline Chief of Police and Fire Chief. Parking shall be in accordance with section 13.04.2.H in addition to residential parking requirement of two spaces. Group day care homes will be inspected annually by the fire department to meet city requirements.
 - 7. Caregivers shall maintain control of noise to protect the surrounding neighborhood.
 - 8. All group care homes shall be registered with the 911 dispatch center on forms provided by said center.
 - 9. License holder shall be the owner of the premises and shall reside thereon.
 - 10. License holder and employees shall be subject to, and provide, a background check by a method recommended and approved by the Saline Chief of Police before commencement of employment.
- B. The fees to be charged in connection with applications for group day care home permits and renewals thereof shall be established by resolution of the city council.

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- C. No compliance permit for a group day care home shall be issued or renewed if the applicant has failed to file an annual personal property statement with the city assessor covering the property used in connection with said group day care home, as required by law, or has failed to pay the personal property tax assessed on said personal property.
 - D. The group day care compliance permit shall be issued for a period of one year. Written renewal request must be made 30 days prior to expiration. After the first year, a follow-up 300-foot notice will be sent if there has been a substantiated written complain. No subsequent annual notices will be sent, unless deemed necessary by the building official. After request, and there are no substantiated complaints on file, the clerk's office can renew the permit at that time. Permits are valid from January 1, to December 31, of each year.

(Ord. No. 725, § 1, 12-21-09)

Section 6.04. Adult foster care facilities.

- (1) *Intent.* It is the intent of this section to establish standards for adult foster care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (2) *Application of regulations.*
 - A. A state licensed adult foster care small family serving six persons or less shall be considered a residential use of property and a permitted use in all residential districts.
 - B. The city may, by issuance of a special land use permit, authorize the establishment of adult foster care group homes serving more than six persons in the following zoning districts: R-1A, R-1B, R-1C, R-2, R-3A, R-3, and RMH. Such facilities shall be prohibited in all other districts.
 - C. The city may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility in the following zoning districts: R-3 and R-3A. Such facilities shall be prohibited in all other districts.
- (3) *Standards for adult foster care group homes.* Such homes shall be considered as special land use subject to the requirements and standards of article 9 and the following additional standards:
 - A. A site plan, prepared in accordance with article 8 shall be required to be submitted.
 - B. The subject parcel shall meet the minimum width and set back area, requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 s.f. per adult, excluding employees and/or care givers.
 - C. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - D. One off-street parking space per employee and/or caregiver shall be provided.
 - E. In its sole discretion, the city may determine that landscape screening in accordance with section 7.02(4) is required.
 - F. Appropriate licenses with the state shall be maintained.
 - G. Be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
 - H. The atmosphere and routine shall be that a resident may spend the majority of his nonsleeping hours outside his bedroom.
 - I. A toilet, lavatory and bathing or showering facility shall be provided for each six persons. At least one toilet and lavatory shall be provided on each floor having resident bedrooms.

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- J. Provide distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.
 - K. Provide a living or day room area which affords privacy for use by a resident and his visitors.
 - L. The living and sleeping areas for each resident shall not be in noncontiguous wings, units or buildings.
 - M. A living room, dining room or other room not designed nor ordinarily used for sleeping shall not be used for sleeping purposes.
 - N. A room shall not be used as a bedroom where more than one-half of the room height is below grade except where the ceiling of such portion of a building is located five feet or more above grade for more than 25 percent of the perimeter measurement of the room.
 - O. Bedrooms shall have at least one window with a minimum sash area of eight square feet.
 - P. A single-occupancy bedroom shall have at least 80 square feet of usable floor area.
 - Q. A multiple-occupancy bedroom shall have at least 70 square feet of usable floor area per person with a maximum of four beds and persons per bedroom.
 - R. A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
 - S. Signage shall not be allowed.
- (4) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a special land use subject to the requirements and standards of article 9 and the following standards:
- A. A site plan, prepared in accordance with article 8 shall be required to be submitted.
 - B. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 s.f. per adult, excluding employees and/or caregivers.
 - C. Parking requirements as required for convalescent homes and similar facilities, set forth in article 13 shall be met.
 - D. All landscape requirements set forth in section 7.02(4) shall be met.
 - E. Appropriate licenses with the state shall be maintained.

Section 6.05. Housing for the elderly.

Housing for the elderly shall be permitted after special land use approval upon a finding that the following minimum standards are met:

- (1) *General standards.*
 - A. The proposed use will not produce adverse effects on the use or development of the surrounding area because of noise, traffic, type of physical activity, or any other reason.
 - B. Adequate accessibility is provided to transportation, medical services, shopping areas, recreational and other community services frequently desired by elderly persons.
 - C. The site is reasonably well protected from excessive noise, air pollution, and other harmful physical influences and provides for a safe and secure environment for residents of the proposed development.
- (2) Building height. No building hereafter erected or altered in R-1A districts shall exceed 35 feet in height or two stories, except as provided in section 4.03(4) of this ordinance.

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- (3) *Yard requirements.*
- A. Front yard: 35 feet.
 - B. Rear yard: 35 feet.
 - C. Side yard: 35 feet total, 15 feet minimum one side.
 - D. If more than one (1) building shall be constructed on the same site, the following minimum distance between buildings shall be:
 - 1. Seventy feet when front to rear, front to front and/or rear to rear.
 - 2. Twenty-five feet end to end.
 - 3. Fifty feet end to front and/or end to rear.
- (4) *Minimum floor area per dwelling unit.* Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:
- A. Efficiency unit: 450 s.f.
 - B. One bedroom unit: 600 s.f.
 - C. Two-bedroom units: 750 s.f.
 - D. Each additional bedroom: 150 s.f.
- (5) *Maximum density.* The maximum permitted density of dwelling units per acre shall be as follows:
- A. Efficiency units and one-bedroom units: 12 units per acre.
 - B. Two-bedroom units: Ten units per acre.
 - C. Three- and four-bedroom units: Nine units per acre.
- (6) *Parking.* Parking requirements shall be as follows:
- A. A minimum of one parking space per dwelling unit and one space per employee during the peak shift shall be provided.
 - B. Additional parking may be required by the planning commission when ancillary meeting and activity facilities are provided which generates a demand for parking beyond that which is normally required under subparagraph A. contained herein.
- (7) *Ancillary facilities.* Elderly housing development may also include meeting and activity facilities, central dining facilities, laundry rooms, and other convenience facilities for occupants and their guest.

Section 6.06. Self-storage facilities.

Self-storage facilities shall be subject to the following requirements and conditions:

- (1) No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed, except that the sale of packaging materials and other related incidental sales may be permitted from the central self-storage facility office.
- (2) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.

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- (3) Other than the storage of recreational vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with section 7.02(4).
 - (4) Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.
 - (5) All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum 26-foot drive shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
 - (6) Site lighting shall meet the standards contained in section 7.09 of this ordinance.

Section 6.07. General, building, service, skilled trade and landscape contractor's offices and yards.

- (1) A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- (2) Storage shall not be located within the required front yard. Such storage shall not be located in any required parking or loading space.
- (3) Storage shall be screened from the view of public street, and adjacent properties zoned either residential, commercial, or office. Screening measures shall meet the requirements of section 7.02(4).
- (4) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under article 8, site plan review.

Section 6.08. Automobile related uses.

- (1) Automobile repair, service stations and washes, shall be subject to the following standards:
 - A. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
 - B. All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building with the exception of outdoor drying and vacuuming.
 - C. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
 - D. In the case of automobile repair and/or service stations, inoperative or unlicensed vehicles shall not be stored outside for more than seven days. Such storage shall not occur in front of the front face of the building.
 - E. The premises shall not be used to sell or exhibit for sale motor vehicles or recreational equipment unless the sale or exhibiting for sale is conducted on occupied property owned by or leased to the registered owner of the motor vehicle or recreational equipment held for sale, and no more than one motor vehicle or piece of recreational equipment is exhibited for sale at a given time.
 - F. Canopies covering pump island area shall be architecturally integrated with the principal building in terms of design, appearance, roof lines and building materials. Canopies shall be considered structures for the purpose of determining required setbacks.
- (2) Automobile dealers shall be subject to the following standards:

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- A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. All lighting shall conform to section 7.09 of this ordinance.
 - B. There shall be no strings of flags, pennants or bare light bulbs permitted.
 - C. No vehicles or merchandise for sale shall be displayed within any required front yard setback.
 - D. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

(Ord. No. 817 , § 1, 1-13-20, eff. 2-3-20)

Section 6.09. Sidewalk cafe service.

A sidewalk café service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the D-1 downtown core district, subject to the following conditions:

- (1) An application depicting the location and layout of the cafe facility shall be submitted to the zoning official. Site plan approval shall be required. An approved site plan shall remain in effect, unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein.
- (2) A sidewalk cafe may be located in front of or adjacent to the establishment. A sidewalk cafe that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- (3) If a sidewalk cafe is located on a public sidewalk, a minimum of five feet of unobstructed, pedestrian access along the sidewalk shall be maintained.
- (4) A sidewalk cafe shall be allowed only during normal operating hours of the establishment.
- (5) The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be inside of the premises.
- (6) The city shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk cafe operation. Applicant shall submit a certificate of insurance to meet requirements of the city attorney.
- (7) All sidewalk cafes shall comply with applicable regulations of the county health department and the state.

(Ord. No. 736-1, § 4, 12-17-12)

Section 6.10. Bed and breakfast accommodations.

- (1) *Intent.* It is the intent of this section to permit the operation of bed and breakfast facilities as a vehicle for preserving historical resources within the city. Historical preservation is recognized as a public purpose by statute and local ordinance as a means to safeguard local heritage, preserve cultural, social, economic, political and architectural history, to stabilize and improve property values, to foster civic beauty, to strengthen local economies and to promote the education, pleasure and welfare of the citizenry. The purpose of this section is to advance those goals by enhancing the viability of historical preservation.
- (2) *Standards.* Bed and breakfast operations may be permitted in any zoning district, except industrial zones, when approved by the city council, after approval by the planning commission upon a finding that the following minimum standards are met:

(Supp. No. 16)

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- A. The bed and breakfast site shall be located on a parcel fronting onto collector or arterial road as defined in the thoroughfare plan of the master plan for the city, provided that no such site shall be located within a single-family residential subdivision.
 - B. Such operations shall be run by persons who own and occupy the premises for residential purposes.
 - C. Not more than eight bedrooms in the bed and breakfast operation shall be used for bed and breakfast sleeping rooms. Use of a garage for bed and breakfast sleeping rooms is prohibited. Accessory buildings may be used for bed and breakfast sleeping rooms if they were originally constructed to accommodate housing use.
 - D. If more than two such rooms are for rent, each room shall have access to two separate means of egress. Access shall not be through another bedroom.
 - E. Signs identifying the bed and breakfast operation shall comply with the requirements of article 12, signs, except that in a residential district identification signs shall be no larger than three square feet.
 - F. Such facilities shall comply with all applicable local, county, state and federal ordinances, laws, rules, regulations and codes.
 - G. Guest occupancy shall be no longer than 14 consecutive days.
 - H. No more than four occupants per room shall be allowed.
 - I. There shall be no cooking facilities for use by the occupants of the bed and breakfast sleeping rooms.
 - J. Lavatory and bathing facilities shall be available for all persons utilizing the bed and breakfast.
 - K. A fire escape plan shall be developed and graphically displayed in each guest room. A smoke detector in proper working order shall be placed in every sleeping room and a fire extinguisher in proper working order shall be placed on every floor. The site shall be reviewed by the zoning or code inspector as to the necessity for fire lanes.
 - L. One off-street parking space shall be provided in the rear or side yard, behind the front building setback line, for each guest room. For parcels abutting an exterior side street, parking shall not be closer to the street than the principal structure.
 - M. All bed and breakfast operations shall submit to annual inspections by the building department. Renewal of a business registration shall be contingent upon compliance with applicable codes, as verified by such inspections.

Section 6.11. Wireless communication facilities.

- (1) *Intent.* It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the city to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

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- B. Establish predetermined districts or zones of the number, shape, and the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 - C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones.
 - D. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - E. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way.
- (2) *Authorization.* Subject to the standards and conditions set forth in section, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:
- A. Circumstances creating permitted use treatment. In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances:
 - 1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the zoning or code inspector, proposed to be either materially altered or materially changed in appearance.
 - 2. A proposed collocation upon an attached wireless communication facility which had been pre-approved for such collocation as part of an earlier approval by the city.
 - 3. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the zoning or code inspector, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - B. Permitted use districts. Wireless communication facilities shall be a permitted use in the I-1, I-2, and I-4 industrial districts.
 - C. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of a district identified in subsection B., above, in order to operate, such wireless communication facilities may be permitted elsewhere in the community as a special land use, subject to the requirements and standards of article 9 and the following:
 - 1. At the time of the submittal, the applicant shall demonstrate that a location within the areas identified in subsections A.1., and 2. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - 2. Locations outside of the districts identified in subsections A.1., and 2. above, shall be permitted on the following sites, subject to application of all other standards contained in this section:
 - (a) Municipally owned site.
 - (b) Other governmentally owned site.
 - (c) Religious or other institutional site.
 - (d) Public park and other large permanent open space areas when compatible.
 - (e) Public or private school site.
 - (f) Other locations if none of the above is available.
 - D. All other criteria and standards set forth in section 6.11(3) are met.
- (3) *General regulations.*

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- A. Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the city 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. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 4. The following additional standards shall be met:
 - (a) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - (b) The accessory building contemplated to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - (c) The setback of the support structure from any residential district shall be no less than the height of the structure. 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.
 - (d) 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 principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
 - (e) There shall be an unobstructed paved access drive to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.
 - (f) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - (g) Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure 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 to all district requirements for principal buildings, including yard setbacks.
 - (h) The city shall, review and approve the color of the support structure and all accessory buildings, 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.
 - (i) 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. This soils report shall include soil borings and statements indicating 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.

- (j) 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.

B. *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which may be approved as conditional land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in this subsection, general regulations, above, and in accordance with the following standards:

1. The applicant 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:
 - (a) Proximity to a major thoroughfare.
 - (b) Areas of population concentration.
 - (c) Concentration of commercial, industrial, and/or other business centers.
 - (d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (f) Other specifically identified reason creating facility need.
2. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(4) *Application requirements.*

- A. A site plan prepared in accordance with article 8, site plan review.
- B. The site plan shall also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- C. The application shall include a signed certification by a state 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.
- D. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 6, removal, below. 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 city attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the city in securing removal.
- E. 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 proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)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 city.

- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (5) *Collocation.* It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.
- A. Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - 1. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - 2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - 3. 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.
 - 4. 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 standards set forth in this section.
 - B. Requirements for collocation:
 - 1. Approval 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.
 - 2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
 - 3. If a party who owns or otherwise controls a 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.
- (6) *Removal.*
- A. The city reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
 - B. 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:
 - 1. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

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2. Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
 - C. The situations in which removal of a facility is required, as set forth in subsection 1 above, may be applied and limited to portions of a facility.
 - D. Upon the occurrence of one or more of the events requiring removal, specified in subsection B 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 zoning or code inspector.
 - E. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 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 from the security posted at the time application was made for establishing the facility.
- (7) *Applicability to small cell wireless facilities.* Notwithstanding anything to the contrary, the regulation of small cell wireless facilities and related matters as defined by the small wireless communication facilities deployment act, Act No. 365 of the Public Acts of 2018 shall be governed by section 5.19 of this zoning ordinance.
- (Ord. No. 809 , § 2, 3-18-19)

Sec. 6.12. Massage establishments.

- (1) *Massage Establishments Defined.* For purposes of this section, "massage establishment " the term "massage establishment" shall mean a business establishment in which practice of massage therapy, as defined in the Michigan Public Health Code, 368 PA 1978, as amended, is one of the primary services provided. The following establishments shall not be considered massage establishments:
 - A. Hospitals, doctors' offices, nursing homes, and other facilities in which massages are performed incidental to the provision of healthcare services.
 - B. Establishments in which barbers or beauticians perform massages incidental to the provision of hairstyling or other similar services.
- (2) *Standards.* Massage establishments may be permitted by the city council as special uses in the I-1, I-2, PB, OS, C-1, C-2, or C-3 zoning districts, after approval by the planning commission upon a finding that the following minimum standards are met:
 - A. At least one plumbed sink within the massage establishment. Additionally, each individual area in which massage is practiced shall be equipped with a hand-sanitizing facility equipped with:
 - i. Running water and soap;
 - ii. Antibacterial hand wipes;
 - iii. Waterless hand sanitizers; or
 - iv. Other commercially acceptable means of hand-washing.
 - B. Lavatories and shower stalls (if provided) shall be located as to ensure privacy between the massage establishment and any other business or use.
 - C. All the general special use criteria in section 9.05 of the Zoning Ordinance are satisfied.

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- (3) *City license required.* The operation of a massage establishment requires a license issued pursuant to chapter 22, article IV of the city code.

(Ord. No. 796 , § 1, 2-5-18)

Editor's note(s)—Ord. No. 796 , § 1, adopted Feb. 5, 2018, repealed the former § 6.12 and enacted a new § 6.12 as set out herein. The former § 6.12 pertained to myotherapy establishment and derived from Ord. No. 682, §§ 1, 2, adopted Feb. 14, 2005.

Section 6.13. Adult entertainment businesses.

- (1) No adult entertainment business shall be permitted within a 400-foot radius of any residential zone. Measurement of the 400-foot radius shall be made from the outer most boundary of the lot or parcel upon which the proposed adult use will be situated to the outer most residential district boundary.
- (2) No adult entertainment business shall be permitted within a 500-foot radius of a school, library, park, playground, or church. Measurement of the 500-foot radius shall be made from the outer most boundary of the lot or parcel upon which the proposed adult use will be situated to the school, library, park, playground, or church.
- (3) The site plan shall include a diagram that shows all land use zoning districts and any school, library, park, playground, or church located within 500 feet of the proposed adult use. The diagram shall be drawn to a scale of not greater than one inch equals 20 feet.
- (4) No adult entertainment business shall be located within 750 feet of any other adult entertainment business.
- (5) Off-street parking shall be provided in accordance with article 13.
- (6) Any individual viewing booths, entertainment rooms, or similar cubicles designed or used for one or two persons to view specified anatomical areas, to view specified sexual activities, or to receive adult personal services, shall not be completely enclosed from the common areas or hallways of the adult entertainment business.
- (7) No employee or patron under 18 years of age shall be allowed on the premises of an adult entertainment business; violation of this section shall result in the suspension or revocation of permits and licenses.
- (8) If employees or patrons of an adult entertainment business promote, offer, solicit, or engage in acts of prostitution on the premises, the special use permit may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the special use permit to occur. The acts described in the subsection may be shown to have occurred by a preponderance of the evidence.
- (9) No person shall operate an adult entertainment business without obtaining a valid zoning compliance permit. Such permits and licenses shall be issued and maintained by the zoning official upon written approval from the planning commission and city council after special land use approval. The zoning official or designee shall also perform required inspections and annual inspections. The fees for the permit/license shall be determined by the city council.

Section 6.14. Kennels and catteries, noncommercial (hobby).

Kennels and catteries, noncommercial (hobby) of domesticated dogs and house cats shall be considered as a special land use only in R-1A, R-1B, and R-1C, one-family residential districts, subject to the following requirements:

- (1) Privacy fencing bordering the rear and both side yards, erected to a minimum height of six feet at any residence where the animals are permitted out-of-doors;

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- (2) Fencing of suitable nature to be protective and restraining along all perimeters of any area wherein the animals are exercised;
 - (3) An auxiliary building as provided for in said zoning area, for the express purpose of housing such animals and assuring compliance with all other city ordinances relating to animals: Sections 14-35, noise; 14-5, smell; 14-34, running at large; for all animals which cannot be housed solely in the dwelling proper;
 - (4) There shall be compliance chapter 14, animals of the city Code.

Section 6.15. Home-based business, Tier 2.

- (1) *Intent.* It is the intent of this section to permit the operation of home businesses as an opportunity for individuals to utilize their owner-occupied residential property for their offices and operations related to uses that would not be considered as a home-based business, Tier 1, pursuant to section 5.08 of the zoning code.
- (2) *Standards.* Home based businesses, Tier 2 may be approved by the city council, after recommendations by the planning commission upon a finding that the following minimum standards are met:
 - A. A home-based business, Tier 2, must meet all of the applicable provisions of section 5.08, Home-based business, Tier 1, together with the following additions:
 1. A home-based business, Tier 2, use may include up to 1,000 square feet of space in a garage or accessory structure when recommended for approval by the planning commission.
 2. A home-based business, Tier 2, use may include up to 200 square feet of outside storage space when recommended for approval by the planning commission. Outside storage must be set back at least 15 feet from neighboring property lines, located in rear yards only, and enclosed with a six-foot high opaque fence. Outside storage cannot be located in easements, drainage swales or intermittent stormwater flow areas.
 3. One employee may be permitted on the premises or permitted in the dwelling unit or accessory structure, other than members of the immediate family who legally reside on the premises.
 4. Use and parking of one small commercial van may be allowed when recommended for approval by the planning commission.
 5. Notice of planning commission hearing provided to the historic district commission.
 - B. *Locational standards.* One or more of the following must be found for a home-based business, Tier 2 to be permitted in the city.
 1. The subject home must front on a collector or arterial road as defined in the thoroughfare plan of the master plan for the city, excepting Old Creek Drive and Willis Road.
 2. The subject home may front on a minor street (containing non-residential uses) if recommended for approval by the planning commission, after a finding that a home based business, Tier 2 will be in character with the existing neighborhood.
 3. The subject home has a location within the C-2, D-1, or D-2 zoning districts.
 - C. A home-based business, Tier 2, use shall not advertise by listing its street address in a telephone directory, yellow pages, or similar means, or instruct others to visit the site for any business-related services, other than delivery operations commonly occurring in residential areas except in conflict with state law.

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- (3) *Effect of approval.* Approval by the city planning commission of a home-based business, Tier 2, special land use allows the applicant to apply for a home-based business, Tier 2, license. The following shall apply to the issuance of the required license:
- A. The fees to be charged, license application form, and annual renewals of the home business license shall be established by resolution of the city council.
 - B. The home business license shall be issued for a period of one year. Written renewal request must be made 30 days prior to expiration. If there are no substantiated complaints on file, the clerk's office can renew the permit at that time. Permits are valid from January 1 to December 31 of each year.
 - C. No home business license shall be issued or renewed if the property taxes of the subject parcel are delinquent.
 - D. The city home business license may be revoked at any time that any condition(s) at the home business violates city ordinances or becomes such that allowing continued operation could prove to be detrimental to the health, safety, or welfare of the neighborhood.
- (4) Appeals to this section may be made to the zoning board of appeals in accordance with article 16 of the city zoning ordinance.

(Ord. No. 738, § 1, 10-1-12)

Sec. 6.16. Temporary structures and uses.

- (1) *Purpose, applicability, applications, permits.*
- A. This section allows for the establishment of certain temporary uses or special events of limited duration, provided that the uses comply with the requirements of this section and are discontinued upon the expiration of an approved time period. Any extension of the time period shall only be granted upon a finding that the need for the extension is due to circumstances beyond the immediate control of the applicant and applied for in writing prior to the expiration of the temporary use permit.
 - B. *Application.* The zoning official may issue a permit for temporary structures and uses based upon receipt of a permit fee as applicable and a complete application, including:
 - 1. A site plan, showing building locations, use areas, assigned parking areas and other relevant information;
 - 2. A written statement demonstrating compliance with the requirements of this section;
 - 3. Written permission of the owner(s) for the activity on that property; and
 - 4. Any materials required by this section for specific uses, structures, activities, and events.
 - C. *Permits.*
 - 1. Any structures or activities planning to use public rights-of-way shall require approval by the city.
 - 2. The temporary structures and uses permit shall be in addition to other licenses, permits or approvals otherwise required by any governmental entity including the city.
 - 3. If required by the building code, a building permit shall be required where the temporary use includes a tent exceeding 200 square feet.
 - 4. Permit and inspection fees shall be set by resolution of the city council.

- D. *Conditions of approval.* The zoning official may attach conditions to the permit that would minimize disturbance to and compatibility with the area and surrounding land uses, and/or protect the public health, safety and welfare.
- E. *Performance guarantee.* The zoning official may require a performance guarantee to insure compliance with this chapter and all other applicable city ordinances, standards, rules and regulations.
- F. Table A below shall also be used to govern the time restrictions and requirements for temporary structures and uses.

Table A. Temporary Structures and Uses			
Structure or Use	Section	Duration	Permit Required
Construction-related temporary structures	6.16(3)	1 year	Building and Temporary Use Permits
Grand openings, parking lot sales, sidewalk sales, promotional business activities, and clearance sales	6.16(4)	14 days, 2 times in 12 months	Temporary Use Permit
Assembly and fundraising activities	6.16(5)	4 days, 4 times in 12 months	Temporary Use Permit
Garage sales	6.16(6)	3 days, 2 times in 12 months	None
Transient and seasonal sales	6.16(7)	45 days, 2 times in 12 months	Temporary Use Permit

(2) *General requirements.*

- A. *Public rights-of-way or property.* Temporary uses, structures or special events that occur in the public right-of-way or other public land shall be governed by applicable city policies.
- B. *Private property.* Temporary uses, structures or special events on private property shall:
 1. Not conflict with the activities related to the principal uses taking place on the site;
 2. Not be detrimental to property or improvements in the surrounding area;
 3. Not have substantial adverse effects or noise effects on nearby residential neighborhoods or to the public health, safety, or general welfare;
 4. Not include permanent alterations to a structure or the site;
 5. Comply with any applicable conditions of any prior zoning approvals that apply to a site or use on the site;
 6. Not interfere with the normal operations of any permanent use on the property;
 7. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use; and
 8. Except as provided in this section, not permit transient merchant activities or temporary seasonal retail sales on a vacant lot.
- C. Temporary structures, uses and special events shall not involve the construction or alteration of any permanent building or structure.

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- D. *Temporary structures.* All temporary structures including, but not limited to, greenhouses, trailers, mobile homes, etc., shall conform to the applicable zone district setback requirements, unless otherwise specified in the approval.
 - E. Permitted signs are regulated by article 12, sign regulations.
 - F. *Sanitary facilities.* Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants during hours of operation. If portable, they shall be maintained to minimize odors and to remain fully functional.
 - G. *Parking.* The number of parking spaces required for the temporary use or building shall be determined by the zoning official. Required parking spaces for a permanent use or building on the proposed site shall be considered in the parking calculation. No required parking spaces may be occupied by any activity related to the temporary use.
 - H. *Clean up and restoration.* All sites shall be completely cleaned of debris and temporary structures or equipment within five days of the termination of the temporary use or within the number of days that the temporary use occurred, whichever is less, including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith. The applicant shall restore the site to its original condition or better, unless the area is intended for new construction within a reasonable time following the temporary event.
- (3) *Construction-related temporary structures.*
- A. The following temporary construction-related buildings and uses are permitted, subject to the following requirements.
 - 1. *Construction trailer or construction yard.* The construction trailer or construction yard shall be incidental and necessary to construction at the site. Any structures or area shall be removed within 30 days after a final occupancy permit has been issued, regardless of any time remaining on the building permit.
 - 2. *Temporary sale office or model home.* The temporary sales office or model home shall be incidental to and necessary for, and directly related to, the sale or rental of real property in a new subdivision or housing project. The temporary office or model home shall be removed when 90 percent of the lots or units have been sold or leased, regardless of any time remaining on the permit or extension of the permit.
 - B. Permits for the same location and for the same purpose may be renewed by the zoning official for one successive period of up to 12 calendar months beyond what is permitted in table A.
- (4) *Temporary outdoor sales and services.* Grand openings, parking lot sales, sidewalk sales, clearance sales, commercial promotional events, special events and holiday celebrations and similar including the temporary outdoor sale of merchandise, goods, materials or services may occur in the C-2, C-3, D-1 and D-2 districts, subject to the following requirements in addition to the regulations found in section 5.11.
- A. *Accessory use.* Outdoor temporary sales or services shall be an accessory to an allowed use on the same lot.
 - B. *Parking and access.* A designated off-street parking area adequate to serve the activity shall be provided where it does not interrupt or hamper the flow of traffic on public streets, impede access to the principal use, pedestrian movements, or emergency vehicle access.
 - C. *Area of operation.* The area of operation for all activities associated with outdoor temporary sales or service shall:
 - 1. Not exceed 800 square feet and no single dimension shall exceed 40 linear feet; and

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2. Be located on an asphalt, concrete or equivalent surface.
 - D. *Prohibited sales.* Sales of merchandise unrelated to the principal use unless operated by, or in support of, or as a fundraiser for a nonprofit organization.
- (5) *Assembly and fundraising activities.* Assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows) and fundraising activities (e.g. car washes, bake sales, auctions) that benefit a community service group or non-profit organization are permitted in all zone districts on properties approved for an educational or institutional use, subject to the following requirements.
- A. *Parking and access.* A designated off-street parking area shall be provided adequate to serve the activity where it does not interrupt the flow of traffic on public streets; or impede access to the principal use, adjacent uses, pedestrian movements, or emergency vehicle access.
 - B. *Hours of operation.* In all residential zone districts, hours of operation shall start no earlier than 8:00 a.m. and end no later than 8:00 p.m., except on Fridays and Saturdays the hours may extend to 10:00 p.m. Hours of operation in all other districts shall operate within the hours of 8:00 a.m. to 11:00 p.m. unless otherwise approved by the zoning official.
 - C. *Setup/takedown.* The duration of use provided in table A shall include setup and takedown activities.
 - D. *Fundraising agreement.* Goods or services being sold by a commercial entity for a fundraising event shall submit evidence of an event agreement with the community service group or non-profit organization with the permit application.
 - E. *Food preparation or cooking.* In addition to all other applicable regulations, outdoor food preparation or cooking is prohibited within 200 feet of a residential use. Cooking apparatus shall be separated from areas of pedestrian movement, and smoke emissions shall not impair pedestrian or vehicular sight distances or serve as a distraction at street intersections.
- (6) *Garage sales.*
- A. Garage sales are exempt from the permit requirements in this section, provided that they meet the duration requirements of table A.
 - B. Garages/basement/yard sales operating beyond the duration requirements of table A. are considered commercial uses.
 - C. Items offered for sale shall be limited to personal property not acquired for resale by the residents of the lot where the sale occurs.
- (7) *Transient and seasonal sales.*
- A. The sale of perishable, seasonal, or other personal goods, examples of which include, but are not limited to, Christmas trees, flowers and plants, pumpkins, and fruit and beverages, by persons other than the owner or occupant of the premises, shall be permitted in the C-2, C-3, D-1 and D-2 districts. Farmers market on public property as approved by city council, within nonresidential districts. Such uses will be subject to the following standards and conditions:
 1. Transient or seasonal sales may be located within any required yard, but shall not be located within any public road right-of-way or sidewalk.
 2. Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street or landscape area required to meet requirements of this zoning code, or create a traffic or safety hazard.
 3. Transient or seasonal sales shall be conducted in a manner so as not to create a public nuisance to neighboring properties. Adequate on-site parking together with proper ingress and egress to the site shall be provided.

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4. Transient and seasonal sales shall be allowed only upon a temporary use permit issued by the zoning official. To secure a permit, an application for a permit shall be submitted which shall include the following:
 - i. Name, address and phone number of the merchant who will conduct the transient and/or seasonal sale;
 - ii. Written approval for such sales by the legal owner of the property affected;
 - iii. A plot plan depicting the layout of the area where sales will be conducted, as necessary to determine compliance with this section;
 - iv. Health department approval, where applicable;
 - v. A permit fee as established by the city council; and
 - vi. Permit may be revoked by the city if becomes a nuisance or fails to comply with the provisions of this section.
 5. Signage for transient or seasonal sales shall be limited to one portable free standing sign with a maximum size of nine square feet per side and a height limitation of four feet six inches.

(Ord. No. 819 , § 1, 10-5-20)

Section 6.17. Prohibition of marihuana establishments.

- (1) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts and shall not be permitted as home occupation.
- (2) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of the City Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (3) Violations of this section are subject to the violations and penalties pursuant to section 3.07 of this appendix A and may be abated as nuisances.
- (4) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the city to the extent provided by the Act.

(Ord. No. 808 , § 1, 2-14-19)

ARTICLE 7. ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS

Section 7.01. Intent.

Environmental standards are established in order to preserve the short and long-term environmental health, safety, and quality of the city. No parcel, lot, building or structure in any district shall be used or occupied 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. Any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use,

otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

In the course of evaluating compliance with these standards the city may refer various environmental issues to the environmental commission for review and comment.

Section 7.02. Landscaping, greenbelts and buffers, and screening.

(1) *Intent.* The intent of this section is to:

- A. Protect and preserve the appearance, character, and value of the community.
- B. Minimize noise, air, and visual pollution.
- C. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- D. Require buffering of residential areas from more intense land uses and public road rights-of-way.
- E. Prevent soil erosion and soil depletion and promote subsurface water retention.
- F. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- G. Encourage the integration of existing woodlands in landscape plans.
- H. Encourage the use of desirable native species of plants for all landscaping and to maximize the use of native plant species in landscaping all areas of a site, including but not limited to, foundation plantings, lawn areas, screening and greenbelt areas, and surface stormwater conveyance features.

Encouraging the use of native plants in this ordinance is based on the following:

- 1. Native plants are a necessary part of the proper functioning of natural ecosystems within the city and the county and perform tasks including, but not limited to, stormwater attenuation, uptake and purification, air purification, wildlife food and habitat, and community character and aesthetics; and
- 2. Landscaping with native plants encourages environmentally-sound maintenance practices by requiring little or no pesticide or fertilizer use, and minimal watering once plants are established, which, in turn, reduces the threat of environmental degradation.

(2) *Application of requirements.* These requirements shall apply to all uses for which site plan review is required under article 8, site plan review, of this ordinance and subdivision plat review as required under the subdivision control ordinance. No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

(3) *Landscape plan requirements.* A separate detailed landscape plan shall be required to be submitted to the city as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- A. Location, spacing, size, root type and descriptions for each plant type.
- B. Typical straight cross section including slope, height, and width of berms.
- C. Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.

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- D. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - E. Identification of existing trees and vegetative cover to be preserved.
 - F. Identification of grass and other ground cover and method of planting.
 - G. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

(4) *Screening between land uses.*

- A. Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.
- B. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the city. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade.

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this zoning ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the city may approve an alternate location of a wall. The city shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood. At the discretion of the planning commission, landscaping consisting of one tree and six shrubs per 20 linear feet may be required to break-up the blank expanse of the screening wall facing the adjacent land use.

(5) *Parking lot landscaping.*

- A. *Required landscaping within parking lots.* Separate landscape areas shall be provided within parking lots in accordance with the following requirements:
 - 1. There shall be a minimum of one tree for every eight parking spaces, provided that a landscape island shall be provided for no more than 16 continuous spaces.
 - 2. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than 50 s.f. in area.
 - 3. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.
 - 4. The city, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
- B. *Required landscaping at the perimeter of parking lots.* Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:

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1. Parking lots which are considered to be a conflicting land use as defined by this section shall meet the screening requirements set forth in section 7.02(4).
 2. Parking lots shall be screened from view with a solid wall at least three feet in height along the perimeter of those sides which are visible from a public road. The city, at its discretion, may approve alternative landscape plantings in lieu of a wall.
- (6) *Greenbelts.* A greenbelt shall be provided which is an area established at a depth of the required front yard setback within a zoning district and landscaped in accordance with the following requirements:
- A. The greenbelt shall be landscaped with a minimum of one tree for every 30 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of 2½ inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six feet.
 - B. If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two inches or greater.
 - C. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
 - D. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (7) *Site landscaping.* In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.
- (8) *Subdivision and site condominium landscaping.* Landscaping for single-family residential, office park and industrial park subdivisions and site condominiums shall be provided in accordance with the following requirements:
- A. *Street trees.* The frontage of all internal public or private streets shall be landscaped with a minimum of one tree for every 50 lineal feet, or fraction thereof. Such street trees shall meet the minimum size requirements set forth in section 7.02(10)(G).
 - B. *Screening between land uses.* Where a subdivision or site condominium contains uses which are defined as conflicting land uses by this section, the screening requirements set forth in section 7.02(4) shall be met.
 - C. *Screening from public roads.* Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in section 7.02(4) shall be met.
 - D. *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (9) *Screening of trash containers.*

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- A. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
 - B. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
 - C. Containers and enclosures shall be located away from public view insofar as possible.
 - D. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 - E. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
 - F. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
 - G. Screening and gates shall be of a durable construction.

(10) *Landscape elements.* The following minimum standards shall apply:

- A. *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to the county, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and / or inspections.
- B. *Composition.* A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- C. *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- D. *Existing trees.* The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
 - 1. Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.
 - 2. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the city, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the city.
 - 3. In the event that healthy trees which are used to meet the minimum requirements of this ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the city, the contractor shall replace them with trees which meet ordinance requirements.
- E. *Installation, maintenance, and completion.*
 - 1. All landscaping required by this ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee, as set forth in section 3.05, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

2. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound work man like manner, according to accepted planting and grading procedures.
 3. The owner of property required to be landscaped by this ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of this ordinance which become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
- F. *Prohibited plant species.* Installation of the following landscape material to satisfy landscape ordinance requirements shall be strictly prohibited. Installation and maintenance of the following landscape materials shall be prohibited in city rights of way. These plants are not native to the area, reproduce profusely and have potentially harmful effects on natural ecosystems.

Common Name	Scientific Name
Trees:	
Norway Maple	Acer platanoides
Amur Maple	Acer ginnala
Tree of Heaven	Ailanthus altissima
European Alder	Alnus glutinosa
White Poplar	Populus alba
Black Locust*	Robinia pseudocacia
Siberian Elm	Ulmus pumila

*A native species, but tends to be invasive.

Common Name	Scientific Name
Shrubs and vines:	
Porcelainberry	Ampelopsis brevipedunculata
Japanese Barberry	Berberis thunbergii
Common Barberry	Berberis vulgaris
Butterfly Bush	Budlia davidii
Oriental Bittersweet	Celastrus orbiculatus
Autumn Olive	Eleagnus umbellata
Russian Olive	Eleagnus angustifolia
Burningbush	Euonymus alatus
Wintercreeper	Euonymus fortunei
English Ivy	Hedra helix
Privet	Ligustrum vulgare
Japanese Honeysuckle	Lonicera japonica
Amur Honeysuckle	Lonicera maackii
Morrow Honeysuckle	Lonicera morrowi
Morrow Honeysuckle	Lonicera tatarica
Common Buckthorn	Rhamnus cathartica
Glossy Buckthorn	Rhamnus frangula
Multiflora Rose	Rosa multiflora
Japanese Spiraea	Spiraea japonica
Guelder Rose	Viburnum opulus var. opulus

Grasses and Grass-Like Plants:	
Chinese Silver Grass	Miscanthus sinensis
Giant Reed	Phragmites communis
Reed Canary Grass	Phalaris arundinacea
Flowers and Groundcovers:	
Garlic Mustard	Alliaria officinalis
Spotted Knapweed	Centaurea maculosa
Crown Vetch	Coronilla varia
Queen Ann's Lace	Daucus carota
Foxglove	Digitalis purpurea
Japanese Knotweed	Fallopia japonica
Dame's Rocket	Hesperis matronalis
Purple Loosestrife	Lythrum salicaria
Myrtle, or Periwinkle	Vinca minor

- G. *Minimum size and spacing requirements.* Where landscaping is required the following schedule sets forth minimum size requirements;

Section 7.02(10)G. Size and Spacing Requirements

The following shrubs are representative	Minimum Size Allowable				
	Height/Spread				
SHRUBS	6'	3'—4'	24"—36"	18"—24"	
Evergreen Shrubs:					
	Pyramidal Yew		✓		
	Hicks Yew				✓
	Brown and Wards Yew			✓	
	Alberta Spruce		✓		
	Chinensis Juniper Varieties			✓	
	Sabina Juniper				✓
	Mugho Pine				✓
	Horizontal Juniper Varieties				✓
	Boxwood				✓
	Euonymous varieties				✓
Deciduous Shrubs:					
	Honeysuckle			✓	
	Lilac			✓	
	Sumac			✓	
	Pyracantha				✓
	Weigela			✓	
	Flowering Quince			✓	
	Dogwood			✓	
	Viburnum varieties			✓	
	Spirea				✓
	Fragrant Sumac				✓

	Potentilla				✓
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The following trees are representative	Minimum Size Allowable				
	Height				Caliper
TREES	6'	3'— 4'	2.0"	2.5"	
Evergreen Trees:					
	Fir	✓			
	Spruce	✓			
	Pine	✓			
	Hemlock	✓			
	Douglas Fir	✓			
Narrow Evergreen Trees:					
	Red Cedar		✓		
	Arborvitae		✓		
	Juniper (selected varieties)		✓		
Large Deciduous Canopy Trees:					
	Oak				✓
	Maple				✓
	Beech				✓
	Linden				✓
	Ash				✓
	Ginko (male only)				✓
	Honeylocust (seedless, thornless)				✓
	Birch				✓
	Sycamore				✓
Small Deciduous Ornamental Trees:					
	Flowering Dogwood			✓	
	Flowering Cherry, Pear			✓	
	Hawthorn			✓	
	Redbud			✓	
	Magnolia			✓	
	Flowering Crabapple			✓	
	Serviceberry			✓	
	Hornbeam			✓	

(Ord. No. 700, §§ 1, 2, 3-19-07)

Section 7.03. Fences, walls and screens.

Any person desiring to build or cause to be built a fence upon property within the city of Saline shall first apply to the zoning or code inspector for a permit. Application for such permit shall contain all information, which is required and necessary for the determination of whether the erection of such fence complies with the provisions of this ordinance.

Except as otherwise required by this ordinance, the following regulations shall apply:

(1) *Location, setbacks, and height limits.*

A. *Location of fences.*

1. All fences shall be constructed entirely upon the property of the owner of the fence, unless the adjoining property owner(s) provide written consent otherwise.
2. Adjoining property owners may jointly apply for a permit to erect a fence upon a common property line.
3. Applicants for fence permits are advised to obtain a property survey to determine the location of lot lines along which a fence is to be erected. The city shall not be responsible for the location of the fence with respect to property lines.
4. Fences located along or within utility easements may be subject to approval by companies with existing utilities.

B. *Residential districts.*

1. Required rear and side yards: On all lots in a residential district, fences which are located in a required rear or side yard shall not exceed six feet in height, and shall not extend toward the front of the lot nearer than the front wall of the house or the required minimum front yard setback, whichever is greater.
2. Required front yards: On all lots in a residential district, fences which are located in the required front yard setback, or within a yard area between a street and the wall of the house facing the street, shall not exceed 36 inches in height. All front yard fences shall be ornamental in design and function and shall be setback a minimum of two feet from the adjacent property lines. Front yard fences must also meet the requirements for "clear vision" areas at intersections and driveways as identified in section 7.04 of this ordinance.
3. Exceptions for corner lots with a width of 90 feet or less: Fences for corner lots that have frontage on two public streets shall be allowed to encroach up to 40 percent into the required setback/frontage under the following conditions:
 - (a) The fence does not extend beyond the front line of the house.
 - (b) The fence does not negatively impact (obstruct) the view of adjoining properties.
 - (c) The fence does not violate section 7.04, clear vision requirements.
 - (d) The fence shall be ornamental in style and construction.
 - (e) The fence does not exceed five feet in height from the ground.

C. *Nonresidential districts.*

1. In all zoning districts other than residential districts and special planning area districts fences may be located within a required side or rear yard, subject to height and vision

clearance regulations of this ordinance, and subject to other provisions of this ordinance, including site plan approval.

2. In all commercial districts and professional business districts, fences in rear and side yards shall not exceed six feet in height.
 3. In all zoning districts other than residential, commercial or professional business districts, fences shall not exceed 12 feet in height.
- D. *Special planning area.* The location, type, and height of fences within a special planning area shall be approved by the planning commission at the time of final site plan approval, or through site plan amendment if requested after the site is developed.
- E. *Gateway fences.* Certain parcels of land adjoining "gateways" to the city. Front yard fencing or fence details may be required either by site plan approval or building permit review. "Gateway fences" shall meet the provisions of the "Gateway Strategic Plans" and as approved by the city.
- F. Fences on public lands and enclosing public utilities.
1. Fences which enclose public parks, playgrounds, public lands, and public buildings shall be permitted in any required yard in any zoning district, but shall not exceed the maximum height limits for fences permitted in their zoning district.
 2. Fences which enclose public utility installations shall not be permitted within a required side yard in any residential district, but may be permitted in any other zoning district, but shall not exceed the maximum height limits for fences permitted in their zoning districts unless otherwise permitted for safety and security reasons.
- G. *Height measurements.* The height of a fence shall be measured from the ground level at the lowest grade within three feet, of any side of a fence post, except that the height of a retaining wall, or a fence located on top of a retaining wall, shall be measured from the ground level at the higher side of the wall.
- H. *Kennel fences.* Kennel fences shall meet the requirements contained in section 6.14 of this ordinance.
- (2) *Safety.*
- A. In residential districts fences shall not have attached, fixed, or placed thereon, any spike, nail, barbed wire, or other pointed instrument or sharp protrusion.
 - B. Fences shall not contain any electrical charge.
 - C. Fence gates shall be designed, installed, and operated so they do not swing over or encroach upon any public R.O.W., public property, or adjoining private property.
- (3) *Temporary fences.*
- A. Temporary construction fences, and fences required for protection around excavations, shall comply with the local adopted codes.
 - B. Such fences shall not be retained in place for a period of more than one year unless approved by the planning commission and the city council, which shall set a date by which the temporary fence must be removed.
 - C. Temporary snow fences are permitted after approval has been granted by the city building and engineering department. There shall be no fee for this permit.
- (4) *Retaining walls.* For the purpose of location, retaining wall shall be considered fences and shall be subject to the provisions of this section if the wall extends more than one foot above the adjacent

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- ground level. Retaining walls shall meet the requirements of the local building code and be approved by the code official.
- (5) *Swimming pool fences.* All swimming pools fences shall meet the requirements of the local building code and be approved by the code official.
- (6) *Maintenance of fences.*
- A. Fences which face a public road shall be kept in good condition, i.e. peeling paint, leaning posts, and broken parts must be maintained and/or replaced.
 - B. Fences shall be maintained so as not to endanger life or property. Any fence which endangers life or property through lack of repair, type, or construction, or otherwise is hereby deemed a nuisance.
 - C. If unsafe condition exists in regard to fence, the zoning or code inspector or designee shall serve written notice to the owner, agent or person in control of property upon which fence is located. The notice shall describe the unsafe condition(s), shall specify the repairs or modifications required to make the fence safe, and/or shall require an unsafe fence or portions thereof to be removed. The notice shall provide a time limit for such repairs, modification, or removal.
 - D. Failure to make repairs or modifications or to remove the fence within the time limit specified in the notice shall constitute a violation of this ordinance and shall be punishable in accordance with the provisions of article 3, administration and enforcement.
- (7) *Permits and fees.*
- A. All persons requesting to construct a fence within any zoning district shall apply to the city zoning or code inspector for a permit for such construction.
 - B. Fees shall be established by city council.

Section 7.04. Clear vision requirements.

- (1) No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct visibility between the heights of 30 inches and ten feet above the sidewalk grade within 25 feet of the intersection of two or more streets as measured from the R.O.W. line.
- (2) On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of 30 inches and ten feet measured a distance of 20 feet back from the point where the driveway intersects the street R.O.W. line.

Section 7.05. Airborne emissions.

- (1) *Smoke and air contaminants.* It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities.
- (2) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this section are not intended to apply to farming activities.
- (3) *Gases.* The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

Section 7.06. Noise and vibration.

- (1) Noise which is objectionable as determined by the city due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted:

Octave Band in Cycles Per Second	Maximum Permitted Sound Level in Decibels	
	Along Residential District Boundaries	Along All Nonresidential District Boundaries
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1200	46	53
1200 to 2400	40	47
Above 2400	34	41

- (2) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the decibel readings above, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity and normal traffic activity on a public or private road shall also be exempt from this requirement.
- (3) No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:

Frequency in Cycles per Second	Vibration Displacement in Inches	
	Steady State	Impact
Less than 1	0.008	0.010
1 to 9.9	0.0008	0.0015
10 to 19.9	0.00044	0.00065
20 to 29.9	0.00033	0.0005
30 to 39.9	0.0002	0.0003
40 to 100	0.0001	0.00015
Greater than 100	Peak acceleration less than -1g	

- (4) Vibrations resulting from temporary construction activity and normal activity on a public or private road shall be exempt from the requirements of this section.

Section 7.07. Use, storage and handling of hazardous substance; storage and disposal of solid, liquid, and sanitary wastes.

- (1) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the city through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

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- (2) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits or approval from the appropriate federal, state or local authority having jurisdiction.
- (3) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a chemical survey on a form supplied by the city in conjunction with the following:
- A. Upon submission of a site plan.
 - B. Upon any change of use or occupancy of a structure or premise.
 - C. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (4) All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards:
- A. *Above-ground storage and use areas for hazardous substances.*
 - 1. Primary containment of hazardous substances shall be product-tight.
 - 2. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - 3. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - 4. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, and allowing for the expected accumulation of precipitation.
 - 5. At a minimum, state and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
 - 6. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used shall be designed and constructed to prevent discharge or runoff.
 - B. *Underground storage tanks.*
 - 1. Existing and new underground storage tanks shall be registered with the state department of environmental quality in accordance with federal and state requirements.
 - 2. Installation, operation and maintenance of underground tanks shall be in accordance with requirements of MDEQ.
 - 3. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the city fire department, the state fire marshal division and the MDEQ.
 - 4. At a minimum, state and federal agency requirements for storage and leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
- (5) *Loading and unloading areas.* Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

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- (6) All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the fire department, city engineer, environmental officer and any other appropriate experts determined necessary by the planning commission prior to approval by the planning commission.

Section 7.08. Electrical disturbance, electromagnetic, or radio frequency interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Section 7.09. Glare and exterior lighting.

(1) *Light and glare from indirect sources.*

- A. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- B. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- C. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(2) *Exterior lighting from direct sources.*

- A. Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
- B. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- C. The following additional standards shall apply:
 - 1. Only white, nonglare lighting such as metal halide, color-corrected high pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
 - 2. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.5 foot-candles at ground level along property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed one foot-candles at ground level along property lines. Maximum light levels shall not exceed 20 foot-candles in any given area measured at ground level.
 - 3. Except as noted below, lighting fixtures shall not exceed a height of 25 feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 20 feet.

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4. When site plan review is required a "photo-metric" plan shall be provided which includes all lighting, including ornamental lighting, in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, and traffic safety. Temporary holiday lighting and decoration are exempt from the aforementioned provision.

Section 7.10. Fire hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material according to local code. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 7.11. Safety.

Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, land fills, sanitary land fills, demolition sites, unused basements, abandoned wells or cisterns, and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare. Wells or cisterns shall be closed in accordance with section 38-200 of the City Code.

Section 7.12. Stormwater management.

All developments and earth changes subject to review under the requirements of this ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Lots and parcels with existing improvements must meet these requirements to the greatest extent possible, but due to size of lot or other existing factors, these regulations may be altered by the city planning commission upon showing of good cause.

Stormwater management shall comply with the following standards:

- A. The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with the standards of the county drain commissioner.
- B. Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
- C. The use of swales and vegetated buffer strips is encouraged in cases where the planning commission deems to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- D. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
- E. Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the state department of environmental quality and the county drain commissioner, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the city engineer, with consultation of appropriate experts.
- F. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

Section 7.13. Regulation of floodplain areas.

- (1) *Intent.* The floodplains of the city are subject to periodic inundation of floodwaters which result in loss of property, health, and safety hazards, disruption of commerce and governmental service, and impairment of tax base.

It is the purpose of this section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and redesignated at 44FR 31177, May 31, 1979.

The provisions of this section are intended to:

- A. Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
 - B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
 - C. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
 - D. Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding;
 - E. Permit reasonable economic use of property located within a designated floodplain area.
- (2) *Delineation of floodplain areas.*
- A. The boundaries of the floodplain areas are identified in the report entitled, the Flood Insurance Study, City of Saline, prepared by FEMA with an effective date of July 18, 1983, as may be revised from time to time. The study and accompanying maps are adopted by reference, are on file at the building engineering department and declared to be part of this ordinance.
- (3) *Application of regulations.*
- A. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this section and other requirements of this ordinance or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.
 - B. Upon application for land use permits, the zoning or code inspector shall determine whether said use is located within a designated floodplain area utilizing the documents cited in section 7.13(2). The issuance of a land use permit within the floodplain area shall comply with the following standards:
 - 1. The requirements of this section shall be met;
 - 2. The requirement of the underlying districts and all other applicable provisions of this ordinance shall be met; and
 - 3. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance

of a certificate of zoning compliance, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

C. *Floodplain management administrative duties.*

1. With regard to the national flood insurance program, and the regulation of development within the flood hazard area zone as prescribed in section 7.13(4), the duties of the zoning or code inspector shall include, but are not limited to:
 - (a) Notification to adjacent communities and the department of natural resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
 - (b) Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of floodproofed structures, the elevation to which the structure was floodproofed; and
 - (c) Recording of all certificates of floodproofing, and written notification to all applicants to whom variances are granted in flood hazard area zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
2. All records and maps pertaining to the national flood insurance program shall be maintained in the building and engineering department and shall be open for public inspection.
3. It shall be the responsibility of the zoning or code inspector to obtain and utilize the best available flood hazard data for purposes of administering the Ordinance in the absence of data from FEMA.

(4) *Floodplain standard and requirements.*

- A. The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
 1. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall:
 - (a) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - (b) Be constructed with materials and utility equipment resistant to flood damage;
 - (c) Be constructed by methods and practices that minimize flood damage.
 2. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
 3. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.
 4. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
 5. Adequate drainage shall be provided to reduce exposure to flood hazards.
 6. The code official shall review development proposals to determine compliance with the standards in this section.

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7. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this article.
 8. The flood carrying capacity of any altered or relocated watercourse not subject to state and federal regulations designed to insure flood carrying capacity shall be maintained.
 9. Available flood hazard data from federal, state, or other sources, shall be reasonably utilized in meeting the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.
- B. The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.
1. All new construction and substantial improvements of nonresidential structures shall have either:
 - (a) The lowest floor, including basement, elevated at least one foot above the base flood level;
 - (b) Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood in the location of the structure.
- C. Mobile home standards: The following general standards and requirements shall be applied to mobile homes located within flood plain areas:
1. Anchoring must meet HUD specifications, per rule 605.
 2. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the county sheriff department for mobile home parks and mobile home subdivisions.
 3. Mobile homes within zones A1-30 on the flood insurance rate map shall be located in accord with the following standards:
 - (a) All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - (b) Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
 - (c) In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.
 - (d) In mobile home parks and mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, the standards in the subparagraphs above shall be complied with.
- D. The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area.
1. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Department of Natural Resources that

the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.

2. The placement of mobile homes shall be prohibited.
3. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

(5) *Warning and disclaimer of liability.*

- A. The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
- B. These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the city or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made thereunder.

Section 7.14. Building/lot grades and drainage.

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A building grade line (sometimes referred to as the finish line) shall mean the elevation of the ground adjoining the building on all four sides. A first floor elevation shall mean the height which the first floor extends above the building grade. A sloping earth grade shall be maintained and established from the center of the front lot line to the finish grade line at the building front and from the rear wall of the building to the rear lot line. Lots and parcels with existing improvements must meet these requirements to the greatest extent possible, but due to the size of lot or other existing factors, these regulations may be altered by the city planning commission upon showing of good cause.

When a new building is being constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be referred to in determining the grade around the new building and the yard around the new building shall be graded in such manner as to prevent runoff of surface water flowing onto the adjacent properties. Grades shall be approved by the zoning or code inspector.

No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or retarded.

No building permit shall be issued for any principal building (excepting additions thereto) proposed in any zoning district until the building department has received and permanently filed a sworn statement from a registered engineer or architect licensed to do business in the state certifying that the building grade shown on the plans submitted, and set forth in said certificate, has been established in a manner which will assure compliance with all of the provisions of this section.

Section 7.15. Open space preservation.

- (1) Whenever the preservation of open space is required by this ordinance, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control; provided notice of such transfer is provided to the city and the land use continue as approved in the open space community plan.

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the city attorney, such as:

- A. Recorded deed restrictions.
 - B. Covenants that run perpetually with the land.
 - C. Conservation easements.
- (2) Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
- A. Indicate the proposed allowable use(s) of the dedicated open space.
 - B. Demonstrate to the satisfaction of the city that dedicated open space shall be maintained.
 - C. Provide standards for scheduled maintenance of the open space.
 - D. Provide for maintenance to be undertaken by the city in the event that the dedicated open space is inadequately maintained, or is determined by the city to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

Sec. 7.16. Industrial building appearance standards.

- (1) *Application of standards.* The requirements of this section shall apply in the I-1 and I-2 districts to the following:
- A. All new construction of principal buildings, additions to existing principal buildings, and new accessory buildings exceeding 1,000 square feet, subject to review and approval by the planning commission.
 - B. Reconstruction of existing buildings. The requirements of this section shall apply to the entire existing building if the reconstruction exceeds 50 percent of the original footprint.
 - C. The requirements of this section shall apply to existing buildings if an addition to an existing building exceeds 50 percent of the original footprint.
- (2) *Blank facades prohibited.* Building facades facing streets, public or private, shall either:
- A. Contain windows, or elements simulating windows, that occupy at least 20 percent of the wall area; or
 - B. Incorporate perpendicular building projections every 30 feet of building frontage. Such projections must be at least eight inches deep and 12 inches wide and extend the full height of the building. Grouping of projections for architectural effect may be considered so long as the intent of breaking up the mass of the building is achieved and the total number of projections equals or exceeds one per 30 feet of building frontage.
 - C. Utilizing both windows, or elements simulating windows, and building projections is encouraged. If both windows, or elements simulating windows, and projections are utilized, a reduction in the required area of windows and the number of projections may be considered so long as the intent of breaking up the mass of the building is achieved.
- (3) *Entrances defined.* The primary entrance to the building shall be well defined by a combination of architectural elements such as projecting roofs, porticos, windows, tile work, pavement, or hardscape. Multiple tenant buildings require entrance definition for each unit.
- (4) *Flat roofs screened.* Roofs with a pitch less than two vertical on 12 horizontal shall be screened by a parapet or other architectural means on frontages facing streets. Parapets, or other screening methods, shall extend 15 feet along the side walls of the building. Parapets shall be tall enough to conceal the roof peak on roofs where the gable end faces the street. Otherwise parapets shall be a minimum of three feet tall.

(5) *Mechanical units screened.*

- A. Rooftop mechanical units and similar roof protrusions on lower secondary roofs shall be screened on all sides. Screening shall be of the same materials as the building. Units shall be grouped and the screening incorporated into the architecture of the building wherever possible. Screening shall be the same height as the equipment being screened. Mechanical units on the highest roof level do not require screening.
- B. Ground mounted mechanical units, utility meters, and transformers are prohibited adjacent to the front building facade. Ground mounted mechanical units, utility meters, and transformers located in side yards shall be screened from view from the front and side. Units shall be grouped and the screening incorporated into the architecture of the building wherever possible. Screening shall be the same height as the equipment being screened.

(6) *Exterior wall materials.*

- A. All buildings shall be constructed with finished wall materials selected from table 1. The maximum permitted area of exterior wall materials shall be regulated by table 1. Each wall may be finished in a material up to its maximum permitted area.
- B. Materials not listed in table 1 and their maximum permissible area may be considered during site plan review.
- C. EIFS, plaster, stucco, and metal shall not be used where contact with vehicles may occur.
- D. For the purposes of this subsection and table 1, the front side of a building is that side which is most parallel to the adjacent right-of-way. A building on a corner lot has two front sides. A building on an irregularly shaped lot shall have the side most visible from the right of way designated on the site plan as the front side.

- (7) *Final site plan requirements.* Final site plans for buildings subject to the requirements of this section shall include elevation drawings of each building face, a color rendering of the front facade, calculations of wall material area, and a narrative description of how requirements (2) through (6) are satisfied.

Table 1

Material	Maximum permitted area per side (%)		
	Front	Sides	Rear
Brick, clay	100	100	100
Brick, concrete (C-Brick)	90	90	100
Ceramic or glazed block	60	80	100
Split face block*	80	100	100
Natural stone	100	100	100
Manmade stone	75	100	100
Precast concrete	25	40	50
Cast in place concrete	10	20	20
EIFS, plaster, stucco	50	75	75
Tinted or reflective glass	75	75	75
Glass block	50	50	50
Metal, ribbed or seamed	25	70	80

Metal, flat	15	25	25
Wood, natural or simulated	25	25	25
Burnished block	10	20	30
Flat block	0	10	30

*All concrete masonry units with a textured face shall be counted in this category. Textured faces include split, scored, fluted, castle, ribbed, stone, or rock etc.

(Ord. No. 715, § 1, 6-2-08)

ARTICLE 8. SITE PLAN REVIEW

Section 8.01. Intent.

This section is intended to require site plan approval for certain buildings, structures, and uses to meet the standards specified herein. It is further the purpose of this section to delegate site plan review authority to the city planning commission. Site plan review is required in order to achieve the general objectives of the land use plan and the objectives and standards of this ordinance, and to secure proper relationship between parking areas, access drives, public streets, landscaping, building site and adjacent properties. Prior to the issuance of building permits or commencement of construction for new structures and for additions that expand floor area, site plan review and approval is required in accordance with the procedures contained in this article.

Section 8.02. Where required and administrative review.

(1) *Where site plan review is required.*

- A. Site plan review is required for all proposed uses and structures and certain existing uses and structures within the city where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure or use.
- B. Site plan review shall not be required for proposed single-family dwellings, or residential accessory buildings.
- C. A use of land permitted in any commercial or industrial zoning district, which does not involve a building, such as but not limited to, storage of wrecked vehicles, tent sales, outdoor sales, and outdoor displays.
- D. Parking lot in any district containing five or more parking spaces.
- E. All special land uses which require approval by the city planning commission and/or the city council. Site plan approval of all special land uses in residential districts shall be obtained prior to the approval of such special land uses.
- F. The zoning or code inspector shall not issue a building permit for construction of, or addition to, any of the above-listed buildings or structures until a final site plan thereof has been approved by the city planning commission and is in effect. No use not involving a building or structure, as above listed, shall be commenced or expanded, nor shall the zoning or code inspector issue an occupancy permit for such use, until a final site plan has been approved by the city planning commission and is in effect.

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- G. No grading, removal of trees or other vegetation, earthwork or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this article.
 - H. Exceptions to site plan review may be permitted in accordance with subsection 8.02(2), Administrative review.
- (2) *Administrative review.* The zoning official may review a site plan without submission to the planning commission, subject to all of the criteria, requirements, and standards set forth in the zoning code, this article, and the following standards. Even if the proposed project meets the standards for administrative review the zoning official may make a determination based on the complexity of the proposed development that it be reviewed and approved by the city planning commission under normal site plan review procedures:
- A. The zoning official may review and consider approval, conditional approval, or denial of site plans without submission to the planning commission in the following cases:
 - 1. Expansion or reduction to an existing conforming structure or use of 1,000 square feet or less, or five percent of the floor area of the structure, whichever total floor area is less. For example, a building of less than 20,000 square feet is limited to a five percent expansion of structure or use for administrative review. A building of 20,000 square feet or more is limited to a 1,000 square foot expansion of structure or use for administrative review.
 - 2. Accessory buildings or structures which are 500 square feet or less.
 - 3. Provision for additional parking, loading/unloading spaces, and landscape improvements as required by ordinance.
 - 4. Installation of landscaping such as trees, berms, fences, boulders, decorative lighting, or other materials.
 - 5. Installation of patios, pools, fountains, kiosks, benches, or similar fixtures.
 - 6. Building façade improvements that adhere to appearance standards for the zoning district.
 - 7. Maintenance or improvements to storm water management systems, after review and approval by the city storm water operator.
 - B. Administrative review shall be in accordance with section 3.03, Certificate of zoning ordinance compliance, and require all information noted therein.
 - C. The zoning official shall consider the criteria set forth in section 8.05 in the review of the site plans submitted under this section.

(Ord. No. 745, § 1, 10-1-12)

Section 8.03. Preliminary site plan.

- (1) *Application.* Any person may file a request for preliminary site plan approval by filing with the city clerk the completed preliminary site plan application, and supportive information as set forth in the land use application packet. Payment of fees shall be required along with the submission of a preliminary plan. Upon receipt, the application shall be processed in accordance with the procedure set forth in the land use application packet.
- (2) *Planning commission action.* The planning commission shall study the plan, and within a reasonable time following the date of the public hearing, shall approve with conditions, postpone, or disapprove the preliminary site plan. The planning commission shall set forth the reason for its action in the record of the meeting at which action is taken, where a plan is approved with conditions, postponed, or disapproved.

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- (3) *Effect of approval.* Approval of a preliminary site plan by the planning commission shall indicate its acceptance of the proposed layout of buildings, streets or drives, parking areas, and other facilities, and of the general character of the proposed development. The planning commission may, at its discretion, and with appropriate conditions attached, authorize issuance of permits after review and approval by the building and zoning or code inspector for grading and foundation work on the basis of the approved preliminary site plan. Approval of a preliminary site plan shall be valid for a period of 180 days from the approval date and shall expire and be of no effect unless an application for final site plan approval is filed with the city clerk or an extension of preliminary approval is requested and granted within that time period.

Section 8.04. Final site plan.

- (1) *Application.* Following approval of the preliminary site plan, the applicant shall submit the proposed final site plan as well as the other data, exhibits and information hereinafter required, review fee, and completed application forms as set forth in the land use application packet. Upon receipt of the application, the final site plan drawing(s) shall be processed in accordance with the procedure set forth in the land use application packet.
- (2) *Planning commission action.* The planning commission shall study the plan and shall, within a reasonable time following the public hearing, approve or disapprove the final site plan.
- (3) *Effect of approval.* Approval of a final site plan authorizes owner or applicant to apply for a building permit or, in the case of uses without buildings, issuance of an occupancy permit. Approval shall be valid for a period of 365 days from the date of approval by the planning commission and shall expire and be of no effect unless a building permit is applied for and granted within that time period. Approval shall also expire and be of no effect 365 days after issuance of a building permit based on the approved final site plan unless construction has commenced and has been diligently pursued within that time period.
- (4) *Extension.* Notwithstanding the foregoing, upon written request prior to expiration of the approval, an extension of up to one year may be granted for a final site plan review approval if the planning commission finds that the extension is warranted due to circumstances beyond the control of the applicant.

(Ord. No. 828 , § 1, 6-7-21)

Section 8.05. Standards for site plan review.

The planning commission shall review the preliminary and final site plan and approve with conditions, or deny the application based on the purposes, objectives and requirements of the city ordinances, and standard specifications, and specifically, the following considerations, when applicable:

- (1) The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, and size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the City Code.
- (2) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets; and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points. A traffic impact study shall be performed by the applicant, when required as determined by city staff. In addition, the requirements of article 14, access management, must be provided for lands with frontage along US-12 and along the adjacent streets within 100 feet of the US-12 right-of-way.

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- (3) The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible, and in accordance with the City Code, chapter 74, and the most recent revision of the city standard specifications for construction.
 - (4) 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 zoning ordinance together with any special provisions established by the city.
 - (5) Appropriate measures shall be taken to ensure that the proposed drainage plan will not adversely affect any neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, prevent soil erosion, and control the formation of dust. A stormwater detention/retention plan shall be designed in accordance with the "Washtenaw County Drain Commissioner - Rules for Subdivision Drainage," together with any special provisions established by the city.
 - (6) All buildings or groups of buildings shall be designed in accordance with building codes adopted by the city, and arranged so as to permit necessary emergency vehicle access as required by the public safety director. Security lighting and devices shall be provided in accordance with City Code sections 18-40 and 18-41.
 - (7) All loading and unloading areas, and outside storage areas, if allowed, including refuse storage containers, shall be screened in accordance with the city zoning ordinance, section 13.06 and shall be screened from view of the street and adjoining properties.
 - (8) Exterior lighting shall be designed and arranged so that it does not glare onto adjacent residential properties or adjacent streets in accordance with section 7.09 of the zoning ordinance.
 - (9) Off-street parking and loading areas shall be provided in accordance with zoning ordinance, article 13, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
 - (10) All developments shall adhere to the general purposes and spirit of the City Codes and ordinances.
 - (11) Historically significant properties as identified in the land use application packet adopted by the planning commission shall be reviewed by the city historic district commission. The planning commission shall consider the findings and recommendations of the historic district commission during their deliberations.

Section 8.06. Combining preliminary and final site plans.

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the planning commission. The planning commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site or the proposed development so warrant. The fees for separate preliminary and final site plan shall then be required.

Section 8.07. Changes to site plans.

All improvements shall conform to the approved final site plan. If the applicant decides to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the city will approve the change(s). It shall be the responsibility of the applicant to notify the zoning or code inspector and the city planning commission of any such changes. The zoning or code inspector or planning

commission may require the applicant to correct the changes so as to conform to the approved final site plan. Any changes which result in a material alteration of the site plan approved by the planning commission shall require resubmittal to the planning commission. A material change shall be any change which is considered to alter the function and use of any of the site elements or have an affect on the standards for review as were intended for the development. If it is determined that a site plan amendment is required all work on site shall stop until the site plan amendment is reviewed and approved by the planning commission.

Section 8.08. Amendment of approved site plan.

A site plan may be amended by the planning commission upon application and in accordance with the procedure provided for a preliminary site plan, and for a final site plan. Minor changes in a preliminary site plan may be incorporated in the final site plan(s) without formal amendment to the approved preliminary site plan, at the discretion of the planning commission. The planning commission shall have the authority to determine if a proposed change in a site plan requires an amendment to the approved site plan.

Section 8.09. Fees.

Fees for the review of site plans and inspections, as required in this section, shall be established, and may be amended by resolution of the city council.

Section 8.10. Phasing of development.

The applicant may, at his discretion, 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 for each phase shall be submitted for approval. All phases as shown on the approved preliminary site plan shall be valid for a period of 365 days unless the applicant has worked toward completion of the entire project.

Section 8.11. Performance guarantees.

The applicant shall deposit a cash bond, irrevocable letter of credit, or other surety as approved by the city, with the city treasurer after a building permit has been issued but prior to issuance of an occupancy permit for any site improvements contained in the approved final site plan, such as, but not limited to, streets or drives, parking lots, grading, landscaping, or screens, but which are not installed or provided at the time an occupancy permit is requested. The amount of such security shall be determined by the zoning or code inspector based upon his estimate of the cost of the work to be completed plus a contingency fee to cover administrative and unexpected expenses. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the city council shall have the authority to have such work completed, and shall reimburse itself for the costs of such work by appropriating funds from the bond. Any unused portion of the bond remaining after final inspection of the site and its approval by the zoning or code inspector in relation to the approved final site plan shall be refunded to the applicant by the city treasurer. In addition to the above security or in place therefore, the zoning or code inspector may refuse to issue an occupancy permit in order to achieve compliance with the approved final site plan. In such case, the occupancy permit shall be issued upon compliance with the approved final site plan or when adequate security is provided to guarantee compliance following occupancy.

Section 8.12. Inspection.

The city zoning or code inspector or other designated inspector shall be responsible for inspecting all improvements for conformance to the approved final site plan. All subgrade improvements, such as utilities, subbase and base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections. The zoning or code inspector shall notify the city council and city planning commission, in writing, of any development for which a final site plan was approved which compliance cannot be obtained by administrative action by the zoning or code inspector, and shall advise the city council and planning commission of steps taken to achieve compliance pursuant to section 8.13 below. In such case, the zoning or code inspector shall periodically notify the city council and planning commission of progress towards compliance with the approved final site plan, and when compliance is achieved.

Section 8.13. Violations.

The approved final site plan shall regulate development of the premises. Any violation of this section, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this ordinance as provided in article 3 herein, and shall be subject to the penalties therein.

Section 8.14. Community unit plan.

In the case of a community unit plan, as provided in article 10, herein, the planning commission shall review the preliminary site plan of the proposed community unit plan and shall recommend to the city council, in a written report, action on same. The planning commission's report shall contain findings as required in this section and in article 10, herein. Following city council approval of the community unit plan and the preliminary site plan upon which it is based, review and approval of a final site plan for all, or any portion, of the site included in the community unit plan shall be the responsibility of the planning commission, and shall be reviewed by the planning commission as provided in this section.

ARTICLE 9. SPECIAL LAND USES

Section 9.01. Intent.

It is the intent of this section to set forth procedures and standards for special land uses that are required by this ordinance including those listed in section 4.04 of this ordinance.

Section 9.02. Application.

Applications for special land use permits authorized by this ordinance shall be submitted to the zoning or code inspector on a form provided by the city. In addition to a complete application form, the applicant is required to submit a preliminary site plan prepared in accordance with section 9.03. Incomplete submittals shall not be accepted by the city clerk.

Section 9.03. Preliminary site plan.

Preliminary site plan review shall be required in conjunction with all applications for special land uses. An applicant shall submit a request for preliminary site plan review by filing with the city clerk completed forms,

payment of the review fee, and the minimum of copies of the preliminary site plan drawing(s) as set forth in the land use application packet.

Approval of a preliminary site plan by the city shall only be valid if approved in conjunction with approval of a special land use and shall indicate general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. Following approval of a special land use and preliminary site plan, the applicant shall be required to submit a final site plan in accordance with article 8.

Section 9.04. Procedures.

- (1) Special land use permits may be granted by the city council, upon a recommendation from the planning commission, at its discretion.
- (2) The zoning or code inspector or his/her designee shall review the proposed application and preliminary site plan to determine if all required information has been supplied, and forward the completed application, preliminary site plan, and supporting data to the planning commission for a recommendation.
- (3) At the next available meeting, the planning commission shall review the special land use application and make a recommendation to either approve, approve with conditions, postpone or deny the proposed special land use.
- (4) Upon receipt of a recommendation by the planning commission, a public hearing shall be scheduled for city council. Prior to the public hearing, one notice that such a request has been received shall be published in at least one newspaper of general circulation within the city. In addition, a certified notice shall be sent or personally delivered to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. 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 individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, 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.

The notice shall be given not less than 15 days before the date of the public hearing. The notice shall:

- (a) Describe the nature of the special land use request;
 - (b) Indicate the property which is the subject of the special land use request;
 - (c) State when and where the special land use request will be considered;
 - (d) Indicate when and where written comments will be received concerning the request;
 - (e) Indicate that a public hearing on the special land use has been scheduled at the initiative of city council.
- (5) After notice, and after a public hearing is held, the city council may approve, approve with conditions, or deny a request for a special land use. The decision of the city council shall be incorporated in a statement of conclusions relative to the special land use under consideration. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.

The city council may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed.

(Ord. No. 719, § 1, 5-4-09)

Section 9.05. Basis of determinations.

The city council and planning commission shall review the proposed special use in terms of any specific standards stated within this ordinance and shall establish that such use and the proposed location:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the master plan.
- (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- (3) Will not be hazardous or disturbing to existing abutting and nearby uses or uses reasonably anticipated in the future.
- (4) Will be an improvement in relation to property in the immediate vicinity and to the city as a whole.
- (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the city.
- (7) Will be consistent with the intent and purposes of this ordinance, and comply with all specific standards which are established for said use by this ordinance.

Section 9.06. Duration, voiding and extensions of permit.

Unless otherwise specified by the city council, any special land use permit granted under this section shall be null and void unless the development proposed shall have its first building inspection within one year from the date of the granting of the permit. The zoning or code inspector or his/her designee shall give notice by certified mail to the holder of a permit before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the city council. The city council may grant an extension thereof for good cause for a period not to exceed one year.

The zoning or code inspector may suspend or revoke a permit issued under the provisions of this ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this ordinance or of any other ordinances or regulations of the city.

Section 9.07. Reapplication.

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the city council.

ARTICLE 10. PUD—PLANNED UNIT DEVELOPMENT²

Section 10.01. Intent.

The PUD district is intended to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities particularly suited to the needs of residents.

(Ord. No. 785 , 7-11-16)

Section 10.02. General provisions.

- (a) *Where permitted.* A PUD which includes only residential and accessory recreational uses may be applied for in any zoning district. A PUD which is either exclusively nonresidential or includes a mix of residential and nonresidential uses may be applied for in any zoning district which has access to the city sewer service area.
- (b) *Uses permitted.* Any land use authorized in this chapter may be included in a PUD, subject to the limitations of nonresidential and mixed use developments to the city sewer service area and the adequate protection of public health, safety, and welfare to protect and ensure the compatibility of varied land uses both within and outside the development.
- (c) *Qualifications of subject parcel.* The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
 - (1) The intent of section 10.01 is met.
 - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
 - (3) The proposed development shall be consistent with the public health, safety, and welfare of the city.
 - (4) The proposed development shall minimize any negative environmental impact of the subject site or surrounding land in comparison to a conventional development in conformance with current city standards.
 - (5) The proposed development shall minimize any negative impact upon surrounding properties in comparison to a conventional development in conformance with current city standards.
 - (6) The proposed development shall be consistent with the goals and policies of the city master plan.

(Ord. No. 785 , 7-11-16)

²Editor's note(s)—Ord. No. 785 , adopted July 10, 2016, repealed the former Art. 10, §§ 10.01—10.08, and enacted a new Art. 10 as set out herein. The former Art. 10 pertained to CUP—Community unit development and derived from Ord. No. 661, adopted June 16, 2003.

Section 10.03. Design considerations.

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- (1) Perimeter setbacks.
- (2) Street drainage and utility design with respect to location, availability, ownership and compatibility.
- (3) Underground installation of utilities.
- (4) Installation of separate pedestrian ways apart from vehicular streets and ways.
- (5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
- (6) Noise reduction and visual screening mechanisms from adjoining residential uses.
- (7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (8) Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties or uses.
- (9) Screening and buffering with the respect to dimensions and character.
- (10) Yard areas and other open space.
- (11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.

The preservation of natural resources and natural features.

(Ord. No. 785 , 7-11-16)

Section 10.04. Project densities.

(a) *Residential density.*

- (1) The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district or master plan future land use designation. However, a variable density bonus of up to 25 percent may be allowed at the discretion of the city council, upon recommendation of the planning commission. Projects qualifying for a density bonus shall include no less than two of the following elements:
 - a. A high level of clustered development, where at least 40 percent of the PUD is common usable open space or remains in an undeveloped state.
 - b. Providing perimeter transition areas or greenbelts around all sides of the development that are at least 100 feet in depth.
 - c. The proposed plan is designed to enhance surface water quality and ground water quality by addressing at least two stormwater best management practices (BMPs) as outlined by the Washtenaw County Water Resource Commission.
 - d. Provisions and design that preserve natural features.

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- e. Donation or contribution of land or amenities.
 - (2) To establish bonus density, the application shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying to all city regulations.
 - (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow denser development in an earlier phase, while ensuring appropriate overall density.
- (b) *Mixed-use project density.* For projects which contain a residential component, density shall be based upon the current city master plan, existing and planned residential densities in the surrounding area, the availability of utilities and the natural features and resource of the subject parcel.
- (c) *Nonresidential component.* A PUD may incorporate a nonresidential component into an exclusively residential development, provided that all of the following are met:
- (1) The nonresidential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the nonresidential land uses may not exceed ten percent of the gross area of the development.
 - (2) All nonresidential uses shall be compatible with the residential area.
 - (3) The planning commission finds that the architectural design of the structure(s) is compatible with the balance of the development.
 - (4) All nonresidential structures are connected to a pedestrian access system servicing the project.
- All parking and loading areas serving the nonresidential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the planning commission may allow up to 25 percent of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten feet on center.

(Ord. No. 785 , 7-11-16)

Section 10.05. Design standards.

- (a) *Open space preservation.*
- (1) When completed, the PUD shall have significant areas, but not less than 40 percent of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. 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.
 - (2) In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following:
 - a. Provide areas for active recreation;
 - b. Provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths;

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- c. Provide natural greenbelts along roadways to preserve the rural character as viewed from roads; and
 - d. Preserve an existing natural buffer from adjacent land uses where appropriate.
- (3) Areas not considered open space. The following land areas are not considered as open space for the purposes of this article:
- a. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
 - 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 stormwater detention or retention pond. Stormwater detention ponds developed in a naturalized fashion that meets the best management practices (BMP's) of the Washtenaw County Water Resources Commission (WCWRC) shall be included in open space.
 - d. The required front yard greenbelt. Side and rear yards may be included in the open space calculation.
- (4) Maintenance.
- a. No PUD shall be approved by the city council until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreation facilities located within the development plan have been reviewed by the city attorney.
 - b. The city shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the city council and the city attorney, with the documentation utilized for such purpose to be in a form approved by the city attorney. Any costs associated with enforcement can be assessed to the property owner.
- (b) *Setbacks.* All regulations applicable to front, side and rear yard setbacks shall be met in relation to each respective land use in the development based upon zoning district regulations in which the proposed use is listed as a permitted principal or conditional use.
- (c) *Buffering from adjacent property.* There shall be a perimeter setback and buffering of a minimum of 100 feet, taking into consideration the use or uses in and adjacent to the development. The city council, upon a recommendation of the planning commission, may reduce the perimeter setback and buffering in cases where the density of the proposed development is compatible with adjacent uses and/or natural features including, but not limited to woodlands and topographical features that provide adequate buffering to protect adjacent uses.
- If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms including, but not limited to landscaping, berms and/or decorative walls.
- (d) *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.
 - (2) 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.

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- (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the natural features of the site. The city may require construction of a pathway of up to eight feet in width and constructed of concrete or asphalt in accordance with the city's non-motorized future improvement map of the master plan.
 - (4) Locations for school bus stops shall also be provided on the site plan.
 - (e) *Utilities.* There shall be underground installation of utilities, including electricity and telephone. Overhead utilities shall be prohibited.
 - (f) *Stormwater drainage/erosion control.* All stormwater drainage and erosion control plans shall meet the standards adopted by the city for design and construction pursuant to section 7.12. Stormwater management.
- (Ord. No. 785 , 7-11-16)

Section 10.06. Application and processing procedures.

- (a) *Effects.* The granting of a PUD application shall require an amendment of the Zoning Ordinance and the zoning map constituting a part of this ordinance. An approval granted under this article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.
- (b) *Concept review meeting.* Prior to the submission of an application for PUD, the applicant shall meet with zoning administrator, a member of the planning commission, and such consultants or staff as deemed appropriate. Additional concept review meetings may be requested by the applicant or city representatives. The applicant shall present at such meeting, or meetings, a sketch plan of the PUD, and the following information:
 - (1) A legal description of the property in question.
 - (2) The total number of acres to be included in the project.
 - (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - (4) The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - (5) Departures from the regulations of the ordinance which may be requested.
 - (6) The number of acres to be preserved as open space or recreation space.
 - (7) All known natural resources and natural features.
 - (8) The location of all existing and proposed water and sewage treatment systems serving the property.
- (c) *Preliminary PUD plan application—Submission and content.* Following the above meeting or meetings, 16 copies of the application and all required materials for preliminary PUD plan shall be submitted. The submission shall be made to the city clerk for distribution to the zoning administrator and applicable reviewing parties and agencies. The 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) Date, north arrow, and scale which shall not be more than 1" = 100'.
 - (2) Locational sketch of site in relation to surrounding area.
 - (3) Legal description of property including common street address and tax identification number.

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- (4) Size of parcel.
 - (5) All lot or property lines with dimensions.
 - (6) General location of all buildings within 100 feet of the property lines.
 - (7) General location and size of all existing structures on the site.
 - (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within 5,000 square feet or five percent, whichever is smaller of whatever is constructed.
 - (9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
 - (10) General size and location of all areas devoted to open space.
 - (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
 - (13) Generalized topographical information including contours and/or spot elevations which illustrate drainage patterns.
 - (14) Preliminary phasing lines of PUD if applicable.
 - (15) 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 objectives of the PUD District pursuant to section 10.02(c).
 - d. A statement from a registered professional 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) *Planning commission review and recommendation—Preliminary PUD plan.* The planning commission shall review the preliminary PUD plan according to the provisions of sections 10.02 through 10.05. Following the public hearing, the planning commission 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 PUD meets the intent of the PUD district and the following standards.
- (1) In relation to 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 city 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) 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 ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the zoning administrator.
- (e) *Public hearing—Planning commission.* The planning commission shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act.

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- (f) *City council review and determination—Preliminary PUD plan.* 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 as contained herein.
- (g) *Effect of approval—Preliminary PUD plan.* 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 site plan stage. The application for final PUD consideration shall be submitted within 12 months of receiving preliminary PUD approval or the preliminary PUD application shall be considered null and void.
- (h) *Contents of the final PUD plan.* Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the zoning administrator. The 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 along with the following information and any information specifically requested by the planning commission in its review of the preliminary PUD plan:
- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 - (2) Proposed grading plan.
 - (3) Proposed landscaping including type, number and size of trees and shrubs.
 - (4) Location of signs and exterior lighting.
 - (5) Location of sidewalk, foot paths, or other pedestrian walkways.
 - (6) Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
 - (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 - (8) Proposed phases of project and projected timetable.
 - (9) All information contained in section 8.05. of this ordinance.
- (i) *Planning commission review and recommendation—Final PUD plan and rezoning.* After receiving approval of the preliminary PUD plan from the city, the planning commission shall review the final PUD 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 PUD still meets the intent of the PUD district along with all development standards outlined in sections 10.02 through 10.05.
- (j) *City council review and determination—Final PUD plan and rezoning.* After receiving the recommendation of the planning commission and considering the comments from the public hearing, 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) *Effect of approval—Final PUD plan and rezoning.* 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 specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. 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) Date of approval of the final PUD plan by the city council.
 - (2) Legal description of the property.

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- (3) Legal description of the required green space along with a plan stating how this green 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 thereto is duly approved by the city upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

(Ord. No. 785 , 7-11-16)

Section 10.07. 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 C standards or policies as a guide.
- (b) Notwithstanding the immediately preceding standards, 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 project plan for the purpose of achieving the objectives of this article.

(Ord. No. 785 , 7-11-16)

Section 10.08. Conditions.

- (a) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- (b) Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, 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 a part of the record of the approved planned unit development.
- (c) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the city council and the landowner. The city shall maintain a record of conditions which are changed.

(Ord. No. 785 , 7-11-16)

Section 10.09. Phasing and commencement of construction.

- (a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the

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residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the city council after recommendation from the planning commission.

- (b) *Commencement and completion of construction.* Construction shall be commenced within one year following final plan approval of a PUD 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 PUD plan shall expire and be null and void, provided, an extension for a specified 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. Moreover, in the event a 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 application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(Ord. No. 785 , 7-11-16)

Section 10.10. Performance guarantees.

The planning commission may require a performance bond or similar guarantee in accordance with section 3.05 in order to ensure completion of the required improvements.

(Ord. No. 785 , 7-11-16)

Section 10.11. Modifications to an approved PUD plan.

A developer may request a change to an approved preliminary PUD plan, or an approved final PUD plan. A change in an approved preliminary PUD plan or change in an approved final PUD plan which results in a major change, as defined in this section, shall require an amendment to the preliminary PUD and final PUD plan. All amendment shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this section shall require a revision to the approved final PUD site plans and approval by the city council following review by the planning commission.

- (a) The following changes shall be considered major:
- (1) Change in the concept of the development;
 - (2) Change in use or character of the development;
 - (3) Change in the type of dwelling unit;
 - (4) Change in the number of dwelling units (density);
 - (5) Change in nonresidential floor area;
 - (6) Change in lot coverage or floor area ratio of the entire PUD;
 - (7) Change in the character or function of any street;
 - (8) Change in land area set aside for common space or the relocation of such areas; and
 - (9) Change in building height.
- (b) The following changes shall be considered minor:
- (1) A change in residential floor space;

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- (2) Minor variations in layout which do not constitute major changes.
 - (c) The planning commission shall have the 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 as to any requested change.

(Ord. No. 785 , 7-11-16)

ARTICLE 11. SPA SPECIAL PLANNING AREA LAND USE ZONE DISTRICT

The purpose of the article is to establish a process whereby the planning commission may initiate proceedings to regulate property in areas throughout the city that have unique environmental, historic, architectural, or other features which require special conditions not provided through the application of standard zone regulations. It is recognized that in certain circumstances it may be desirable to provide a greater range of mixture of uses in an area than would be permitted in the standard land use zones of article 4 of this Code. This article provides the method for the city to guide the development of such areas so as to preserve such unique characteristics or provide for a broader mixture of land uses when appropriate.

Section 11.01. Designation.

The abbreviation SPA appearing on a comprehensive zone plan incorporated in appendix A, article 4, section 4.02 of the Code indicates that the property so classified is subject to the provisions of the article and an ordinance adopted pursuant to this article.

Section 11.02. Initiation of zone.

The planning commission may initiate proceedings to place parcels within the SPA land use zone, provided that said planning commission has made the findings set forth in section 11.04.

Section 11.03. Mandatory contents of SPA ordinance.

An SPA zone shall be established by ordinance, and provisions shall be included in each SPA ordinance for the following matters:

- A. Legal description of property covered by the ordinance.
- B. Statement of intent for establishment of an SPA land use zone on the particular property.
- C. A list of permitted uses.
- D. A list of prohibited uses.
- E. Performance and development requirements relating to setbacks, lot area, building heights, intensity of development on each lot, parking, and signs.
- F. Other design standards appropriate for the specific site and development.

Section 11.04. Additional permissive contents of SPA ordinance.

The following provisions are permissive and are not intended to be an exclusive list of the provisions which may be included in an SPA ordinance.

- A. The area included within the SPA zone has one or more unusual environmental, historic, architectural, or other specified significant features which justify the adoption of the SPA zone.

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- B. That the said unusual features cannot adequately be protected by the adoption of any other land use zone.
 - C. That the SPA zone is of sufficient size that the adoption of the regulations contained therein will not constitute the granting of a special privilege or deprivation of property rights.
 - D. That the SPA zone will provide for a reasonable use of the land and not cause undue hardship on property owners within the zone.

Section 11.05. Application for amendment to the SPA land use zone.

The procedures amending an SPA land use zone adopted pursuant to this article shall be the same as for any amendment to the zoning ordinance, as set forth in article 16.

ARTICLE 11a. SPA-1 EAST MICHIGAN DEVELOPMENT ZONE DISTRICT

Section 11a.01. Intent.

The city planning commission, in adopting this special planning area ordinance, intends to encourage development on the property described in exhibit A which will accomplish the following objectives:

- (1) Protect the natural runoff patterns, wetlands and rolling landform, to prevent disruption of natural drainage, and minimize storm runoff loads.
- (2) Preserve existing trees and natural vegetation.
- (3) Reduce curb cuts and street intersections on East Michigan Avenue to maintain adequate traffic flow and increase safety, by reducing turning movements.
- (4) Cluster development to reduce street length and utility runs and organize circulation.
- (5) Reduce sign clutter.
- (6) Limit commercial development to that which will supplement, but not replace, downtown commercial uses, to maintain economic balance in the community.
- (7) Encourage mixed land use to maintain and extend the image and quality of life of the city.

Section 11a.02. Property included.

The properties described in exhibit A, located in section 31 and part of section 30, Pittsfield Township, are included in this SPA. SPA-1 includes all property in the described area that is within the city limits and all property within the described area which may at some time be annexed to the city. The annexed land shall be zoned SPA-1 effective as of the date of annexation. The SPA-1 district is shown on the following map. (Exhibit A)

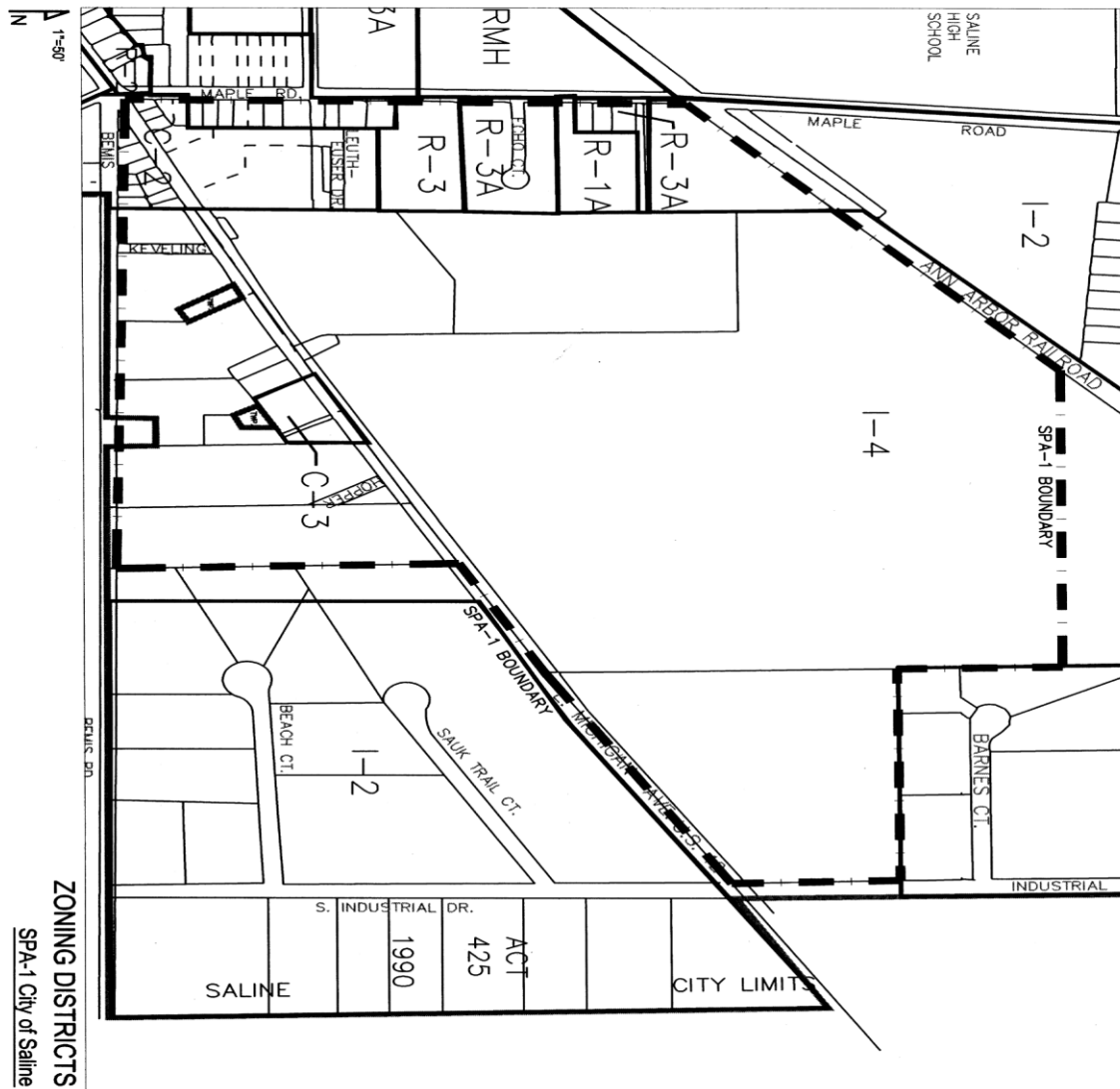


Exhibit A - SPA-1

Section 11a.03. Property rezoned.

The land described in said exhibit A, which is currently within the city limits, was zoned from its previous zoning to SPA-1 on December 21, 1981.

Section 11a.04. Uses.

- (1) All uses permitted in the following land use groups, as regulated and described by articles of this ordinance, may be permitted in SPA-1, subject to planning commission findings that the site plan for any proposed use satisfies the standards set forth in sections 11.06, 11.07, and other applicable portions of this ordinance. Land use groups as regulated by SPA-1:

Residential	Article 4, section 4.04. 1 through 7.
Office	Article 4, section 4.04. 9 through 10.
Commercial	Article 4, section 4.04. 11 through 13.
Industrial	Article 4, section 4.04. 14 through 16.

- (2) The following uses shall not be permitted in this zone:
- A. Storage or parking or use of moving vans, etc.
 - B. Outdoor storage or parking of wrecked or partially dismantled vehicles.
 - C. Drive-in theaters.
- (3) The following uses shall not be permitted to front on East Michigan Avenue:
- A. Drive-in restaurants.
 - B. Automotive wash establishments.
 - C. Other drive-through facilities, except those that are customarily incidental to the permitted principle uses and structures located on the same site.
 - D. Adult entertainment businesses.

Section 11a.05. Development review.

Prior to issuance of a building permit for any building to be built or modified, a site plan shall be approved as provided for by article 8, site plan review. The plan shall comply in substance with the standards set forth in section 11.06 and 11.07 of this article. In addition to the requirements of article 8, the site plan submission shall contain the following information:

- (1) *Preliminary site plan.*
- A. Existing topography recorded at a minimum contour interval of two feet showing all natural features such as trees, wooded areas, streams and wetlands; all features shall be identified as to which remain and which will be removed or altered. Topography shall extend 50 feet beyond all property lines.
 - B. General soils information.
 - C. Location and size of buffer areas.
 - D. Use and general class of each different type of structure.
- (2) *Final site plan.*
- A. The site plan shall be at a scale of not greater than one inch equals 20 feet nor less than one inch equals 50 feet.
 - B. The site plan shall show all signage and provisions for pedestrian circulation both on the site and to and from it.
 - C. Name and address of all property owners, as listed by city assessor or county register of deeds.
 - D. Statement of interest in the property including conditions for sale or purchase of parcel such as deed restrictions, reservations of land for other uses, or other conditions which may have bearing on the total land development.
 - E. Maps of applicant's entire holding and/or interest in land contiguous to the proposed project.

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- F. Existing topography shall record all features extending 50 feet beyond the property line.
 - G. Vicinity map of all property within 300 feet of the proposed development showing streets, zonings and land uses at a scale no greater than one inch equals 200 feet.
 - H. Elevation drawings of typical proposed structures and improvements including signs, except for single-family detached homes.
 - I. A model of the proposed development, showing all elements of the development, shall be provided on special request of the planning commission. It shall show all buildings or portions of a building located within 300 feet of the site.
 - J. Proposed agreements, deed restrictions, bylaws or articles of incorporation which relate to the preservation or maintenance of open space and associations created to preserve and maintain said open space.
 - K. Soil boring logs for soil borings located beneath each building. One boring is required for each 2,500 s.f. or part thereof ground area occupied by a building.
 - L. Proposed grading shall show one-foot contour intervals.
 - M. All existing vegetation four-inch caliper and over must be located on the plans.
 - N. Total amount of open space required by this ordinance.
 - O. Total amount of landscape area required by this ordinance.
 - P. Quantity of cut and fill required to complete site grading, certified by an engineer.
 - Q. A map showing the drainage area of all land which drains onto or across the site, and estimated runoff of the entire drainage area. Show existing runoff and estimated runoff after construction.
 - R. Location and dimension of all curb cuts.
 - S. Details and general specifications for protection of existing plant materials.

Section 11a.06. General standards.

- (1) *East Michigan Avenue corridor.* For purposes of this ordinance the portion of East Michigan Avenue which lies within SPA-1 shall be divided into two zones:
 - A. The east corridor shall extend from the easterly boundary of SPA-1 west to the westerly property line of parcel 3117A-1B-2 (approximately north of the SW ¼ post of Section 31 Pittsfield Township).
 - B. The west corridor shall begin at that point and extend west to the centerline of Maple Road.
- (2) *Bemis Road corridor.* For purposes of this ordinance, the portion of the north side of Bemis Road which lies within SPA-1 shall be divided into two zones:
 - A. The east corridor shall extend from the easterly boundary of SPA-1 west to the SW ¼ post of Section 31 Pittsfield Township.
 - B. The west corridor shall extend from that point west to the centerline of East Michigan Avenue.
- (3) *Roadway intersections on East Michigan Avenue.* For roadways serving more than one lot, shall be limited as follows:
 - A. East corridor: 1,000 feet between the centerlines of any curb cut or intersections regardless of the side of the highway on which they occur.

- B. West corridor: 500 feet between the centerlines of curb cuts, regardless of the side of the highway on which they occur.
- (4) *Curb cuts on East Michigan Avenue.* Shall be limited to one per lot, unless lot frontage is sufficient to allow the distances specified under item 3 (above) between the curb cuts.
- (5) Land use organization.
- A. All commercial or office land uses, including required yards and greenbelts, shall be within 700 feet of the centerline of East Michigan Avenue, as shown on Exhibit B located at the end of this section. The depth of a commercial or office development from East Michigan Avenue may be increased 2.5 feet for each one foot additional front yard (beyond the required greenbelt). The maximum depth shall not exceed 1,200 feet according to the following schedule:

Front Yard Beyond Greenbelt (feet)	Depth of Use from Michigan Avenue (feet)
0	700
1	702.5
10	725
50	825
100	950
200 and more	1,200

- B. Industrial development south of East Michigan Avenue shall be confined to the same area as commercial and office uses.
 - C. No nonresidential land use shall be permitted within 500 feet of the east corridor of Bemis Road.
 - D. No commercial land use shall be approved which fronts on Bemis Road.
 - E. No commercial land use shall be permitted within 2,000 feet of any commercial land use existing in Pittsfield Township east of SPA-1.
 - F. Lots containing commercial land uses shall not total more than 4,200 lineal feet of frontage on East Michigan Avenue, or on any service drive parallel thereto.
 - G. Residential density on any lot within 750 feet of the east corridor of Bemis Road shall not exceed seven dwelling units per acre.
- (6) *Protection of existing vegetation.* Existing trees over four inches caliper shall not be removed from any lands in SPA-1 without approval of the zoning or code inspector. Approval shall take the form of a tree removal permit.
- A. All trees removed from any site except as noted below shall be replaced as required in this ordinance. To issue a tree removal permit the zoning or code inspector must find that at least one of items 1 through 5 and item 6 below exist:
 1. The tree falls within the building limits of a proposed approved structure, or within ten feet of the walls of said structure; or
 2. The tree falls within the pavement and shoulder area of an approved street and drive; or
 3. Proper execution of site drainage, as described by an approved grading plan, is not possible without removal of the tree; or
 4. Other approved construction activities require removal of the tree; and

5. The tree is determined to be unhealthy or otherwise not worth saving due to its physical condition.
 6. No reasonable modifications to the approved plans can be made which will allow the tree to be saved.
- B. A permit shall be required, but replacement shall not be required, for the following tree removal:
1. All land within the dripline of the following categories of vegetation on any lands in SPA-1 shall remain undisturbed to the degree listed below:
 - (a) Woodland, 75 percent undisturbed.
 - (b) Hedgerow, 60 percent undisturbed.
 - (c) Specimen tree, 80 percent undisturbed.
 - (d) Removal of trees in excess of the percentage allowed under this paragraph shall require replacement according to the schedule set forth under subsection D. below.
 2. Standing dead trees.
- C. A tree that represents a hazard to the health or safety of persons or property may be removed.
- D. Tree replacement schedule. Trees removed by permit as described under subsection (A) above and all trees removed without permit shall be replaced with new plant material which meets the standards established under section 11a.08. Replacements must be made or the developer shall place in escrow with the city an amount necessary to cover replacement cost before a building permit is issued. Replacement plant material shall not be considered as part of total plant count required under section 11a.08

Plant material replacement shall be according to the following schedule:

Existing Tree (caliper)	Replacement (caliper)
4-inch	1 tree at 4-inch
5-inch	1 tree at 5-inch
6-inch	1 tree at 6-inch
8-inch	1 tree at 8-inch
10-inch	2 trees at 6-inch
12-inch	2 trees at 6-inch plus 1 at 4-inch
14-inch	3 trees at 6-inch
16-inch	3 trees at 6-inch plus 1 at 4-inch
18-inch	2 trees at 8-inch plus 1 at 4-inch
20-inch	2 trees at 8-inch plus 1 at 6-inch
22-inch	3 trees at 8-inch
24-inch	2 trees at 8-inch plus 2 at 6-inch
26-inch	3 trees at 8-inch plus 1 at 4-inch
28-inch	4 trees at 8-inch
30-inch	4 trees at 8-inch plus 1 at 6-inch
Over 30-inch	7 trees at 8-inch
Landmark specimen	1 specimen tree at 12-inch plus all trees required by caliper of the tree removed.

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- E. Sixty percent of the land beneath the dripline of a specimen tree shall remain undisturbed except that grass or other ground cover may be planted.
- (7) *Protection of other natural features.* The following natural features, if found on any lands within SPA-1 (on the effective date of this ordinance, or in the future), shall be protected according to the following standards:
- A. *Water.* Streams, ponds, lakes, wetlands, or drainageways which contain water all or part of the year shall remain undeveloped and protected from disruption to the extent listed below:
1. Floodplain, 100 percent unaltered.
 2. Ponds, lakes, wetlands, 100 percent unaltered.
 3. Drainageways (streams), 80 percent unaltered.
 4. Muck soils, 70 percent unaltered.
- B. *Landform.* Existing slopes and landforms shall be one basis of design decisions in SPA-1. Slopes and landforms found on all lands within SPA-1 shall be retained undisturbed to the degree listed below.
1. Slopes (six to 12 percent), 40 percent undisturbed.
 2. Slopes (12 to 18 percent), 60 percent undisturbed.
 3. Steep slopes (18 to 25 percent), 80 percent undisturbed.
 4. Bluff (over 25 percent), 90 percent undisturbed.
- C. *Existing structures.* Existing structures shall be retained and reused wherever possible. The planning commission may approve variations to and deviations from the requirements of this ordinance that may be required to allow preservation or reuse of existing structures.

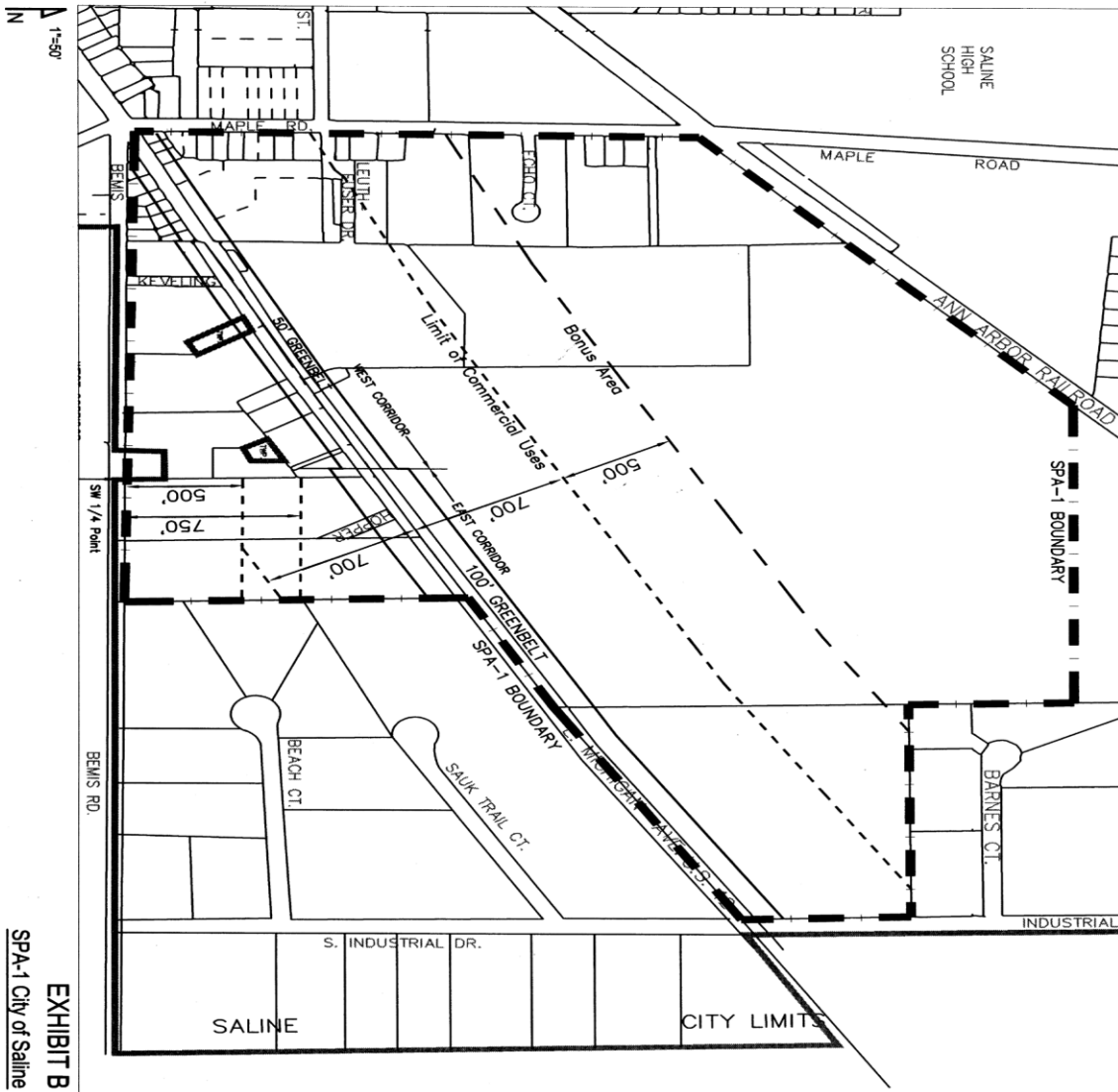


Exhibit B - SPA-1

Section 11a.07. Specific standards.

(1) *Building height.* Unless modified by this section, height limitations imposed by the most restrictive applicable article shall apply to each use. The following height limitations shall apply to SPA-1:

A. Buildings fronting (principal access) on East Michigan Avenue:

Residential	30 feet	2 stories
Office	30 feet	2 stories
Commercial	20 feet	1 story
Industrial	30 feet	2 stories

B. Buildings fronting on all other streets:

Residential	35 feet	2 stories
Office	35 feet	2 stories
Commercial	35 feet*	2 stories
Industrial	30 feet*	2 stories

*Except as noted in Article 4.03(4).

(2) *Lot area.*

- A. Lots fronting on East Michigan Avenue, east corridor shall be a minimum of four acres with a lot width of not less than 400 feet.
- B. Lots fronting on East Michigan Avenue, west corridor shall be a minimum of 60,000 s.f. with a width of not less than 200 feet.
- C. Unless modified by this section, lots fronting on all other streets shall conform to the size and width requirements of the most restrictive article under which the use is allowed.
- D. No nonresidential lot shall be less than 80 feet wide.
- E. Clustered single-family housing may be permitted, with narrower lot width than otherwise allowed, if the planning commission finds that the plan provides sufficient open space and preserves natural features.
- F. Lot area for multiple-family housing units built within 700 feet of the centerline of East Michigan Avenue (including the bonus area where additional front yard is provided) shall be 7,800 s.f. for the first living unit and not less than 1,800 s.f. for each additional efficiency unit or one bedroom unit, and not less than 2,400 s.f. of lot area for each two-bedroom unit, and not less than 3,000 s.f. for each three-bedroom unit.

(3) *Lot coverage.*

- A. Lots fronting on East Michigan Avenue may be permitted increases in allowed lot coverage based on increased front yard from the required greenbelt as follows:

Added Front Yards as a Percentage of Greenbelt

	Greenbelt Only	10%	20%	30%	40%	50% and Over
Office	30%	32%	34%	36%	38%	40%
Commercial	25%	28%	31%	34%	37%	40%
Industrial	25%	28%	31%	34%	37%	40%

- B. Lots which front on all other streets shall be permitted the following lot coverage:
 - 1. Office, 40 percent.
 - 2. Commercial, 50 percent.
 - 3. Industrial, 50 percent.
- C. Commercial uses allowed under this ordinance shall be limited to not more than 180,000 s.f. of floor space in SPA-1.

(4) *Greenbelts*. The following greenbelts shall be used between land uses in SPA-1:

Width	Berm or Opaque Fence	Average Plants per 100 Lineal Feet
A. 100 feet	5-foot height	3 canopy
		0 evergreen
		4 understory
		0 shrubs
B. 50 feet	2-foot height	3 canopy
		0 evergreen
		2 understory
		0 shrubs
C. 50 feet	None	6 canopy
		5 evergreen
		8 understory
		30 shrubs
D. 50 feet	3-foot berm	6 canopy
		8 evergreen
		8 understory
		30 shrubs
E. 25 feet	5-foot fence or 5-foot berm	6 canopy
		3 evergreen
		6 understory
		20 shrubs
F. 25 feet	3-foot berm	5 canopy
		3 evergreen
		6 understory
		20 shrubs
G. 25 feet	None	5 canopy
		3 evergreen
		4 understory
		20 shrubs
H. 25 feet	None	3 canopy
		0 evergreen
		6 understory
		10 shrubs

- A. Greenbelt (A) shall be used on both sides of the east corridor of East Michigan Avenue (measured from the right-of-way).
- B. Greenbelt (B) shall be used on both sides of the west corridor of East Michigan Avenue (measured from the right-of-way).
- C. Greenbelt (B) shall be used on the north side of the west corridor of Bemis Road (measured from the right-of-way).
- D. Greenbelt (B) shall be used on the east side of Maple Road beginning at East Michigan Avenue and extending north a minimum of 800 feet as measured by the centerline, of Maple Road. The greenbelt shall extend to the limit of commercial or office development which utilizes the bonus area.
- E. The following table lists landscape buffers required between various land uses in SPA-1.

	Agriculture*	Residential*	Office	Commercial	Industrial
Agricultural		H	G	F or C	F or C
Residential	H		G	F or C	E or D
Office	G	G		F	E or D
Commercial	F or C	F or C	F		E or D
Industrial	F or C	F or C	E or D	E or D	

*Agricultural and residential uses include land adjoining SPA-1 buffers.

- F. Greenbelts may include paths or walks for pedestrian and nonmotorized traffic. Pedestrian paths shall be a minimum of six feet wide; paths for bicycle or other nonmotorized vehicles shall be a minimum of eight feet wide.
 - G. Landscape development of greenbelts and buffers shall conform to the requirements of section 11a.08.
 - H. The height of all berms required in connection with greenbelts fronting on all streets and highways shall be modified at all drive entrances to the extent necessary to comply with all applicable traffic safety sight line requirements.
- (5) *Front yard.*
- A. Front yards on East Michigan Avenue shall consist of the required greenbelts.
 - B. On all other streets, front yards shall conform to the most restrictive zoning district in which the use is allowed, except that the minimum front yard shall be 15 feet.
- (6) *Side yards.*
- A. Lots fronting on East Michigan Avenue shall have a side yard of not less than 60 feet for either yard.
 - B. Lots fronting on all other streets shall have side yards conforming to the most restrictive zoning district in which the use is allowed, except that no side yard may be less than ten feet.
 - C. Where landscape buffers are required, side yards shall include the landscape buffer and shall not be less than this required landscape buffer.
- (7) *Side yards abutting streets.*
- A. Side yards abutting East Michigan Avenue shall consist of the required greenbelt.
 - B. Side yards abutting other streets shall equal the front yard required for the use on the lot.
- (8) *Rear yards.*
- A. Rear yards shall not be less than 20 feet for all lots in SPA-1.
 - B. Where landscape buffers are required, rear yards shall include the landscape buffer, and shall not be less than this required landscape buffer.
- (9) *Off-street parking facilities.*
- A. Off-street parking facilities shall be provided as specified in article 13 of this ordinance.
 - B. Parking shall not be allowed within required yards, except that parking may be allowed in side yards on lots fronting East Michigan Avenue provided that the elevation of the parking area is such that without raising the greenbelt berm above five feet no cars may be seen from East Michigan Avenue.

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- C. Parking and vehicular circulation shall not occur between buildings and East Michigan Avenue unless the building is set back from the greenbelt 50 percent of the greenbelt width. In such cases parking may occupy up to 50 percent of the area between greenbelt and building.
- (10) *Walkways.* Every lot shall be served by paths or walks for nonmotorized use. Such paths shall connect adjoining properties to ensure continuous circulation and connection to routes outside SPA-1.

Section 11a.08. Landscape requirements.

- (1) *Scope.* The provisions of this section shall apply to all lots, sites and parcels which hereafter are developed or expanded within SPA-1. Issuance of a building permit will follow submission of a satisfactory plan for landscaping to meet these requirements. A certificate of occupancy will not be issued unless the provisions of this section have been met or a performance bond or other security is posted with the city. In all cases where reference is made to the zoning or code inspector, this section shall require that the zoning or code inspector consult with the city forester.
- (2) *Definitions.* Please see the definition section of this ordinance.
- (3) Plant material and landscape elements.
- A. *Quality.* Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in the county, and shall conform to standards of the American Association of Nurserymen, and shall have passed any inspections required under state regulations.
- B. *Use of nonliving materials.* No plant materials used to satisfy some or all planting requirements of this section shall be comprised of nonliving materials, such as petrochemical plants. No polyethylene film shall be used under nonliving, decorative landscape materials such as stone, wood chips and gravel in a manner which will cause erosion of the decorative materials. Use of the films shall be approved by the zoning or code inspector.
- C. *Deciduous trees.* Deciduous trees shall be species having an average mature crown spread of greater than 15 feet in the county and having trunk(s) which can be maintained with over five feet of clear stem if conditions of visibility require, except, however, at intersections, where the requirement of ten-foot clear stem as established in article 7, section 7.04 of this ordinance shall be followed. Deciduous tree species shall be a minimum of ten feet overall height or of a minimum caliper of 1¼ inches and burlap ball size of at least ten times the caliper size, immediately after planting.
- D. *Evergreen trees.* Evergreen trees shall be a minimum of five feet in height with a minimum spread of three feet and burlap ball size of at least ten times the caliper immediately after planting.
- E. *Shrubs and hedges.* Shrubs shall be a minimum of two feet in height when measured immediately after planting or two feet in spread if plants are low-growing evergreens. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, visual screen within a maximum of two years after time of planting.
- F. *Vines.* Vines shall be a minimum of 30 inches in length after one growing season and may be used in conjunction with fences, screens, or walls to meet physical buffer requirements so specified.
- G. *Ground covers.* Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season with at least two plants per square foot.
- H. *Lawn grass.* Grass areas shall be planted in species normally grown as permanent lawns in the city. Grass may be plugged, sprigged, seeded or sodded except that rolled sod, erosion-reducing net or suitable mulch shall be used in swales or other areas subject to erosion. When complete sodding or seeding is not used, nursegrass seed shall be sown and mulched for immediate protection until

coverage is otherwise achieved. Grass sod and seed shall be clean and free of weeds and noxious pests or diseases.

(4) *Landscape elements.*

- A. *Earth mounds and berms.* Berms and mounds shall be constructed with slopes no greater than one foot vertical for each three feet horizontal with at least a four-foot flat area on the top and with adequate protection to prevent erosion, unless alternative designs are approved by the planning commission.
- B. *Mulches.* Mulching material for planted trees, shrubs, and vines shall be a minimum of two-inch-deep wood chip mulch. Straw or other mulch shall be used to protect seeded areas, of a depth approved by the zoning or code inspector. Mulches must be installed in a manner as to present a finished appearance.
- C. *Walls and fences.* Walls shall be constructed of stone, brick or other artificial materials, while fences shall be constructed of wood or vinyl with the appearance of wood. Chainlink or other wire mesh fencing will be permitted only if covered with plant materials.
- D. *Paving materials.* Paving materials shall be installed in a manner that will either contrast with or compliment the other landscape elements.

(5) *Perimeter and buffer landscaping requirements.*

- A. *General.* In addition to greenbelts required under section 11a.08 the owner of a parking lot or a vehicular use area which abuts a public right-of-way shall install and maintain landscaping between such area and such right-of-way unless the parking lot or vehicular use area is visually screened by a building or structure or existing landscaping which meets the buffering requirements.
- B. *Landscape elements.* Where an off-street parking lot or a vehicular use area in any of the zoning districts abuts a public right-of-way, screening shall be placed at all locations, excluding sidewalks and driveways, which are between any portion of the right-of-way and the parking lot or vehicular use area visible from the right-of-way as follows:
 - 1. A strip of land at least five feet in width located between the abutting right-of-way and the parking or vehicular use area exposed to the abutting right-of-way.
 - 2. One tree per 50 lineal feet, or fraction thereof, located between the abutting right-of-way and parking or vehicular use area.
 - 3. A hedge, wall, berm, change of grade, or any combination of these landscape elements forming a continuous screen at least three feet in height. If a wall or fence is used, a minimum average of one shrub or vine per ten lineal feet of wall length shall be provided.
 - 4. Grass or ground cover shall be planted and maintained on all portions of the required landscaped strip not occupied by other landscape material or existing vegetation.
 - 5. In cases where the parking areas or vehicular use areas are 150 feet or more from the public right-of-way, and provided that such an area has trees and shrubs which serve to buffer the parking area or vehicular use area, buffering as required in this section may be reduced provided the intent of this section is carried out to the satisfaction of the zoning or code inspector.

(6) *Interior landscaping requirements.*

- A. *General.*
 - 1. Each separate interior landscaped area shall be adequately planted and maintained, and shall be located in such a manner as to divide and break up the expanse of paving, define parking areas, delineate vehicular circulation areas and separate them from parking areas of any off-street parking area.

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2. The minimum landscape area permitted shall be 50 square feet.
 3. Authorized landscaping material, excepting trees, shall be maintained not to exceed 2½ feet in height, except the screening of refuse areas.
 4. Two feet of said landscaped area may be part of the parking space required by article 13, section 13.05 of this ordinance. Wheel stops or curbing shall be installed to prevent vehicles from encroaching more than three feet by three feet into any interior landscaped area.
 5. Garbage and refuse collection areas shall be screened from view from a public right-of-way and from any adjacent residential uses. The screening shall be of live landscape material such as, but not limited to, trees, shrubs, and hedges. The layout of the landscape screen shall in no way impede the pickup and collection operation. If site restriction and site layout prohibit the use of live landscape material, opaque fencing shall be used.
- B. *Commercial uses.* Property containing commercial uses shall meet the following interior landscaping requirements:
1. There shall be one square foot of interior landscaping for each 15 square feet of parking space. Spaces abutting perimeter or buffer landscaping or greenbelts shall be excluded from computed interior landscaping requirements.
 2. The total number of trees shall be at least one tree for each 150 square feet, or fraction thereof, of required interior landscape area.
- C. *Industrial uses.*
1. There shall be one square foot of interior landscaping for each 22 square feet of parking space. Spaces abutting buffer landscaping or greenbelt shall be excluded from the interior landscaping requirements.
 2. The total number of trees shall be at least one tree for each 200 square feet, or fraction thereof, of required interior landscaped area.
- (7) *Existing plant material.* In instances where healthy plant material exists on a site prior to its development, the planning commission may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve the intent of this section.
- A. All existing plant materials must first be inspected by the zoning or code inspector to determine the health and desirability of such materials.
 - B. If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as, but not limited to, fencing or boards placed at the dripline around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the zoning or code inspector.
- (8) *Landscape plan requirements.* Landscape provisions of this section shall be shown on site plans required by this ordinance. The following shall be included:
- A. A planting list for all proposed landscape materials showing caliper sizes, height of material, method of installation, botanical and common names, type and amount of mulch, ground cover and grasses.
 - B. Sections, elevations, plans and details of all landscape elements, such as earth mounds, retaining walls and planting details.
 - C. The proposed planting dates.
 - D. A statement of intent to install and maintain all such landscaped areas in accordance with the requirements of this section.

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- E. Other information and data as may be required by the planning commission.
- (9) *Notice of installation to zoning or code inspector.*
- A. Prior to the installation of plant materials required by this section, the owner or developer must notify the zoning or code inspector of the installation schedule and provide an opportunity for inspection.
- B. If any plant material is diseased, damaged, dead or planted in such a way to injure or kill the plant, the zoning or code inspector will require immediate removal or correction.
- C. Species of proposed plant materials may be altered pending notification and approval by the zoning or code inspector.
- (10) *Planting dates.*
- A. Planting dates recommended by the city are March 1 to May 15 for all materials; October 15 to December 15, weather permitting, for deciduous materials.
- B. If plantings are done outside these dates, written approval must first be obtained from the zoning or code inspector.
- (11) *Inspection, review and enforcement.* The requirements of this section shall be enforced by the zoning or code inspector, who shall review, approve, disapprove or require modifications to the proposed landscape plan. The zoning or code inspector shall inspect all work including existing plant material protection, installation, and maintenance. If the zoning or code inspector finds any existing conditions not as stated on the approved plans, he may refuse to approve further work until approval of a revised plan is obtained.
- (12) *Responsibility of landscaper.* Any person installing landscape elements to meet requirements of this section shall be responsible for:
- A. The approved plans made available for inspection at all times on the site to be landscaped.
- B. The prevention of damage to any utilities or the interruption of utility services.
- C. The prevention of damage or littering onto adjacent property or public streets, sidewalks, or other public thoroughfares with dirt, sediment, water, plant material or other miscellaneous debris which constitutes a public nuisance or hazard. All such debris shall be promptly removed.
- D. In no case shall any trees, shrubs or hedges be planted in a way which will interfere with or cause damage to underground utility lines, public roadways or other public works. Species or trees whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 15 feet to such public works.
- E. All plant materials installed will be disease-free and pest free and not of a species known to carry or be host to destructive pathogens or pests.
- (13) *Responsibility for compliance.* The owner of property subject to the requirements of this section shall be responsible for installing and maintaining landscaping as specified in this section. Where an entire parcel subject to the requirements of this section is occupied by a person other than the owner, the occupant of the property shall also be responsible for installing and maintaining the landscaping.
- (14) *Penalty.* Section 3.07 of this ordinance shall govern violations of this section with the following additions:
- A. *Notice.* In case any person shall refuse or neglect to comply with the provisions of this section, the city clerk shall serve, personally or by certified mail with return receipt requested, a copy of this section, together with a notice to said owner, possessor or occupier of land to correct the identified deficiencies in landscaping and/or maintenance, within a period of 15 days from and after service of said notice.

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- B. In case any person shall fail and neglect to comply with this chapter [section], the city superintendent shall have the right to enter upon said land and correct said deficiencies in landscaping or maintenance. The city superintendent shall keep an accurate account of the cost of so doing, and shall make a report in writing, signed by him, showing the date(s) of corrective measures taken. He shall turn such statement over to the city treasurer, and the cost thereof, in addition to an amount equal to 50 percent of the cost thereof to cover administrative and legal costs, shall be a lien on the property and added to the taxes assessed against the property as a special assessment, and collected the same as taxes.

ARTICLE 12. SIGN REGULATIONS³

Section 12.01. 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 add to or create visual clutter;
 - B. Do not create a nuisance to persons using the public right-of-way;
 - C. Do not constitute a nuisance to occupancy of nearby property by their brightness, size, height, or movement; and
 - D. 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.

(Ord. No. 755 , 4-7-14)

Section 12.02. Administration.

- (1) *Site plan review.* For new development subject to site plan review under the provisions of section 8.02, the final site plan shall include a comprehensive sign plan including ground, wall and directional sign locations and details. Any sign, other than directional signs, not included in the comprehensive sign plan at the time of final site plan approval shall be subject to planning commission approval.
- (2) *Permits required.* Application for a permit to erect or replace a sign, or to change copy thereon, shall be made by the owner of the property, or his authorized agent, to the city zoning or code inspector, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the city council. An application for a sign permit shall contain the following:

³Editor's note(s)—Ord. No. 755 , adopted April 11, 2016, amended Art. 12 in its entirety to read as herein set out. Former Art. 12, §§ 12.01—12.17, pertained to similar subject matter, and derived from Ord. No 718, § 2, adopted March 23, 2009.

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- A. The applicant's name and address in full, and a complete description of his relationship to the property owner.
 - B. If applicant is other than the business owner, the signature of the business owner concurring in submittal of said application is required.
 - C. The address of the property.
 - D. An accurate survey drawing of the property showing location of all buildings and structures and their uses and location of the proposed sign.
 - E. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- (3) All signs shall be inspected by the city zoning or code inspector for conformance to this ordinance prior to placement on the site. Foundations shall be inspected by the building department on the site prior to pouring of the concrete for the sign support structure.
 - (4) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.
 - (5) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
 - (6) Signs for which a permit is required shall be inspected periodically by the zoning or code inspector for compliance with this ordinance and other laws of the city.
- (Ord. No. 755 , 4-7-14)

Section 12.03. General conditions.

- (1) *Location.* All signs must direct attention to a business or profession conducted on the premises 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.
 - C. No sign including all electronic message signs 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, printing, or change of image except as permitted elsewhere in this ordinance.
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.

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- F. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.
- (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, except for non-permanent, light projections as described in section 12.03(3)F. hereunder.
 - B. Pennants;
 - C. Portable signs;
 - D. Roof signs;
 - E. Inflatable signs and tethered balloons greater than 18 inches in diameter for commercial or advertising purposes;
 - F. Animated signs as defined in this section, except non-permanent, light projections shone such that the light projection is contained entirely on the surface of a building with the building owner's express permission between 5:00 p.m. and midnight each day for no longer than 40 days in any calendar year which is allowed in any zone district after obtaining a sign permit. Such non-permanent, light projection shall only be allowed across a right-of-way if MDOT or the body that has jurisdiction over the right-of-way approves and the projection is shone at a height so as not to project onto pedestrians or vehicles. Further, 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, unless otherwise permitted;
 - N. Exterior string lights used to advertise a commercial premises; and
 - O. Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
- (4) *Signs and activity permitted in all districts without a permit.*
- A. Incidental signs which are intended to direct the flow of pedestrian and vehicular traffic on private property. Incidental signs shall not have more than two sides back-to-back and shall not exceed the following requirements:

Lot size/type of use	Sign area allowed per site	Height to top of sign feet	Setbacks from property lines	Setbacks from driveways
Stand-alone business	2 square feet	4 feet	10 feet	15 feet
Business Centers, 5 or less tenants	6 square feet	4 feet	10 feet	15 feet
Business Centers, 6 or more tenants	8 square feet	6 feet	15 feet	15 feet
Industrial lots < 1 acre	8 square feet	8 feet	10 feet	15 feet
Industrial lots > 1 acre	10 square feet	8 feet	15 feet	15 feet
1 & 2 Family Residential	Incidental signs not allowed			

Additional requirements:

- Such signs may contain a business logo or business name of not more than one square foot and may be illuminated.
 - Only one incidental sign is allowed at a driveway entrance.
 - Incidental signs may not be changeable copy signs.
- 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 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 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 of the above flags. Two additional flags may be permitted for any secondary two-way entrance serving the zone lot. Flag poles shall meet the minimum 15-foot setback required for all signs to adjacent property lines. When site plan review is required, the location of flag poles shall be indicated on the site plan.
- K. Permanent signs on vending machines or ice containers indicating only the contents of such devices provided that such devices must be located within ten 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 square feet and shall be included in the maximum window coverage calculation.

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- 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 sides) to permanent structural members on a post or building erected for another purpose.

(Ord. No. 755 , 4-7-14; Ord. No. 816 , §§ 1, 3, 12-16-19)

Section 12.04. Ground signs.

(1) General requirements.

- A. Within all nonresidential zoning districts, only one ground sign shall be permitted per zoning lot. If the frontage of a zoning lot exceeds 400 linear feet two such ground signs may be permitted. One additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Sign size, number of signs, and location shall be determined during site plan review. Maximum sign area is provided in Table A found in the following pages.
- B. Within all residential zoning districts, only one 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 ground sign shall be permitted per zoning lot for the purpose of identifying a nonresidential special land use. One 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 square foot per front foot of building or buildings for which it is erected; however, such signs shall not exceed 150 square feet in area. Such signs may be up to 20 feet in height. The size of such signs may be increased to 200 square feet in area if the maximum height is reduced to 15 feet and it does not obstruct views. If the lot fronts on two or more collector or arterial streets one 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. Unless specified elsewhere in this ordinance all ground signs shall be set back a minimum of 15 feet from all road rights-of-way and shall be located no closer than 15 feet from the edge of the principal entrance driveway and all property lines.
- G. The support structure for a ground sign shall not exceed 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.
- H. Up to two incidental business signs (menu boards) shall be permitted for businesses with a drive-through component. Such signs shall not exceed 15 square feet in area per sign, per face and eight feet in height.
- I. Electronic message board signs shall be permitted in all commercial zoning districts. An electronic message board sign shall be allowed as either a freestanding or wall-mounted sign. Such signs shall be allowed by permit subject to the following conditions:
 - 1. The electronic display shall not be animated, flashing, or scrolling.
 - 2. The frequency of message change shall be restricted to no more than once every 15 seconds.

3. The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed 50 percent of the total sign area as outlined in Table A and Table B below.
4. The maximum height of an electronic message board shall conform to the standards of this ordinance.
5. Glare and lighting created by electronic message board signs shall be in accordance with section 7.09.2.C.2. Electronic message board signs shall not be permitted when facing a residentially zoned parcel.

(2) *[Maximum height and area requirements.]* 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	6	18	36
R-1B	6	18	36
R-1C	6	18	36
R-1	6	18	36
R-2	6	18	36
R-3A	6	18	36
R-3	6	18	36
RMH	6	18	36
PB	6	18	36
OS	8	32	64
C-1	8	25	50
C-2	8*	32	64
C-3	8*	32	64
C-4	8*	32	64
I-1	6*	32	64
I-2	6*	32	64
I-4	6*	32	64
SPA-1	8*	32	64
D-1	8	25	50
D-2	8*	32	64

*One additional foot in height may be permitted for each additional foot setback beyond the required front setback as noted in section 12.04 (1) F. In no case shall a sign exceed 18 feet in height regardless of setback.

(Ord. No. 755 , 4-7-14; Ord. No. 785 , 7-11-16)

Section 12.05. Building signs.

(1) *General requirements.*

- A. Within all nonresidential 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 shall not exceed one square foot of sign area per one lineal foot of building frontage per tenant.

- B. Within all PUD districts, the number and size of building 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 projecting sign may be permitted for each first-floor business within the D-1 Downtown core district and within the D-2 Downtown edge district. The projecting sign may be a maximum of eight square feet 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 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. Signs which extend into the road right-of-way shall require approval by the Michigan Department of Transportation (MDOT) and/or the city. The leading edge of a projecting sign shall not extend more than four feet from the face of the building that it is attached to.
 - D. Channel letter signs are considered to be wall signs that are mounted so that the face of the letters are parallel to the building wall. Mounting regulations for channel letter signs, from wall to outermost face, are as follows:
 - 1. Channel letters with transformers mounted inside the letters shall not extend more than 16 inches from the building wall.
 - 2. Channel letters with remote transformers shall not extend more than 12 inches from the building wall.
 - 3. Channel letters mounted on a raceway shall not extend more than 16 inches from the building wall.
 - 4. Channel letter signs must provide a clear distance of nine feet from the sidewalk to bottom edge of the sign, but shall not extend over public or private roadways, or parking lots.
 - E. Fuel pump/dispensing signs not to exceed two square feet in area per side. Due to potentially negative impacts to adjacent traffic and land uses, electronic fuel pump dispensing signs shall not be directly visible from adjacent public or private streets, or adjacent residentially used or zoned property. Any sound emitted from a fuel pump/dispensing sign shall not be audible from any adjacent property line.
- (2) *[Distance from wall.]* A cabinet flat wall sign shall not exceed more than 12 inches from the building wall. Other wall signs shall not exceed more than eight inches from the wall.
- (3) *[Maximum area requirements.]* 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 Foot of Building Frontage	Maximum Area in s.f.
PB	.5	50
OS	1	100
C-1	1	100
C-2	1	100
C-3	1	100
C-4	1	100
I-1	1	100
I-2	1	100

I-4	1	100
SPA-1	1	100
D-1	1	100
D-2	1	100

(Ord. No. 755 , 4-7-14; Ord. No. 785 , 7-11-16)

Section 12.06. Outdoor advertising sign (off-site sign).

Outdoor advertising signs are permitted only in accordance with the following regulations:

- (1) Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in C-3, C-4, I-1, I-2, and I-4 districts, 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.
- (2) Where two or more outdoor advertising signs are located along the frontage of a street or highway, they shall not be less than 300 feet apart. A double-face (back to back) or a V-type structure where the interior angle of said "V" does not exceed 20 degrees shall be considered a single sign.
- (3) The total surface area, facing in the same direction, of any outdoor advertising sign shall not exceed 300 square feet. Such signs may be single-face or double-face, but no such sign shall contain more than two faces, signs or panels.
- (4) No outdoor advertising sign shall be more than 20 feet in height from ground level, provided, however, that the permitted height may be increased to a maximum of 40 feet by the zoning or code inspector, if it can be shown that excessive grades, building interference, bridge obstruction and similar conditions obstruct views of the sign.
- (5) No outdoor advertising signs shall be erected on the roof of any building, nor have one sign above another sign.
- (6) Such signs shall be setback a minimum 40 feet from any property line.
- (7) No outdoor advertising sign shall be located within 500 feet of any residential district. No billboard may be erected within 500 feet of any park, playground, school, residential dwelling or church, or within 50 feet of any street.

(Ord. No. 755 , 4-7-14)

Section 12.07. Computations.

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 or more faces, the area of all faces shall be included in determining the total area of the sign. A two-faced sign may include a "V" or "wing" type sign with the condition that the interior angle of the "V" not exceed 45 degrees to limit the visibility of the sign from a single viewing position. If the interior angle of the two-sided "V" type sign exceeds 45 degrees, the sign will be considered a single-sided sign and not a double sided sign for the purpose of calculating sign area.

- (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:
- A. Existing grade prior to construction; or
 - B. 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.

(Ord. No. 755 , 4-7-14)

Section 12.08. 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 zoning or code inspector 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. The permit number shall be clearly displayed on the sign. Permit fee, if any, is to be established by resolution of the city council.
- (2) *Authorization of exceptions.* Any exceptions to these regulations require prior permission by the planning commission.
- (3) *Unilluminated on-site temporary.* Real estate and development signs may be erected in accordance with the regulations of this ordinance:
 - A. Large tract residential development (more than two residential units). In all single-family or two family use areas, one sign for each public street advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed 12 square feet in area. Such a sign may indicate only that the property is for sale or for rent and the address or telephone number where the inquiry can be made. It shall have a maximum height of six feet and shall be set back at least 20 feet from any street unless attached to the house. Each sign shall be removed after the sale of 90 percent of all lots or units within said subdivision or development or within two years after date of erection, whichever occurs first.
 - B. Residential districts. One temporary real estate "For Sale," "For Rent" or "For Lease" sign located on the property and not exceeding eight square feet in area per side shall be permitted for each lot. If the lot or parcel has multiple frontages, one additional sign not exceeding eight square feet per side in area shall be permitted on the property on each frontage. Under no circumstance shall more than two such signs be permitted on a lot or parcel. Such sign(s) shall be removed within seven days following sale, rental or leasing. Maximum height of such signs shall be six feet. A permit is not required for this type of sign.

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- C. Commercial and/or industrial districts. One temporary real estate "For Sale," "For Rent" or "For Lease" sign located on the property and not exceeding 32 square feet in area per side shall be permitted for each lot. If the lot or parcel has multiple frontages, one additional sign not exceeding 32 square feet in area per side shall be permitted on the property on each frontage. Under no circumstance shall more than two such signs be permitted on a lot or parcel. Such sign(s) shall be removed within seven days following sale, rental or leasing. Maximum height of such signs shall be eight feet. A permit is not required for this type of sign.
 - D. Temporary portable real estate directional sign, not exceeding three square feet in area and four 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 feet in height, nor may such signs be displayed for more than one day in any seven-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.
- (4) *Political signs, subject to the following:*
- A. Signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election, except as prohibited elsewhere in this ordinance, are permitted.

Such signs must be removed within ten days following the election. Such signs shall not exceed six square feet in area per side in residential or professional business areas, or 16 square feet in area per side in all other areas. With a maximum four feet height to the top of the sign.
 - B. Political signs shall be permitted in the public right-of-way at the location of the voting place on the day of the election only. Such signs shall conform to state and federal election laws. Such signs shall not be placed in such positions as shall interfere with traffic sight lines. Such signs which do interfere with traffic sights shall be relocated on order of the city traffic engineer, or removed, if not so relocated as ordered.
 - C. Political messages on outdoor advertising signs are exempted from this section.
 - D. Nothing in this ordinance shall be construed so as to prohibit political signs, or other noncommercial advertising, on any sign on which commercial advertising is permitted.
- (5) *Other temporary signs which comply with the following regulations:*
- A. Casual sales signs (on or off-site) not to exceed six square feet per side. A permit is not required for this type of sign. Off-site casual sales signs are permitted with approval of the off-site property owner.
 - B. Institutional signs not to exceed 24 square feet on-site and 12 square feet off-site in area per side. Such signs shall be allowed no more than 14 days prior to the event or function when located "on-site" and must be removed within 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 feet above ground level. Such signs may be illuminated in accordance with this ordinance. Off-site signs for such events and functions are permitted when approved by the building and engineering department and may be allowed up to seven days prior to the event. Such "off-site" signs shall be removed within 48 hours after the event or function. The building and engineering department shall, as a part of approval, list the number, location and size of such off-site signs it is permitting.
 - C. Commercial activity signs not to exceed 20 square feet per side. Commercial activity signs shall include by definition banner signs.

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- D. Signs intended to be utilized until a permanent sign may be obtained and erected can be approved by the building and engineering department for a period not to exceed 60 days. Such signs shall not exceed sign area permitted within the appropriate zones.
 - E. Upon approval of a final site plan one nonilluminated freestanding sign listing persons or firms connected with construction work being performed may be permitted upon application to the building and engineering department provided such signs are located on the property under construction. Such signs shall not exceed 32 square feet in area, a height of eight feet, and will be removed upon the completion of construction or after one year whichever comes first.
 - F. Signs six square feet per side in area or less and a maximum of four 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.
 - G. Portable sidewalk signs may be allowed in the following circumstances:
 - 1. Due to the unique nature of the D-1 Downtown core district portable sidewalk signs may be permitted subject to the following:
 - a. The maximum area of a sidewalk sign is six square feet per side with no dimension greater than three feet.
 - b. The sign shall be located on the building side of the sidewalk in such a manner that a pedestrian travel area width of five feet is maintained between the sign and any tree grate or other street elements along the curb side of the sidewalk.
 - c. The sign shall not unreasonably interfere with the view, access to, or use of adjacent property.
 - d. A sign permit is not required for each sidewalk sign displayed.
 - e. Sidewalk signs shall be removed after business hours.
 - f. Sidewalk signs within the road right-of-way shall require approval by the Michigan Department of Transportation (MDOT) and/or the city.
 - 2. For multi-tenant shopping centers portable sidewalk signs may be permitted subject to the following:
 - a. The maximum area of a sidewalk sign is six square feet per side with no dimension greater than three feet.
 - b. The sign shall be located directly in front of the tenant space on the adjacent pedestrian walk. A pedestrian travel area of five feet must be maintained along the walkway. In no circumstances shall a portable sidewalk sign be located within a parking area or landscape area of the site.
 - c. The sign shall not unreasonably interfere with the view, access to, or use of adjacent tenants or adjacent property.
 - d. A sign permit is not required for each sidewalk sign displayed.
 - e. Sidewalk signs shall be removed after business hours.
 - H. Window signs which occupy 25 percent or less of the total window area may be permitted without a permit. Signs which occupy greater than 25 percent of the total window area shall be prohibited and considered a violation of this ordinance.

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- I. Balloons less than 18 inches in diameter and/or length are permitted to announce a community or commercial event subject to the following:
 - 1. Balloons are to be displayed only at the location of the community or commercial event.
 - 2. Balloon displays shall not obstruct visibility of vehicles or pedestrians and be maintained at a maximum height of six feet above ground level.
 - J. One "Help Wanted" sign not exceeding eight square feet in area and six feet in height may be placed on the property of the business seeking to hire employees. Such sign shall not require a permit, but shall be removed seven days after employee is hired.
- (6) *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. All temporary signs shall be setback at least five feet from the back of the sidewalk, or 15 feet from the edge of the street when no sidewalk is present. Temporary signs must follow the clear vision requirements found in section 7.04 of the city zoning ordinance.
 - D. Duration of display. Unless specified elsewhere in this ordinance temporary signs may be displayed up to seven consecutive days. Only one such sign shall be permitted in any 30-day period.

(Ord. No. 755 , 4-7-14)

Section 12.09 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 pursuant to the provisions of these regulations.

(Ord. No. 755 , 4-7-14)

Section 12.10. Nonconforming existing signs.

- (1) A nonconforming sign shall not:
 - A. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
 - B. Be changed unless such change is in conformance with the provisions of this ordinance, except words or symbols displayed on such sign may be changed.
 - C. Be relocated or replaced.

(Supp. No. 16)

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- D. Be reestablished after the activity, business or usage to which it relates has been discontinued for 90 days or longer except for seasonal business. In the case of a seasonal business such activity, business or usage to which the sign relates shall have been discontinued for a period of 270 days.
 - E. Be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 60 percent of the replacement cost as determined by the zoning or code inspector.
- (2) On the happening of (1), A.—C. above, the sign shall be immediately brought into compliance with this ordinance with a new permit secured thereto, or removed.
 - (3) Nothing in this section shall relieve the owner or user of the property on which a legal nonconforming sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status.
- (Ord. No. 755 , 4-7-14)

Section 12.11. Authorized sign contractors.

Every person, before engaging or continuing in the business of erecting or repairing signs in the city, shall obtain an annual sign contractor license. To obtain said license the contractor shall first furnish the city a public liability insurance policy in the amount of \$50,000.00 for injury to one person and \$100,000.00 for injury to more than one person and property damage insurance in the amount of \$25,000.00 for damage to property. Said license shall terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the city clerk.

(Ord. No. 755 , 4-7-14)

Section 12.12. Liability for damages.

The provisions of this ordinance shall not be construed to relieve or limit in any way the responsibility or liability of any firm, person or corporation which erects or owns any sign for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon the city, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of the ordinance.

(Ord. No. 755 , 4-7-14)

Section 12.13. Removal of signs.

- (1) Except for legal nonconforming signs as defined by this article, if any sign, structural element or supporting framework is determined by the zoning or code inspector, or his or her designee, to be in violation of this article, a notice may be served on the owner of the premises on which said sign, structural element or supporting framework is located. The notice shall specify:
 - A. The reason(s) why the city official has determined that the sign, structural element or supporting framework is in violation of this article.
 - B. The time and place of a hearing before the city's planning commission. The owner(s) shall be given the opportunity to show cause at the hearing why the sign, structural element or supporting framework should not be removed, demolished, otherwise made safe, or properly maintained.

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- (2) The notice shall be in writing and shall be served either personally or by certified mail, return receipt requested, addressed to the owner(s) address as shown on the city's tax assessment records. The notice shall be served upon the owner(s) at least ten days before the date of the hearing.
 - (3) At the hearing required by subsection (2) above, the planning commission shall take testimony of the zoning or code inspector, the owner(s) of the premises, and any interested party. Not more than five days after completion of the hearing, the planning commission shall render a decision either closing the proceedings or ordering the sign, structural element or supporting framework removed, demolished, otherwise made safe, or properly maintained. The planning commission's order shall specify what action the owner(s) shall take and set a date by which the owner(s) shall comply with the order. Failure to comply with the order shall be considered a municipal civil infraction.
 - (4) If the owner(s) fails to appear or neglects or refuses to comply with the order issued under this section, in addition to the issuance of a municipal civil infraction citation, the zoning or code inspector may take all necessary action to enforce the order, including employing the necessary labor and materials to perform any removal, demolition, abatement, repairs, maintenance or other required work to bring the sign, structural element or supporting framework into compliance with this article. All costs for the removal, demolition, abatement, repair, maintenance or other required work shall be the responsibility of the owner(s).
 - (5) Notwithstanding other provisions of this section, whenever, in the opinion of the zoning or code inspector, there is imminent danger due to an unsafe sign, structural element or supporting framework, the zoning or code inspector may immediately take any action necessary to abate the danger caused by the unsafe sign, structural element or supporting framework.
 - A. Prior to the initiation of the emergency measures provided above, the zoning or code inspector shall, if possible, attempt to contact the owner of the premises on which said sign, structural element or supporting framework is located to provide the owner opportunity to immediately address the imminent danger. If the owner cannot be reached, or if the owner refuses to address or addresses in an unsatisfactory manner the danger caused by the unsafe sign, structural element or supporting framework, the zoning or code inspector may immediately proceed with emergency measures.
 - B. For the purposes of this subsection, the zoning or code inspector may employ the necessary labor and materials to perform the required work as expeditiously as possible.
 - C. All costs for the abatement of the imminent danger caused by an unsafe sign, structural element or supporting framework pursuant to this subsection shall be the responsibility of the owner.
 - (6) A sign shall be removed by the owner(s) of the premises upon which the sign is located within 30 days after the business which it advertises is no longer conducted on the premises. If the owner(s) fails to remove the sign, the city shall remove it in accordance with the provisions stated in sections 12.13(1) through 12.13(4) above. 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 article.
 - (7) The actual cost, plus accrued interest at the rate of one percent per month from the date of the completion of the work, incurred by the city in its removal, demolition, abatement, repair, maintenance or other required work pursuant to this section shall be charged by invoice to the owner(s) of the premises on which the sign, structural element or supporting framework was located.
 - A. If payment is not received, the costs plus accrued interest shall be added to the next regular tax bill forwarded to the owner(s) by the city and such costs shall be due and payable at the time of payment of such tax bill. Additionally, the city treasurer may cause to be recorded a sworn statement showing the cost and expense incurred for the work and the date and premises on which said work was done. The recordation of such sworn statement shall constitute a lien on the premises, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for

collection until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of one percent per month in the event it is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with this section shall be *prima facie* evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice that the amount of the statement, plus interest, constitutes a charge against the premises designated or described in the statement and is due and collectible as provided by law.

(Ord. No. 755 , 4-7-14)

Section 12.14. Construction specifications.

Compliance with building code. All signs shall comply with the appropriate detailed provisions of adopted city building codes relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and additional construction standards hereinafter set forth in this article.

(Ord. No. 755 , 4-7-14)

Section 12.15. Construction of signs, auxiliary specifications.

- (1) *Obstruction to exits.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (2) *Obstruction to ventilation.* No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of the building or fire prevention codes.
- (3) *Clearance from high-voltage power lines.* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 24 inches horizontally or vertically from any conductor or public utility guy wire.
- (4) *Drainage.* The roofs of all marquees exceeding 40 square feet shall be properly guttered and connected with down spouts to storm sewers so that water will not drip or flow into public sidewalks or streets.
- (5) *Freestanding signs.* All freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as will meet adopted city building codes.
- (6) *Electric signs.* All electric signs shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc., or other similar institutions of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the safety code.
- (7) *Glass.* When glass is used for sign letters or transparent panels it shall be at least double-strength thickness for sign areas up to and including 300 square inches. When glass is used for sign letters or transparent panels for sign areas in excess of 300 square inches at least one-quarter-inch wire glass shall be used and the maximum span between supports shall be four feet.

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(Supp. No. 16)

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- (8) *Strength of parapet wall.* A wall must be designed for and have sufficient strength to support any sign which is attached thereto.
 - (9) *Supports and braces.* Metal supports or braces shall be adequate for wind loading, as required in subparagraph A. following. Wire or cable supports shall have a safety factor of four. All metal, wire cable supports and braces and all bolts used to attach signs to bracket or brackets and signs to the supporting building or structures shall be of galvanized or of an equivalent material. There shall be no visible angle irons or unsightly supports. All such sign supports shall be an integral part of the sign.
 - (10) *Wind loads.* All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows:
 - A. For solid signs, 30 pounds per square feet on one face of the sign.
 - B. For skeleton signs, 36 pounds per square feet of the total face area of the letters and other sign surfaces, or ten pounds per square feet of the glass area of the sign as determined by the overall dimensions of the sign, whichever is greater.
 - (11) *Sign anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
 - (12) *[Sign placement.]* All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk or safety path.
 - (13) *[Obstruction.]* No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window or fire escape.

(Ord. No. 755 , 4-7-14)

Section 12.16. 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.

(Ord. No. 755 , 4-7-14)

Section 12.17. Enforcement.

Knowing and willful violation of the provisions of this ordinance shall be a municipal civil infraction. Enforcement of this ordinance may proceed through the municipal civil infraction process. Each day that such violation continues after receipt of written notice to remove a sign shall be deemed a separate offense. Violation of these regulations shall result in a revocation of the subject sign permit.

ARTICLE 13. OFF-STREET PARKING AND LOADING

Section 13.01. Intent.

The intent of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the city or with land uses allowed by this ordinance.

Section 13.02. General provisions.

- (1) *Where required.* In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.
- (2) *Existing off-street parking at effective date of ordinance.* Off-street parking existing at the effective date of this ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this ordinance.
- (3) *Required greenbelt and setbacks.* Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with section 7.02(6). Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum five-foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.
- (4) *Parking duration.* Except when land is used as storage space in connection with the business of a repair or service garage, a 24-hour time limit for parking in nonresidential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in such areas or for the purpose of selling cars.
- (5) *Units and methods of measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
 - A. *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
 - B. *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
 - C. *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

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- D. *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.

(6) *Location of parking.*

- A. *One- and two-family dwellings.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this article.
- B. *Multiple-family residential.* The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this article. In no event shall any parking space be located nearer than ten feet to any main building.
- C. *Other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- D. *Restriction on parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.

- (7) *Motor vehicle storage.* No motor vehicle shall be stored outside on any residential lot or in any residential district unless it shall be in operating condition, currently registered, and the registration plate attached to the rear of the vehicle, as required by MCL 257.225. No motor vehicle in excess of 10,000 pounds gross vehicle weight shall be parked or stored on any residential lot or in any residential district except when making a delivery. Only one (1) commercial vehicle less than 10,000 pounds gross vehicle weight per lot may be parked or stored on any residential lot or on an adjacent city right of way. Recreational vehicles are not subject to the 10,000 pound gross vehicle weight limit if they comply with all other requirements for storage of recreational vehicles. Personal noncommercial vehicles in excess of 10,000 pounds gross vehicle weight may be parked or stored on residential lots upon approval of the zoning or code inspector.

(Ord. No. 674, § 1, 12-15-03; Ord. No. 701, § 2, 2-5-07)

Section 13.03. Off-street parking requirements.

- (1) The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in section 13.04. Parking requirements listed in section 13.04 shall not include off-street stacking spaces for drive-through facilities set forth in section 13.07.
- (2) *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply as determined by the zoning official.
- (3) *Collective provisions.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with section 13.04 of this article. Uses that "share" parking should provide a "parking agreement" when required by the city.
- (4) *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 13.04 may result in development with inadequate parking or parking far in excess of that 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 13.04 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 13.04 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.

Section 13.04. Table of off-street parking requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table:

	Use	Required No. of Parking Spaces Per Each Unit of Measure as Follows:	
(1)	Residential Uses.		
A.	Single- or two-family dwelling	2	Per each dwelling unit
B.	Multiple-family dwelling	2	Per each dwelling, plus
		1	Per each ten dwelling units
C.	Senior citizen housing and senior assisted living	1	Per each dwelling unit, plus
		1	Per each ten dwelling units
		1	Per each employee
(2)	Institutional Uses.		
A.	Churches	1	Per each three seats based on maximum seating capacity in the main place of assembly therein.
B.	Private clubs and lodges	1	Per each three individual members allowed within the maximum occupancy load as established by fire and/or building codes
C.	Hospitals	1	Per each four beds, plus
		1	Per staff doctor, plus
		1	Per each employee at peak shift
D.	Convalescent homes, homes for the aged, children's homes	1	Per each five beds, plus
		1	Per each staff doctor, plus
		1	Per each employee at peak shift
E.	High schools, trade schools, colleges and universities	1	Per each teacher, plus
		1	Per each ten students, plus
		1	Per each employee
F.	Elementary and middle schools	1	Per each teacher, plus
		1	Per each 25 students, plus
		1	Per each employee
G.	Child care center, or nursery schools	1	Per each ten students, plus
		1	Per each employee
H.	Day care facilities (including group day care)	1	Per each employee and/or caregiver
I.	Stadiums, sports arenas, and auditoriums	1	Per each four seats based on maximum seating capacity

J.	Libraries and museums	1	Per each 500 sq. ft. of floor area
(3)	General Commercial Uses.		
A.	Retail stores, except as otherwise described below specified herein	1	Per each 100 sq. ft. of floor area
B.	Supermarkets, drugstores, and other self-serve retail establishments	1	Per 150 sq. ft. of floor area
C.	Convenience stores and video stores	1	Per 100 sq. ft. of floor area
D.	Planned shopping center	1 1	Per 100 sq. ft. of floor area for the first 15,000 sq. ft., plus Per 150 sq. ft. of floor area in excess of 15,000 sq. ft.
E.	Furniture, appliances, hardware, household equipment sales	1 1	Per each 400 sq. ft. of floor area, plus Per each employee
F.	Motels and hotels	1 1	Per each guest bedroom, plus Per employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge
G.	Fast food restaurants	1 1	Per each 125 sq. ft. of floor area, plus Per each employee
H.	Sit-down restaurants	1 1	Per each three seats, based on maximum seating capacity, plus Per each employee
I.	Taverns and cocktail lounges	1 1	Per each three persons allowed within the maximum occupancy load as established by fire and/or building codes, plus Per each employee
J.	Garden stores, building material sales	1	Per each 800 sq. ft. of lot area used for said business provided for herein
K.	Movie theaters	1 1	Per each four seats based on the maximum seating capacity, plus Per each employee
L.	Wholesale stores, machinery sales, and other similar uses	1 1	Per each 1,000 sq. ft. of floor area, plus Per each employee
(4)	Automotive uses.		
A.	Auto sales	1 1 1	Per each 200 sq. ft. of showroom floor area, plus Per each employee, plus Per each service stall
B.	Automotive repair facilities	2 1 1	Per each service stall, plus Per each employee, plus Per each service vehicle
C.	Gasoline stations without convenience store	1 2 1	Per each pump unit, plus Per each service stall, plus Per each employee
D.	Gasoline stations with convenience store	1 2 1 1	Per each pump unit (at unit), plus Per each service stall, plus Per each employee, plus Per each 100 sq. ft. of floor area devoted to retail sales and customer service

E.	Car washes (self-serve)	1 1 1	Per each wash stall, plus Per each vacuum station, plus Per each employee
F.	Car washes (automatic)	1 1 1	Per 200 sq. ft. of floor area of customer waiting and service areas, plus Per each vacuum station, plus Per each employee
G.	Collision or bump shops, and other similar uses	2 1	Per each stall or service area, plus Per each employee
(5)	Office and Service Uses.		
A.	Medical and dental office	1	Per each 150 sq. ft. of floor area
B.	Business and professional offices	1	Per each 200 sq. ft. of floor area
C.	Banks	1	Per each 200 sq. ft. of floor area
D.	Barber and beauty shops	1 1 1	Per each chair, plus Per employee, plus Per each five chairs
(6)	Recreational Uses.		
A.	Bowling alleys	4 1	Per bowling lane, plus Per employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge
B.	Private tennis, swim or golf clubs, or other similar uses	1	Per each two memberships, plus Amount required for accessory uses such as a restaurant or cocktail lounge
C.	Golf course, open to the general public	5 1	Per each hole, plus Per each employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge
(7)	Industrial Uses.		
A.	Industrial or manufacturing or establishments	1 1	Per each employee, or Per each 800 sq. ft. of floor area (whichever is greater)
B.	Warehouses and storage buildings	1 1	Per each employee, or Per each 2,000 sq. ft. of floor area (whichever is greater)
C.	Contractors office	1	Per each employee

Section 13.05. Off-street parking lot design and construction.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this ordinance and such construction shall be completed and approved by the zoning or code inspector before use of the property as a parking lot and before a certificate of occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with article 8, plans for the development of any parking lot must be submitted to the zoning or code inspector, prepared at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and

aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot per city standard specifications.

- (1) All such parking lots, driveways, or loading areas required shall be hard-surfaced with asphalt, concrete or brick pavement, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued. Drainage for parking lots shall conform to the standards set forth in section 7.12.
- (2) All illumination for all such parking lots shall meet the standards set forth in section 7.09.
- (3) Parking lot landscaping and buffering requirements shall meet the standards set forth in section 7.02 (5).
- (4) Adequate designed ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
- (5) Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.
- (6) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-way	Two-way		
0—Parallel	12 ft.	20 ft.	9 ft.	25 ft.
30—53	12 ft.	20 ft.	9 ft.	20 ft.
54—74	15 ft.	24 ft.	9 ft.	20 ft.
75—90	15 ft.	24 ft.	9 ft.	20 ft.

- (7) *Barrier-free parking.* Off-street barrier-free parking facilities shall be provided in accordance with the requirements of the State of Michigan. Barrier-free parking shall be included in the total number of required parking spaces according to section 13.04.

Section 13.06. Off-street loading requirements.

On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided in accordance with the following:

- (1) Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten feet by 50 feet, with 14-foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area of Building (sq ft)	Required Loading and Unloading Spaces
0—2,000	None
2,000—20,000	One space

20,000—100,000	One space plus one space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000—500,000	Five spaces plus one space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000	15 spaces plus one space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

(2) *Required greenbelt, setbacks, and screening.*

- A. Off-street loading areas, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with section 7.02(6) Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum ten-foot setback is maintained between off-street loading and the abutting side and rear lot lines.
- B. Off-street loading which abuts residentially zoned or used property shall be screened in accordance with section 7.02(4).

(3) *Double count.* Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

Section 13.07. Off-street stacking space for drive-through facilities.

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:

- (1) Each stacking space shall be computed on the basis of ten feet in width and 20 feet in length. Each stacking lane shall be a minimum of 12 feet in width.
- (2) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- (3) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- (4) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces Per Service Lane
Banks, including ATM's	4
Photo service	4
Dry-cleaning	4
Fast-food restaurants	6
Car washes (self-service)	
Entry	3
Exit	1
Car washes (automatic)	
Entry	6
Exit	2
Pharmacy	4

Section 13.08. Outdoor storage of recreational vehicles, utility trailers, and commercial trailers.

In all residential districts, not more than one recreational vehicle or utility trailer may be parked or stored per lot. For the purpose of these regulations a utility trailer that is used for transportation of a recreational vehicle shall be considered a single unit when the recreational vehicle is stored on or in the trailer.

- (1) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the zoning or code inspector.
- (2) Unless within a completely enclosed building, a recreational vehicle or utility trailer shall be parked or stored in one of the following manners:
 - A. Within the side or rear yard, but no closer than five feet from any side or rear lot line; or,
 - B. In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the zoning or code inspector may allow the parking or storage of a recreational vehicle or utility trailer in the front yard. In those instances where a recreational vehicle or utility trailer is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle or utility trailer be parked or stored in a manner which obstructs pedestrian or vehicular visibility. If stored on the driveway, recreational vehicles or utility trailers must be not closer than ten feet to the sidewalk.
- (3) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a maximum period of two weeks per year.
- (4) No recreational vehicle, utility trailer, or commercial trailer shall be stored on a public street or right-of-way or private road easement.
- (5) A recreational vehicle or utility trailer stored outside shall be in a condition for the safe, effective, and legal performance of its intended function.
- (6) An open top utility trailer may not be used for the storage of any material other than a recreational vehicle.
- (7) Unless within a completely enclosed building, no commercial trailer shall be stored on any residential lot or in any residential district.

(Ord. No. 701, § 3, 2-5-07)

Section 13.09. Reserved.

Editor's note(s)—Ord. No. 736-1, § 8, adopted Dec. 17, 2012, repealed § 13.09, which pertained to central area parking and exemption and derived from Ord. No. 661, adopted June 16, 2003.

ARTICLE 14. ACCESS MANAGEMENT

Section 14.01. Intent.

The MDOT has jurisdiction within the highway's right-of-way, while the city has authority for land use and site plan decisions within individual parcels along the highway. The access management standards were created to

help ensure a collaborative process between the MDOT and the city on access decisions along US-12 to implement the recommendations of the "US-12 Corridor Access Management Plan" and other adopted city plans such as the "Michigan Avenue Gateway Strategic Plan."

Section 14.02. Applicability.

The standards of this section shall apply to all lands with frontage along US-12 and along adjacent streets within 100 feet of the US-12 right-of-way. The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. Permitted and special land uses on these lands shall be as regulated in the applicable zoning district (as designated on the zoning map), and shall meet the following additional provisions:

- (1) The number of access points is the fewest needed to allow motorists reasonable access to the site.
- (2) Access spacing from intersections and other driveways shall meet the US-12 access management standards and MDOT's guidelines.
- (3) Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the county.
- (4) No building or structure, nor the enlargement of any building or structure, shall be erected unless the US-12 access management regulations are met and maintained in connection with such building, structure, or enlargement
- (5) No land division or subdivision or site condominium project shall be approved unless compliance with the access spacing standards herein is demonstrated.
- (6) Any change in use that requires a site plan review per article 8 shall identify the extent of compliance with the standards herein and shall submit information to the MDOT to determine if a new access permit is required.
- (7) For building or parking lot expansions, or changes in use, the planning commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards. In making its decision, the planning commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, and any recommendations from the MDOT. Required improvements may include removal or rearrangement or redesign of site access points.
- (8) The standards herein were developed collaboratively between the city and MDOT. Where conflict occurs, the more restrictive standards shall apply.

Section 14.03. Additional submittal information.

In addition to the submittal information required for site plan review in article 8, the following shall be provided with any application for site plan or special land use review. The information listed in items (1)—(4) below shall be required with any request for a land division.

- (1) *Existing access points.* Existing access points within 500 feet on either side of the US-12 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
- (2) The applicant shall submit evidence indicating that the city's and or MDOT's sight distance requirements are met.
- (3) Dimensions between proposed and existing access points (and median cross-overs if applicable in the future).

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- (4) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the county register of deeds.
 - (5) Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
 - (6) The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - (7) Traffic impact study. A traffic impact study is a specialized study which assesses the effects that a particular development's traffic will have on the surrounding transportation network. A traffic impact study will vary in range and complexity depending on the type and size of the proposed development. Such a study will determine the potential need for transportation improvements due to the changes in projected traffic and traffic movements. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1,000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies. The city and or MDOT may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.
 - (8) Review coordination. The applicant shall provide correspondence that the preliminary site plan has been submitted to the MDOT for their information and comment. Any correspondence from the MDOT on the general access design and geometrics (not approval) shall be considered during the preliminary and final site plan review processes. The city may request attendance at coordination meetings with representatives of the MDOT. Once a final site plan has been approved by the city, the applicant shall request an access permit from MDOT. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the MDOT.

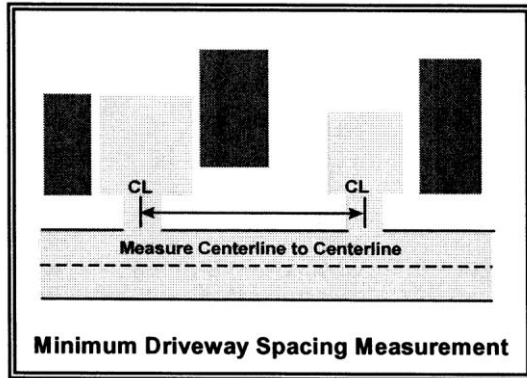
Section 14.04. Access management standards.

Access points (not including driveways that serve a single family home, duplex or essential service facility structure) shall meet the following standards. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT.

- (1) Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards.
- (2) An additional driveway may be permitted by the planning commission upon finding the conditions A and B, or C and D, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
 - A. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and
 - B. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.

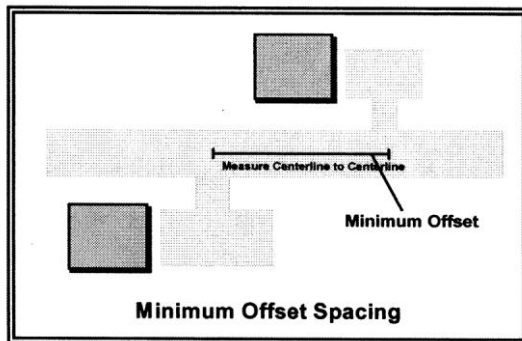
or

- C. A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3,000 trips daily, or 400 and 4,000 respectively if the site has access to a traffic signal, and



Minimum Driveway Spacing Measurement

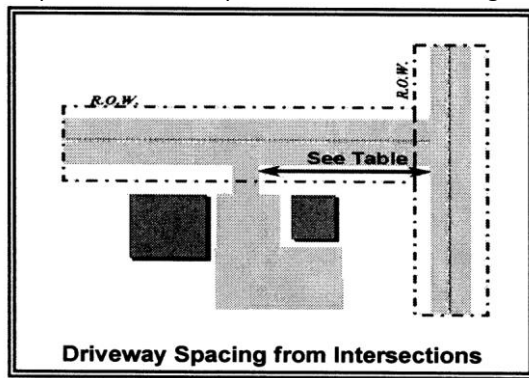
- D. The traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.
- (3) Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure), based on the posted speed limit along the public street segment. Required spacing along US-12 is greater than other roadways to acknowledge MDOT access guidelines and that their primary function is to accommodate through traffic while the function of other roads is more balanced with access to properties.



Posted Speed Limit (m.p.h.)	Along U.S. 12* (feet)	Intersecting Streets (feet)
*35 or less	245	150
40	300	185
45	350	230
50	455	275
55	455	350

Minimum Offset Spacing

- * Unless greater spacing is required by MDOT or required to meet other standards herein.
- (4) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- (5) Access points along sections of US-12 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards. The city supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents. In some cases, existing median cuts may need to be redesigned to meet current design standards.
- (6) Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The planning commission may reduce this to not less than 150 feet where each of the opposing access point generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist.

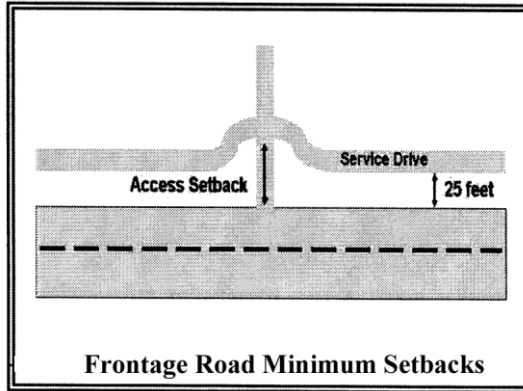


Driveway Spacing from Intersections

- (7) Minimum spacing of access points from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge as shown on the figure):

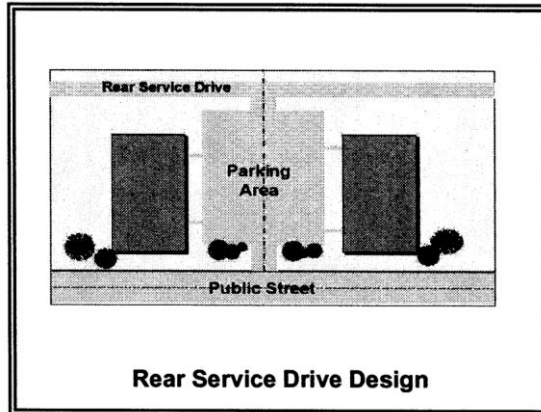
Signalized locations:*	
Along U.S. 12	300 feet
Along other public streets	200 feet
Unsignalized locations:	
Along U.S. 12	300 feet
Intersections with U.S. 12	300 feet
Other intersections	150 feet

- * Spacing shown for signalized intersections shall also be applied at intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.
- (8) Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive, and or side street. In particular, the planning commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.



Frontage Road Minimum Setbacks

- A. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
- B. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation.



Rear Service Drive Design

- C. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.
- (9) Driveways shall be located to provide safe sight distance, or determined by the applicable road agency.
 - (10) No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The zoning administrator is authorized to order and effect the removal or

reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

Section 14.05. Application to existing sites and modification of standards.

Modifications by planning commission. Given the variation in existing physical conditions along the corridor, modifications to the spacing and other standards above may be permitted by the planning commission as part of the site plan review process upon a finding that the following conditions apply:

- (1) Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, existing nonconforming width, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
- (2) The use involves an access improvement to an existing site or a new use that will not generate any more traffic than the previous use or there is only one access point that is not being changed.
- (3) The proposed modification is consistent with the general intent of the preceding standards, the recommendations of the US-12 Corridor Access Management Plan in the city's Master Plan and/or the Michigan Avenue Corridor Preservation Plan, MDOT guidelines, and both city and MDOT staff support the proposed access design.
- (4) If deemed necessary by the planning commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along US-12, and is not simply for convenience of the development. Roadway or intersection control or driveway design change improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
- (5) Indirect or shared access has been provided to the extent practical.

The decision of the planning commission may be appealed to the zoning board of appeals. In consideration of this variance, the board shall also apply the standards above in addition to the other variance.

ARTICLE 15. NONCONFORMING USES, STRUCTURES AND LOTS

Section 15.01. Intent.

Certain existing lots, structures and uses of lots and structures were lawful before this ordinance was adopted, but have become nonconformities under the terms of this ordinance and its amendments. It is the intent of this ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities 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. Nonconformities are declared by this ordinance to be incompatible with the structures and uses permitted in the various districts.

Section 15.02. Nonconforming lots.

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 required yard setbacks and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this ordinance.

Section 15.03. Nonconforming uses of land.

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

- (1) No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- (3) If such nonconforming use of land ceases operation for any reason for a period of more than 365 days, any subsequent use of such land shall conform to the regulations specified by the ordinance for the district in which such land is located.

Section 15.04. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment 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 setbacks, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such structure be destroyed by any means to an extent of more than 50 percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the ordinance.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 15.05. Nonconforming 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 allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- (1) 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.

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- (2) Any nonconforming use may be extended throughout any part of a building which was 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.
 - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Section 15.04 of this article shall apply to any nonconformity relating to the structure(s).
 - (4) If such nonconforming use of land and structures ceases operation with the intent of abandonment for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be excepted from this provision only so long as seasonal uses shall continue.
 - (5) Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.
 - (6) If no structural alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the board of appeals, 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 nonconforming use. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

Section 15.06. Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Section 15.07. Uses allowed as conditional uses, not nonconforming uses.

Any use for which conditional approval is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 15.08. Change of tenancy or ownership.

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

ARTICLE 16. ZONING BOARD OF APPEALS

Section 16.01. Authority.

There is hereby established a Zoning Board of Appeals, the membership, powers, duties of which are prescribed in P.A. 110 of 2006, As Amended (Being The Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.).

The zoning board of appeals in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth.

(Ord. No. 719, § 2, 5-4-09)

Section 16.02. Creation and membership.

A board of appeals is hereby established, and shall consist of not less than five members and two alternate members to be appointed by the legislative body, in accordance with P.A. 110 of 2006, as amended. Vacancies shall be filled by resolution of the council for any expired term or the vacant term. One member of the board shall be a member of the planning commission and one shall be a member of the city council.

(Ord. No. 670, § 1, 8-25-03; Ord. No. 719, § 3, 5-4-09)

Section 16.03. Meetings.

- (1) All decisions of the board shall be made at a meeting open to the public. All deliberations of the board constituting a quorum of its members shall take place at a meeting open to the public except as provided in compliance with the Open Meetings Act, Act 267 of 1976 as amended.
- (2) A majority of the members of the board shall constitute a quorum for purposes of transacting the business of the board and the Open Meetings Act, Act 267 of 1976, as amended. Each member of the board shall have one vote.
- (3) Regular meetings of the board shall be called as needed in response to receipt of a notice of appeal, so long as the meeting is scheduled within 20 days of the notice of appeal. The meeting can be called by the zoning or code inspector, the chair of the appeals board, or, in his or her absence, the vice-chair. Public notice of the date, time, and place of a public meeting of the board shall be given in the manner required by Act 267 of 1976, as amended.
- (4) The business of the board of appeals shall be conducted in accordance with its adopted bylaws.
- (5) The chair, or in his or her absence, vice-chair may administer oaths and compel the attendance of witnesses.

Section 16.04. Powers and duties.

- (1) *General.* The board has the power to act on matters as provided in this ordinance and P.A. 110 of 2006, as amended. The specific powers of the board are enumerated in the following sections of this article.
- (2) *Voting.* The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of two-thirds of the members of the board shall be necessary to grant a variance from uses of land permitted in an ordinance.

A member shall be disqualified from a vote in which there is a conflict of interest. Failure of a member to disclose a conflict of interest and be disqualified from a vote shall constitute misconduct in office.

- (3) *Administrative review.* The board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the zoning official or other duly authorized enforcing agent, in enforcing any provision of this ordinance.
- (4) *Interpretation.*

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- A. The board shall hear and decide requests for interpretation of this ordinance or the zoning map taking into consideration the intent and purpose of the ordinance and the master plan.
 - B. A record shall be kept by the board of all decisions for interpretation of this ordinance or zoning map and land uses which are approved under the terms of this section. The board shall request the planning commission to review any ordinance amendment it deems necessary.
- (5) *Variations*. Upon an appeal, the board is authorized to grant a variance from the strict provisions of this article, whereby extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the board shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the board must ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.
- A. Use variance. The applicant must present evidence to show that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result, and that all four of the following requirements are met:
 - 1. That the property could not be reasonably used for the purposes permitted in that zone;
 - 2. That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
 - 3. That the use requested by the variance would not alter the essential character of the area; and
 - 4. That the alleged hardship has not been created by any person presently having an interest in the property.
 - B. *Nonuse variations*. The applicant must present evidence to show that if the zoning ordinance is applied strictly, practical difficulties will result to the applicant and:
 - 1. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
 - 2. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
 - 3. That the plight of the landowner is due to the unique circumstances of the property; and
 - 4. That the alleged hardship has not been created by any person presently having an interest in the property.

(Ord. No. 719, §§ 4, 5, 5-4-09)

Section 16.05. Procedure for appeal.

- (1) An applicant requesting any action by the board shall commence such request by filing a notice of appeal, on the form supplied by the city, accompanied by such appeal fee as determined by the city council, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.

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- (2) Every appeal from a determination of the zoning official or other duly authorized agent shall be made by the applicant within 21 days of the date of the order issuance or refusal to issue permit, requirement, or refusal.
 - (3) The board shall fix a time for a hearing on the appeal, and shall notify the applicant of the time and place of such hearing. Notice of all public hearings conducted by the board shall appear in a newspaper of general circulation in the city at least 15 days prior to the hearing where the appeal pertains to a specific parcel(s) of property. Notice of the public hearings shall be sent to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and two family dwellings within 300 feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used.
 - (4) Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The board of appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the board of appeals.
 - (5) The board shall not decide an appeal until after a public hearing.
 - (6) The board may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
 - (7) The board may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:
 - A. Be designed to protect natural resources, public health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this ordinance, enforceable as such, and/or may be grounds for revocation or reversal of such decision.
 - (8) All decisions of the board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the board. The applicant shall be advised of the decision after the public hearing unless the board moves for a continuation of such hearing.
 - (9) Any decision of the board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
 - (10) The board may reconsider an earlier decision, if, in the opinion of the board, circumstances justify taking such action.
 - (11) No order of the board of appeals permitting the erection or alteration of a building shall be valid for a period of 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 proceeds to completion in accordance with the terms of such permit.

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- (12) No order of the 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 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 proceeds to completion in accordance with such permit.
 - (13) Any person or persons, or any board or department of the city having an interest affected by a decision of the board shall have the right to appeal to the circuit court on questions of law and fact. Such appeal must be taken within 30 days after the zoning board of appeals issues its decision in writing and signed by the chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision. A request for reconsideration under subsection (10) above shall not toll the time for taking such appeal. In the event a request for reconsideration is granted, the time period for appeal shall commence from the approval of the minutes of the meeting where the appeal was reconsidered. In any event, only one request for reconsideration on each appeal shall be allowed.

(Ord. No. 719, §§ 6, 7, 5-4-09)

ARTICLE 17. AMENDMENTS

Section 17.01. Procedure.

- (1) The city council may, from time to time, on its own motion, on recommendation of the planning commission, or on petition, after public notice, hearing and report by the planning commission as provided by law, amend, supplement or change the boundaries or regulations herein or subsequently established herein pursuant to the authority and procedure established in P.A. 110 of 2006, as amended.
- (2) At least one public hearing shall be held by the planning commission, and a report made thereon, before the city council shall adopt any amendment to this ordinance or the maps adopted thereunder. Not less than 15 days' notice of the time and place of the public hearing shall first be published in a paper of general circulation in the city, and not less than 15 days' notice of the time and place of the public hearing shall first be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the city clerk for the purpose of receiving such notice. An affidavit of mailing shall be maintained. A hearing shall be granted a person interested at the time and place specified on the notice. A summary of the comments submitted at the public hearing shall be transmitted with the report of the planning commission to the city council. The city council may hold additional public hearings if it considers it necessary.
- (3) After receipt of the planning commission's report, the city council may adopt the proposed amendment, with or without amendments, or refer the proposed amendment again to the planning commission for a further report.
- (4) If an individual property or up to ten adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given by mail to the owners of the property in question and to all persons to whom real property is assessed, and to the occupants of all structures, within 300 feet of the boundary of the property in question, at least 15 days before the hearing. For any group of adjacent properties numbering 11 or more proposed for rezoning, the modifications specified above are not required pursuant to section 202(3) of PA 110 of 2006.
- (5) Upon presentation of a protest petition meeting the requirements hereinafter set forth, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a two-thirds vote of the city council. The protest petition shall be presented to the city council before final legislative action on the amendment, and shall be signed by one of the following:

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(Supp. No. 16)

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- A. The owners of at least 20 percent of the area of the land included in the proposed change.
 - B. The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
 - C. Publicly owned land shall be excluded in calculating the 20 percent land area requirements.
- (6) Following the adoption of a zoning ordinance and subsequent amendments by the city council, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include the following information:
- A. 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 Saline.
 - B. In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - C. The effective date of the ordinance.
 - D. The place and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to city zoning ordinances supersede charter provisions relating to the filing and publication of city ordinances.

(Ord. No. 719, § 8, 5-4-09)

ARTICLE 18. REPEAL OF EXISTING ZONING ORDINANCE

Section 18.01. Repeal.

The existing zoning regulations of the city being the "Appendix A - Zoning" comprised of Articles I thru XXVI are hereby repealed as of the date this ordinance becomes effective. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned ordinance, as amended, if the use so in violation is in violation of the provisions of this ordinance. This section shall not constitute the repeal of article XVII, board of appeals, of appendix A, zoning, of the Saline City Code until the effective date of the new alternative board of appeals established by said Ordinance No. 661.

(Ord. No. 669, § 3, 7-21-03)

Section 18.02. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 18.03. Effective date.

The city clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law; and this ordinance shall take full force and effect ten days after the date of publication.