

ZONING ORDINANCE

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OFFICIALS

2020

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
10-1267	5- 3-2010	Included	5
10-1272	5-17-2010	Included	5
10-1274	6-21-2010	Included	5
10-1275	6-21-2010	Included	5

10-1276	6-21-2010	Included	5
10-1277	6-21-2010	Included	5
10-1284	7-19-2010	Included	5
11-1306	1- 4-2011	Included	6
11-1307	1- 4-2011	Included	6
11-1318	4- 4-2011	Included	6
11-1319	4- 4-2011	Included	6
12-1362	9-11-2012	Included	7
12-1367	10- 9-2012	Included	7
12-1370	11-13-2012	Included	7
13-1393	4-30-2013	Included	7
13-1396	5-14-2013	Included	7
13-1397	5-14-2013	Included	7
13-1399	6-11-2013	Included	7
13-1400	6-11-2013	Included	7
13-1403	6-11-2013	Included	7
13-1405	8-13-2013	Included	7
13-1414	3- 4-2014	Included	7
14-1417	2-11-2014	Included	7
14-1418	2-11-2014	Included	7
14-1419	2-11-2014	Included	7
14-1424	5-20-2014	Included	7
14-1431	8-12-2014	Included	7
14-1445	12- 9-2014	Included	7
15-1458	4-21-2015	Included	8
15-1477	9-22-2015	Included	8
15-1478	9-22-2015	Included	8
15-1479	9-22-2015	Included	8
15-1480	9-22-2015	Included	8
15-1481	9-22-2015	Included	8
15-1482	9-22-2015	Included	8
15-1483	9-22-2015	Included	8
15-1484	9-22-2015	Included	8
15-1485	9-22-2015	Included	8
15-1486	9-22-2015	Included	8
15-1487	9-22-2015	Included	8
15-1491	10-20-2015	Included	8
15-1492	10-20-2015	Included	8
15-1493	10-20-2015	Included	8
15-1498	11-24-2015	Included	8
15-1499	11-24-2015	Included	8
15-1500	11-24-2015	Included	8
15-1501	11-24-2015	Included	8
15-1503	11-24-2015	Included	8
15-1504	11-24-2015	Included	8
16-1519	2- 9-2016	Included	8
16-1524	3-15-2016	Included	8
16-1525	3-15-2016	Included	8
16-1526	3-15-2016	Included	8
16-1531	4-12-2016	Included	8
16-1542	9- 6-2016	Included	8
16-1545	10- 4-2016	Included	8
16-1548	10- 4-2016	Included	8
15-1506	9- 6-2016	Included	9
15-1507	9-20-2016	Included	9
15-1508	9- 6-2016	Included	9
16-1557	1-17-2017	Included	9
16-1562	12-13-2016	Included	9
16-1563	12-13-2016	Included	9
17-1566	1-31-2017	Included	9
17-1567	1-31-2017	Included	9
17-1568	1-31-2017	Included	9
17-1573	7-18-2017	Included	9
17-1576	3-21-2017	Included	9

17-1582	6-13-2017	Included	9
17-1588	7-18-2017	Included	9
17-1591	9-12-2017	Included	9
17-1592	9-12-2017	Included	9
17-1593	9-12-2017	Included	9
17-1601	1-16-2018	Included	9
17-1602	1-16-2018	Included	9
17-1603	1-16-2018	Included	9
17-1604	1-16-2018	Included	9
18-1605	1-30-2018	Included	9

ARTICLE 1.00 - SHORT TITLE, RULES OF CONSTRUCTION AND DEFINITIONS

Sec. 1.01. - Short title.

This ordinance shall be known and may be cited as "The City of Dearborn Zoning Ordinance" or "The City of Dearborn Zoning Regulations." Within the following text it may be referred to as the "ordinance" or the "zoning regulations."

(Ord. No. 93-553, § 1.01, 2-2-1993)

Sec. 1.02. - Rules of construction.

The following rules of construction apply to the text of these zoning regulations:

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future.
- C. Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The masculine gender includes the feminine and neuter.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.
- G. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- H. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- I. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- J. Whenever a word or term defined hereinafter appears in the text of the zoning regulations, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or," the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of these zoning regulations.
- M. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within these zoning regulations, the written text shall have precedence over said illustrations.

(Ord. No. 93-553, § 1.02, 2-2-1993)

Sec. 1.03. - Definitions.

Whenever used in these zoning regulations, the following words and phrases shall have the meaning ascribed to them in this section:

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

Adult book or supply store. See adult regulated uses.

Adult physical culture establishment. See adult regulated uses.

Adult model studio. See adult regulated uses.

Adult motel. See adult regulated uses.

Adult motion picture theater. See adult regulated uses.

Adult motion picture arcade. See adult regulated uses.

Adult regulated uses. As used in these zoning regulations, the following definitions shall apply to adult regulated uses:

A. **Reserved.**

B. **Adult book or supply store.** An establishment having ten (10) percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

C. **Cabaret.** An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

D. **Adult motion picture theater or adult live stage performing theater.** An enclosed building with a capacity of fifty (50) or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

E. **Adult model studio.** Any place where models who display "specified anatomical areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

F. **Adult motel.** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein).

G. **Adult motion picture arcade or mini motion picture theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein).

H. **Adult, nude, partially nude dancing.** A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this ordinance, nude or partially nude shall mean having any or all of the "specified anatomical areas" exposed (as defined herein).

I. **Massage parlor or massage establishment.** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics, nursing homes, beauty salons, barber shops, tanning and/or nail salons, athletic clubs or other licensed facilities where massages are administered as an incidental or accessory use to the main use of the premises, provided that the facility maintains a separate room equipped with appliances and apparatus for massages and, provided further, that the massages are administered only by certified massage therapists. Each massage therapist must meet one (1) or more of the following criteria:

1. Proof of graduation from a school of massage licensed by the State of Michigan;
2. Official transcripts verifying completion of at least five hundred (500) hours of massage training from an American community college or university and three (3) references from massage therapists who are professional members of a massage association referred to in this section;
3. Certification as recognized by the American Massage Therapy Association, International Myomassethics Federation, or any other recognized body work association with equivalent professional certification standards; or
4. A current license from another state with standards that are equal or greater than those outlined in items 1., 2., and 3.

J. **Adult personal service business.** A business having as a principal activity a person of one (1) sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.

K. **Adult outdoor motion picture theater.** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined

herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

L. **Specified anatomical areas.** Portions of the human body defined as follows:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

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

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

Alley. A narrow passage or way open to public travel, affording a secondary means of vehicular access to abutting property but is not intended for general traffic circulation or for parking, standing, or loading. A public alley is an alley so designated upon a recorded plat, or otherwise formally accepted as such by the City. Any other alley is a private alley.

Alteration. Any change, addition or modification to a structure, building or type of occupancy, such as walls or partitions, columns, or beams or girders, or any change which may be referred to herein as "altered" or "reconstructed."

Alternative financial establishments. Any non-chartered financial institution, business, or person that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, currency exchange, pay-day loans and/or similar services as its primary function. "Alternative financial establishments" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Alternative financial establishments" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business.

Animal hospital. See clinic, veterinary.

Apartment. See dwelling, multiple-family.

Arcade. Any place, premise, establishment or room within a building which utilizes more than fifteen (15) percent of usable floor area for machines which may be used as a game, contest, or amusement of any description; the fifteen (15) percent of floor area calculation shall include no more than twenty (20) machines. For the purposes of this definition, "machine" shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Architectural lighting. Any site or building lighting that is not sign lighting (as defined in this Article) and is designed and placed so as to attract general public attention to the site or building. Accent lighting includes "rope lights", or similar string lights or illuminating devices, whether or not pulsating, blinking, flashing or otherwise changing in light intensity, brightness or color. Required parking lot or pedestrian safety lighting shall not be considered accent lighting for purposes of this Article.

Artificial light. Any light emanating from any man-made device.

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

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 a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

Automobile repair. Major or minor repair of automobiles defined as follows:

A. **Minor repair.** Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing of the automobiles on the premises overnight.

B. **Major repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing of the automobiles on the premises overnight.

Automobile service station. A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

Automobile repair garage. An enclosed building where major automobile repair services may be carried out.

Automobile or vehicle dealership. A building or premises used primarily for the sale of new and used automobiles and other motor vehicles to include outside storage of vehicles.

Automobile wash or car wash establishment. A commercial establishment contained within a building or premises or portion thereof where automobiles are washed.

Base flood. A base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement. That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

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

Bedroom. A room designed or used in whole or part for sleeping purposes.

Berm. See landscaping.

Block. The property bounded by a street or by a combination of streets and public lands, railroad, utility, or public rights-of-way, rivers, drains, or streams, boundary lines of the City, or any other barrier to the continuity of development.

Board of appeals. The Dearborn Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 207 of 1921, as amended.

Boarding house or rooming house. A building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or loading and meals are provided for three (3) or more persons. A rooming house shall be deemed a boarding house for the purposes of these zoning regulations.

Boutique resale store. A small-scale store, typically specializing in the resale of a specific category of used goods such as books, music, antiques, jewelry, clothing, or sports equipment, subject to the following limitations:

- A. The gross area of the building is no greater than five-thousand (5,000) square feet;
- B. The store only takes delivery of used goods within the building, and does not provide for outdoor or after-hours drop off of used goods, except that oversized goods may occasionally be accepted through an exterior door during business hours; and
- C. The store is not otherwise subject to the regulated use provisions of this Zoning Ordinance.

Buildable area. See building envelope.

Building. Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property or materials of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

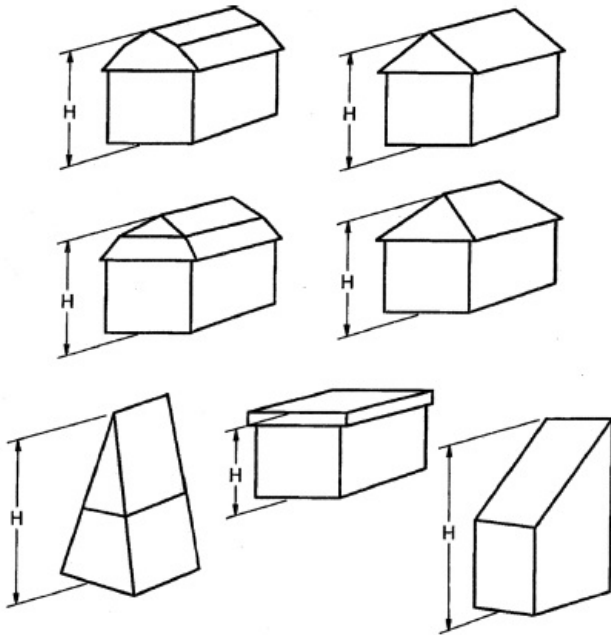
Building, principal. A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

Building, accessory. See accessory use, building, or structure.

Building, temporary. A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements of Section 511 of the Basic Building Code/1990, as amended, edition prepared by the Building Officials and Code Administrators International, Inc.

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

Building height. The highest point of the ridge for a gable, hip, studio, gambrel or A-frame roof or the top of a parapet wall for a flat roof, measured from the grade plane. An artificial grade (a grade raised around the perimeter of the foundation of the structure) cannot be used to lessen the total overall height of the structure.



Building Height Requirements

Building line. A line parallel to the front lot line at the minimum required front setback line (see illustration).

Building official. The City official(s) designated by the mayor to administer and enforce the building codes of the City or his or her designee.

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

Cabaret. See adult regulated uses.

Cemetery. Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child care center. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility may also be described as a day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

Church, mosque, temple, or synagogue. Any structure wherein persons regularly assemble for religious activity.

City. The City of Dearborn, Wayne County, Michigan.

City Council. The City Council of the City of Dearborn, Wayne County, Michigan.

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

Clinic, veterinary. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

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

Commercial use. The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in these zoning regulations "commercial use" shall not include industrial, manufacturing, or wholesale activities.

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

- A. Truck tractor.
- B. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- C. Vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks.
- D. Tow trucks.
- E. Commercial hauling trucks.
- F. Vehicle repair service trucks.
- G. Snow plowing trucks.
- H. Any vehicle with a commercial license plate having a gross vehicle weight in excess of five thousand six hundred (5,600) pounds or a total length in excess of twenty-two (22) feet.

Commission. The Plan Commission of the City of Dearborn, as organized under Public Act No. 207, the Public Acts of 1921 of the State of Michigan, as amended, and City Charter § 10.27, and Ordinance No. 81-127.

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

- A. **Condominium Act.** Shall mean Public Act 59 of 1978, as amended.
- B. **Condominium lot.** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the schedule of regulations of these zoning regulations.
- C. **Condominium subdivision plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- D. **Condominium unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. **Common elements.** Portions of the condominium project other than the condominium units.
- F. **Contractible condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these zoning regulations and the Condominium Act.
- G. **Conversion condominium.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. **Convertible area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- I. **Expandable condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these zoning regulations and the Condominium Act.
- J. **General common elements.** Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. **Limited common elements.** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. **Master deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- M. **Site condominium project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in these zoning regulations.

Congregate housing. See housing for the elderly.

Construction, new. Erection of a new building, structure or home; or repairs/renovation/addition to an existing building, structure or home where the repairs/renovation/addition costs exceed fifty (50) percent of the value of the existing building, structure or home. Repairs that are required to restore a building, structure or home after a catastrophe are not considered new construction.

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

Convalescent home. See nursing home.

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

Co-op (cooperative) housing. A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

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

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

Cul-de-sac. See road.

Day labor agency. Any for-profit or non-profit facility and/or agency that provides short-term temporary labor services (work done where the worker is hired and paid one day at a time, with no promise that more work will be available in the future) for agricultural, construction, maintenance, landscaping, food service or industrial trades; or other physically intensive work. Job seekers congregate to be hired by the day or by the job for short periods of time by third parties. Job seekers must be present to receive and accept a job offer or be transported to a job site, and typically return to the facility for payment. Related support services may be offered to job seekers while they wait onsite.

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

Density. The number of dwelling units per acre of land.

A. **Gross density.** The number of units per acre of total land being developed.

B. **Net density.** The number of units per acre of land devoted to residential use.

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

Development. The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Distribution center. A use which typically involves both warehouse and office/administration functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, zoning. A portion of Dearborn within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Drive-in. A business establishment so designed that its operation involves providing a service or a product to patrons while they are in their car, rather than within a building or structure.

Dwelling. Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of these zoning regulations.

Dwelling, accessory apartment. A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by:

A. Persons related to the occupant of the principal residence by blood, marriage or legal adoption, or

B. Domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

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

A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and

B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and

C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home is a type of manufactured housing, which is defined as follows:

D. **Dwelling, mobile home.** A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of these zoning regulations.

Dwelling, multiple-family. A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly

known as apartments, which are defined as follows:

A. **Apartment.** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

B. **Efficiency unit.** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

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

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

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

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

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

Engineer, City. The city engineer is the person [or] firm authorized to advise the city administration, city council, and plan commission on drainage, grading, paving, stormwater management and control, utilities, and other related site engineering and civil engineering issues.

Enforcement Official. The enforcement official is the person or persons with the responsibility for enforcing and administering requirements of applicable sections of these zoning regulations. The enforcement official may be referred to as the city planner, director of building and safety, the building inspector or other appropriate party so designated. Such titles do not refer to a specific individual, but generally to the office, department, or City official(s) most commonly associated with the administration of the regulation being referenced.

Erected. A physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of the word "erected."

Essential services. The erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or City-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities.

Excavation. The removal or movement of soil, sand, stone, gravel, or fill dirt from any parcel except for common household gardening, farming, and general ground care.

Exception. An exclusion from the normal zoning ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions as may be approved by the zoning board of appeals. A variance is not required for uses or structures which are permitted because of an exception.

Family. A family is an individual or married couple and the children thereof, with not more than two (2) other persons related directly to the individual or married couple by blood or marriage or two (2) unrelated individuals, living together as a single housekeeping unit in a dwelling unit, subject to the limitations of the structure as provided by City Ordinance, Section 11-177. The following criteria shall be utilized as guidelines to define a family or a single-family use within the meaning of this ordinance:

A. That there exists a shared kitchen facility where cooking is accomplished for the entire family unit and there is no direct charge for meals other than sharing of expenses.

B. That there be a commonality of purpose among the members constituting the family unit and that the living arrangements shall be based on a relationship other than simply providing accommodations and/or food, and that the living arrangements shall not be designed to be merely of a temporary or transitory nature.

C. That the living arrangements shall not constitute a multiple-family use nor constitute a rooming house or other such facility designed to provide accommodations purely for economic motivation.

D. That the accommodations for members of the family unit shall not change the interior architectural or structural design of the living facility.

Family day care home. A private home in which one (1) but less than seven (7) minor children are received for care and supervision under a license issued by the State of Michigan per 1973 PA 116 as amended (MCL 722.111 et seq.) and a Certificate of Occupancy issued by the City.

Farm. A parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products, including necessary farm structures within the prescribed limits and the storage of related equipment

used. A "farm" shall exclude the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

Fill, filling. The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area. Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding in any one (1) given year.

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

Floodplain. Any land area susceptible to being inundated by water from any source as mapped by the City of Dearborn, Department of Public Works, Engineering Division.

Floor area, gross. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor area, net. See floor area, usable residential and floor area, usable nonresidential.

Floor area, usable nonresidential. In order to account for unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and other similar areas, off-street parking requirements, pursuant to Article 4.00 of this ordinance, shall be calculated using eighty (80) percent of the gross square footage of a building using exterior dimensions.

Floor area, usable residential. The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

Foster care home. See state-licensed residential facility.

Foster child. A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

Fraternal organization. See club.

Garage, private. An accessory building used for the parking or storage of motor vehicles owned and used solely by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

Garage, public. See automobile repair garage.

Gas station. See automobile filling station and Automobile service station.

Gazebo. A freestanding roofed structure that is open on all sides.

Glare. Light emanating directly from a light source that has the potential to create visual discomfort or momentary blindness when viewed.

Grade. The finished ground level adjoining the building at all exterior walls.

Grade plane. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six (6) feet from the building between the structure and a point 6 feet from the building.

Greenbelt. See landscaping.

Group day care home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Group home. See state-licensed residential facility.

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

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

Hazardous uses. All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in Section 306 of the Basic Building Code/1990 edition, as amended or updated, prepared by the Building Officials and Code Administrators International, Inc.

Height of building. See building height.

Highway. See street.

Home occupation. An occupation or profession conducted entirely within a dwelling by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence, and where such use does not:

- A. Change the character or appearance of the residence,
- B. Does not result in any signs or displays on the premises,
- C. Does not result in any sales of commodities or goods on the premises.

Hospital. An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hospital, veterinary. See clinic, veterinary.

Hotel. A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

Housing for the elderly. An institution other than a hospital, hotel, or nursing home, which provides room and board to nontransient persons primarily sixty (60) years of age or older. Housing for the elderly may include the following:

- A. **Senior apartments.** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.
- B. **Elderly housing complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is seventy (70) years of age or older.
- C. **Congregate housing.** A type of semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

D. **Dependent housing facilities.** Facilities such as nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Ice cream parlor. A retail establishment whose business is limited to the sale of ice cream, frozen desserts, yogurt, dessert items, candies and confections, and beverages in a ready-to-eat state, not to include any seating area. Businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items are not considered ice cream parlors for the purposes of these zoning regulations.

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

Indoor recreation center. An establishment which provides indoor exercise facilities and/or indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of these zoning regulations, a bowling establishment shall be considered a type of indoor recreation center.

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

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

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

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

Junkyard or salvage yard. An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, shredded, disassembled, or handled, including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

Kennel. Any lot or premises on which more than three (3) dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets, subject to the regulations set forth herein regulating private and commercial kennels.

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

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

as follows:

A. **Berm.** A continuous, raised earthen mound comprised of nontoxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these zoning regulations.

B. **Grass.** Any of a family of plants with narrow leaves normally grown as permanent lawns in Wayne County, Michigan.

C. **Greenbelt.** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these zoning regulations.

D. **Ground cover.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

E. **Hedge.** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

F. **Hydroseeding.** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

G. **Interior parking lot landscaping.** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

H. **Mulch.** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

I. **Nurse grass.** Any of a variety of rapidly growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

J. **Planting.** A young tree, vine, shrub, or herb that would be placed on or in the ground.

K. **Screen or screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

L. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

M. **Sod.** An area of grass-covered surface soil held together by matted roots.

N. **Tree.** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Wayne County, Michigan.

1. **Deciduous tree.** A variety of tree that has foliage that is shed at the end of the growing season.

2. **Evergreen tree.** A variety of tree that has foliage that persists and remains green throughout the year.

O. **Ornamental tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

P. **Shade tree.** For the purposes of these zoning regulations, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Wayne County, Michigan, and has a trunk with at least five (5) feet of clear stem at maturity.

Q. **Vine.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Loading space, off-street. An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot or zoning lot. For the purposes of enforcing these zoning regulations, a lot is defined as a piece of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. "Single" ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

A. A single lot of record.

B. A portion of a lot of record.

C. A combination of complete lots of record, or portion thereof.

D. A condominium lot.

E. A piece of land described by metes and bounds.

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

Lot area, gross. The net lot area plus one-half ($\frac{1}{2}$) of the area of any public right-of-way area or private road easement

immediately adjacent to or abutting the lot.

Lot, contiguous. Lots adjoining each other.

Lot, corner. A lot abutting on and at the intersection of two (2) or more streets, provided that the streets intersect at an angle of not more than one hundred thirty-five (135) degrees.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.

For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

Lot coverage. The part or percent of the lot that is occupied by buildings or structures.

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

Lot, double frontage or through lot. A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one street shall 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 buildings in the same block fronting on one (1) or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

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

Lot, interior. Any lot other than a corner lot with only one (1) lot line fronting on a street.

Lot lines. The lines bounding a lot as follows:

A. **Front lot line.** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the plan commission or building official.

B. **Rear lot line.** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.

C. **Side lot line.** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Wayne County Register of Deeds, or accepted by the Wayne County Department of Equalization, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Wayne County Register of Deeds. A lot of record may also be identified by attachment to a Sidwell or tax parcel identification number.

Lot width. The straight line distance between the side lot lines, measured at the two (2) points where the minimum front yard setback line intersects the side lot lines.

Lot access drive. Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Marginal access road. See secondary access drive.

Massage parlor or massage establishment. See adult regulated uses.

Master plan. The Master Plan is a document which is prepared under the guidance of the City plan commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the City. Specifically, it refers to the "Master Plan" adopted by the plan commission in December 1985, or as may be amended.

Mezzanine. An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the floor area of the story in which the level or levels are located.

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

Mobile home. See dwelling, mobile home.

Mobile home park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission rules and Michigan Public Act 419 of 1976, as amended.

Mobile home lot. An area within a mobile home park which is designated for the exclusive use of a specific mobile home.

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

Motel. A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary hotel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

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

Neighborhood newspaper distribution station. A place where newspapers are distributed to carriers for home delivery, designed to serve the immediate residential neighborhoods in which it is located. Such facility shall not exceed three thousand (3,000) square feet in area.

Nonconformity. Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of these zoning regulations or any amendment thereto, to the regulations for the district in which it is located.

Nuisance. Any offensive, annoying, or disturbing practice or object which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery, day nursery, or nursery school. See child care center.

Nursery, plant material. A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

Nursing home, convalescent home, or rest home. A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

Occupancy, change of. A discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

Occupied. Used in any way at the time in question.

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

Open-air business. Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open-air business shall include:

A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.

B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.

C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

D. Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

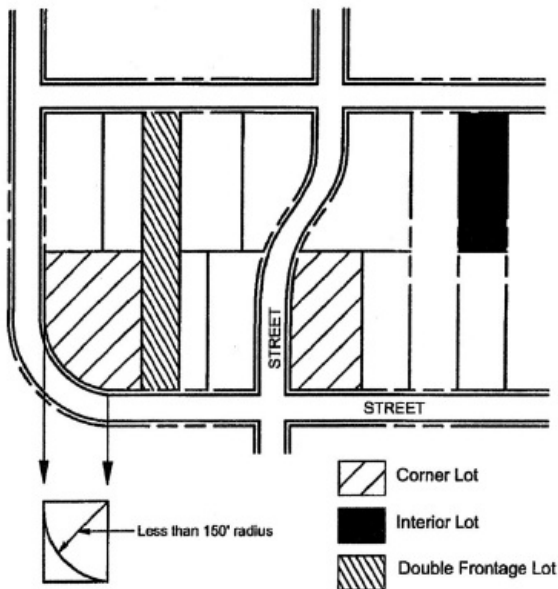
Open space. That part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

Outdoor dining. A designated outdoor space on private property that acts as additional seating/service area for a restaurant or bar/tavern/lounge. When such areas are on public property they are regulated by Article 15, Chapter 9 of the Code of Ordinances.

Outdoor storage. The keeping, in an unroofed area, of any goods, junk material, or merchandise in the same place for more than twenty-four (24) hours.

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

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



Lot & Double Frontage (or Through Lot)

Lot & Double Frontage (or Through Lot)

Parking lot, off-street. An area on private property, or on public property, which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

Parking space. An area of definite length and width as designated in these zoning regulations for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Parking space, residential. Each required residential space shall be a minimum size of ten (10) feet × twenty (20) feet and shall be constructed with concrete or plant-mixed bituminous asphalt. Building a one-car garage with an open parking space adjacent to the garage is prohibited. All residential off-street parking spaces shall be enclosed within a garage, or if open, located at the rear most area of the lot. Off-street parking access shall be from a driveway that enters onto the property from the front yard or side yard.

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

Pergola. A freestanding structure with an open trellis-style roof, that is open on all sides.

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

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

Previous [pervious] surface. A surface that permits full or partial absorption of stormwater.

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

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

Planned unit development. A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planner, City. The city planner is the person designated by the plan commission to advise the City Council, City plan

commission, and City staff on planning, zoning, land use, housing, and other related planning and development issues.

Plan commission. The Plan Commission of the City of Dearborn as organized under Public Act No. 207, the Public Acts of 1921 of the State of Michigan, as amended, pursuant to 2-376 to 388.

Pre-release adjustment center. An establishment which provides shelter, supervisory and social services to convicts in a pre-release parole preparation program, as authorized by the State Corrections Commission or by the Federal Bureau of Prisons.

Principal use. See use, principal.

Private street or road. See road.

Property line. The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also lot line.

Public lodging house. A commercial establishment or place in which five (5) or more members of the public, whether travelers or not, are charged for or are provided sleeping quarters in the form of cots or beds in the same room.

Public safety official. The public safety official refers generally to the departments or persons who perform police, firefighting, and other public safety functions for the City.

Public utility. Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Recreational land. Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

Recreational vehicle. "Recreational vehicles" shall include the following:

A. **Travel trailer.** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.

B. **Pickup camper.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

C. **Motor home.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

D. **Folding tent trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.

E. **Boats and boat trailers.** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

F. **Other equipment.** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

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

Recycling center. A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Recycling collection station. A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

Reference level. For any building within ten (10) feet of the front lot line, the reference level is the official established sidewalk grade opposite the center of the front of the building. For any building more than ten (10) feet from the front lot line, or where no sidewalk grade is established, the reference level is the mean elevation of the finished grade of the ground across the front of the building. When the mean finished grade about any portion of a building varies five (5) feet or more from that of the front, such mean may be taken as the reference level for such portion of such building.

Regional newspaper distribution centers. A place where newspapers are distributed to carriers for home delivery, designed to serve multiple communities.

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

A. **Restaurant, carry-out.** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

B. **Restaurant, drive-in.** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed

building.

C. **Restaurant, drive-through.** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

D. **Restaurant, fast-food.** A fast-food restaurant is a business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

E. **Restaurant, standard.** A standard restaurant is a business establishment whose method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

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

Retention basin. A pond, pool, or basin used for the permanent storage of stormwater runoff.

Right-of-way. The strip of land over which an easement exists [to] allow facilities such as streets, roads, highways, and power lines to be built.

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

A. **Private road.** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Wayne County, the state or the federal government, but which meets the requirements of these zoning regulations or has been approved as a private road by the City under any prior ordinance.

B. **Public road.** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Wayne County, state or the federal government.

C. **Arterial road.** A road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.

D. **Collector street.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.

E. **Cul-de-sac.** A road that terminates in a vehicular turnaround.

F. **Major thoroughfare.** An arterial road which is intended to service a large volume of traffic for both the immediate area and the region beyond, and may be designated as a thoroughfare, parkway, freeway, expressway or equivalent term to identify those roads comprising the basic structure of the roads plan. Any road with an existing or proposed right-of-way width of one hundred twenty (120) feet, and any road proposed as a major thoroughfare in the master plan shall be considered a major thoroughfare.

G. **Local street.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

H. **Minor road.** A road whose sole function is to provide access to abutting properties.

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

Rooming house. See boarding house.

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

Second-hand resale store. Any building, structure, premises, or part thereof used for the sale of used or second-hand goods of any kind. Second-hand resale store shall not include:

A. Boutique resale stores; or

B. Any store whose principle purpose is to deal in new goods, but which occasionally accepts used goods for resale incidental to the sale of new goods, including but not limited to books, music, antiques, jewelry, clothing, or sports equipment, subject to the following limitations:

1. No more than twenty-five (25) percent of sales floor area or customer-accessible product is dedicated to the sale of

second-hand goods, pursuant to an approved floor plan and/or racking plan; and

2. The store only takes delivery of second-hand goods within the interior of the building, and does not provide for outdoor or after-hours drop-off of used goods, except that oversized goods may occasionally be accepted through an exterior door during business hours.

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

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

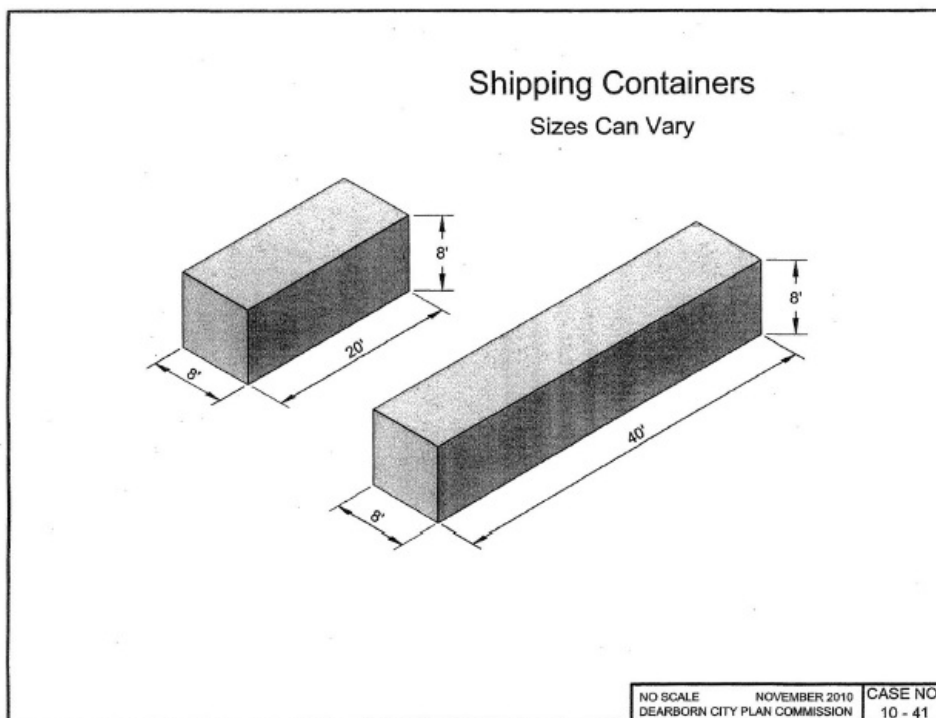
Setback. The distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of these zoning regulations (see definition of yard).

Setback measurement line. A line drawn parallel to the centerline of the road on the zoning map from which the front setback shall be measured.

Shed. A type of accessory building on the same zoning lot as a primary residence which measures between 61 cu. ft - 1,000 cu. ft. and is used exclusively for the storage of household goods and possessions of the owner. The maximum width between two walls of a shed shall not exceed twelve (12) ft. and the maximum height of any part of the shed roof shall not exceed ten (10) ft.

Shippers' container. An empty industrial, standardized reusable vessel that was:

- A. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or
- B. Designed for or capable of being mounted or moved on a rail car, and/or
- C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.



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

Sign. Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined and regulated by the sign regulations of the City Code.

Site plan. A plan, prepared to scale, as required in Section 32.02, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Sky glow. The brightening of the night sky attributable to man-made light sources which obscure stars, the moon, and other natural phenomena.

Smoking lounge. Any establishment, which, as one of its business activities, even if incidental to its primary activities,

promotes the smoking of tobacco products or other legal substances on its premises. This term includes, but is not limited to: cigar lounges, hookah cafes, tobacco lounges, tobacco clubs or tobacco bars.

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

Special land use. Special land uses are uses, either public or private which possess unique characteristics and therefore cannot be property classified as a use permitted by right in a particular zoning district.

After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval, subject to the terms of these zoning regulations.

Specially designated distributor's establishment. A retail establishment of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to distribute alcoholic liquor, or other than beer and wine under twenty (20) percent by volume, in the original package for consumption off the premises.

Specially designated merchant's establishment. A retail establishment of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to sell beer and wine for consumption off the premises.

Specified anatomical areas. See adult regulated uses.

Specified sexual activities. See adult regulated uses.

Stable, private. A private stable is an enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

Stable, public. A public stable is an enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

State-licensed residential facility. Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

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

1. **Family home.** Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.

2. **Adult foster care small group home.** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.

3. **Adult foster care large group home.** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.

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

B. **Foster family home.** A private residence that houses four (4) or fewer foster children, up to age nineteen (19), under constant child care and supervision. Under Public Act 116 of 1973, a foster family home does not require local zoning approval before being licensed by the Department of Social Services.

C. **Foster family group home.** A private residence that houses more than four (4) but less than seven (7) minor children, up to age nineteen (19), under constant care and supervision. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the Department of Social Services.

D. **Orphanage.** Residence for the housing of more than seven (7) minor children, up to age nineteen (19), under constant care and supervision. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the Department of Social Services.

E. **Child care organizations.** A governmental or nongovernmental organization for thirty (30) or fewer children having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes. Child care organization does not include a governmental or nongovernmental organization that does either of the following:

1. Provides care exclusively to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4.

2. Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

Story. That portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see illustrations). A mezzanine shall be deemed a full story when it covers more than one-half ($\frac{1}{2}$) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

Story, half. The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds ($\frac{2}{3}$) of the floor area of the uppermost full story. The usable floor area of a half ($\frac{1}{2}$) story shall be at least two hundred (200) square feet with a minimum clear height of seven (7) feet, six (6) inches.

Street. See road.

Street lot line. A dividing line between the street and a lot, also known as the right-of-way line.

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

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The definition of structure does not include concrete flatwork or other walking surfaces such as asphalt or paving bricks. Structures include, but are not limited to, principal and accessory buildings, towers, storage containers/lockers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, and a mobile home.

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

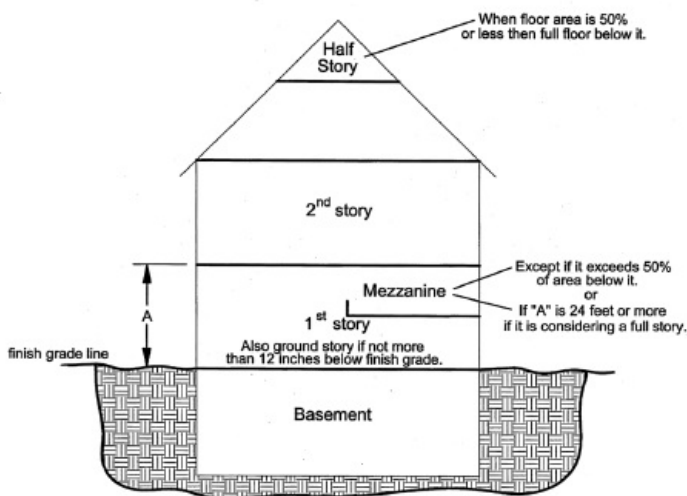
Substance abuse treatment facility. Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines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

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

Swimming pool. Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

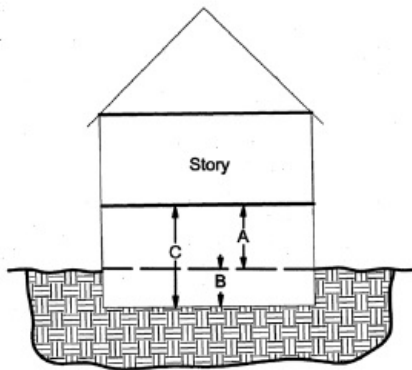
Temporary use or building A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in these zoning regulations.

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

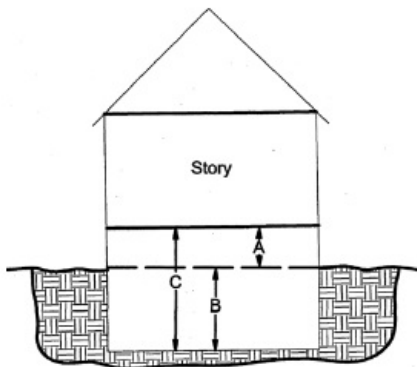


Basic Structural Terms

Basic Structural Terms



"A" Greater than "B"
"C" is story



"A" Less than "B"
"C" is basement

Basement and Story

Basement and Story

Thoroughfare, major. See road.

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

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

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

Truck terminal. A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

Underlying zoning. The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel planned unit development.

Uniformity ratios. The ratio of luminance in the brightest-lit spots compared to that in the dimmest areas (max./min.).

Use. The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

- A. **Use, accessory.** See accessory use, building, or structure.
- B. **Use, conditional.** See conditional use.
- C. **Use, permitted.** A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- D. **Use, principal.** The main use of land and buildings and the main purpose for which land and buildings exist.

E. **Use, special land.** See special land use.

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

Variance. A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals when strict enforcement of the zoning ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

Veterinary hospital. See clinic, veterinary.

Wall, obscuring A structure of definite height and location to serve as an opaque screen in carrying out the requirements of these zoning regulations.

Warehouse. A building used primarily for storage of goods and materials. See also distribution center.

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

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in these zoning regulations. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of these zoning regulations (see illustrations).

A. **Yard, front.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or setback measurement line (where appropriate) and the nearest line of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.

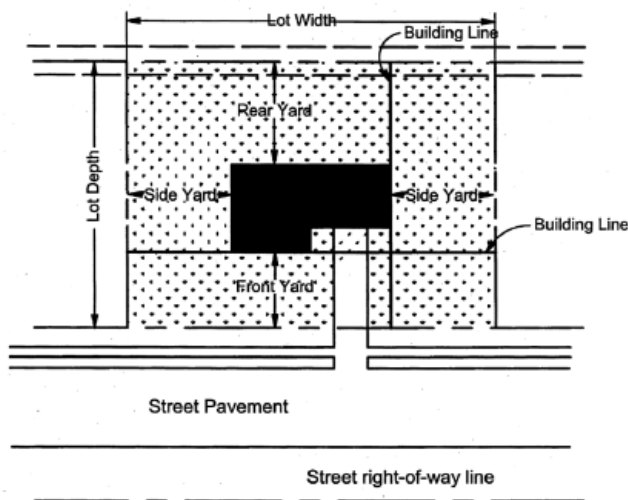
B. **Yard, rear.** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line on the principal building unoccupied from the ground upward (except as hereinafter specified). On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

C. **Yard, side.** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building and unoccupied from the ground upward (except as hereinafter specified).

Zoning administrator. The City official(s) authorized to administer the zoning regulations on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of plan commission actions, sending notices of public hearings, and similar work and may include the city planner, the director of building and safety department, or the building inspector as may be designated by this ordinance.

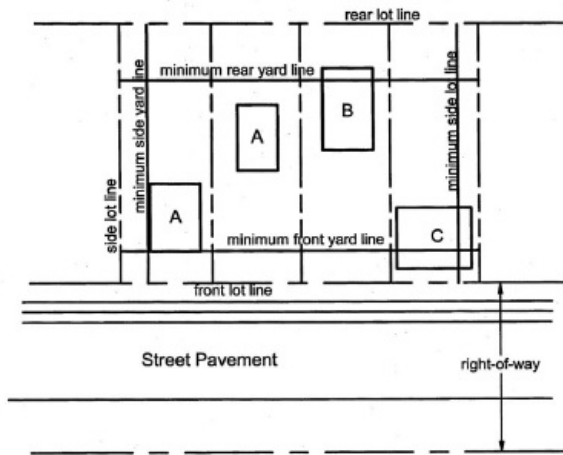
Zoning Compliance Certificate. A certificate stating that a structure or structures comply with specified zoning standards as submitted on approved documents.

(Ord. No. 93-553, § 1.03, 2-2-1993; Ord. No. 94-609, 10-18-1994; Ord. No. 95-624, 3-7-1995; Ord. No. 95-628, 3-7-1995; Ord. No. 95-624, 3-7-1995; Ord. No. 97-710, 10-7-1997; Ord. No. 02-918, 11-19-2002; Ord. No. 03-962, 5-20-2003; Ord. No. 03-969, 7-1-2003; Ord. No. 04-1008, 9-7-2004; Ord. No. 04-1016, 9-21-2004; Ord. No. 08-1194, 12-15-2008; Ord. No. 08-1184, 10-20-2008; Ord. No. 08-1185, 10-20-2008; Ord. No. 08-1186, 10-20-2008; Ord. No. 10-275, 6-21-2010; Ord. No. 11-1306, 1-4-2011; Ord. No. 1319, 4-4-2011; Ord. No. 12-1362, 9-11-2012; Ord. No. 14-1417, 2-11-2014; Ord. No. 14-1445, 12-9-2014; Ord. No. 15-1478, 9-22-2015; Ord. No. 15-1482, 9-22-2015; Ord. No. 17-1567, 1-31-2107; Ord. No. 17-1601, 1-16-2018; Ord. No. 20-1690, 12-8-2020)



Open Space Terms

Open Space Terms



- A Structures satisfying minimum yard requirements.
- B Structures with deficient rear yard.
- C Structures with deficient front and side yards.

Open Space Yard Requirements

Open Space Yard Requirements

ARTICLE 2.00 - GENERAL PROVISIONS

Sec. 2.01. - Administrative regulations.

A. **Scope of regulations.** No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, Feb. 11, 1993, and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Article 3.00 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

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

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

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

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

E. **Continued conformity with yard and bulk regulations.** The owner of a building or the property on which it is located shall maintain all required setbacks, open space, and other minimum yard and bulk requirements for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

F. **Division and consolidation of land.** No zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located, and further as provided for in City Ordinance, Section 17.5-11.

G. **Unlawful buildings, structures, site designs and uses.** A building, structure, or use which was not lawfully existing at the time of adoption of this ordinance shall not be made lawful solely by adoption of this ordinance. In case any building, or part

thereof, is used, erected, occupied or altered contrary to the provisions of this ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

H. **Voting place.** The provisions of this ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

(Ord. No. 93-553, § 2.01, 2-2-1993; Ord. No. 10-1267, 5-3-2010)

Sec. 2.02. - Allowable uses.

Only the following uses of land, buildings, or structures shall be allowed in the City:

- A. Uses lawfully established on the effective date of this ordinance, Feb. 11, 1993.
- B. Uses for which a building permit had been issued in accordance with Section 21.07.
- C. Permitted uses in the applicable zoning districts, subject to the requirements specified.
- D. Conditional and Special Uses in the applicable zoning districts, subject conditions and requirements specified.
- E. Temporary uses subject to the requirements specified in Section 2.07.

(Ord. No. 93-553, § 2.02, 2-2-1993)

Sec. 2.03. - Accessory buildings and structures.

A. General requirements.

1. **Timing of construction.** No accessory building, structure, or use shall be constructed or established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land.

2. **Site plan approval.** If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

3. **Placement of heating and cooling equipment.** Accessory uses such as central air conditioning units and heat pumps shall not be installed in the side yard unless a site plan for location has been approved by a building official. A minimum three (3) foot side yard is required for installation purposes.

4. **Conformance with lot coverage standards.** Accessory buildings and permanent structures which actually cover a portion of the lot shall be included in computations to determine compliance with maximum lot coverage standards, where applicable.

5. **Location in proximity to easements or rights-of-way.** Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way, except as permitted in the regulations for essential services.

6. **Use of accessory structures.** Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation. One (1) private garage shall be permitted per residential lot. Except as otherwise provided in this Zoning Ordinance, any such garage shall be used primarily for the storage of vehicles and for incidental household storage only.

7. **Appearance.** Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site.

8. **Applicability of other codes and ordinances.** Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

9. **Application for Zoning Compliance Certificate.** A Zoning Compliance Certificate is required for the installation of a shed. In all cases, an application for a Zoning Compliance Certificate to construct a shed shall be filed with the building official. The application shall be accompanied by a site plan, along with drawings or other information required by the building and safety department which illustrate the dimensions, setbacks, height, and design of the proposed shed.

10. Garages.

(a) **Intent.** A garage is intended to provide off-street vehicular parking and incidental household storage for the occupants of the residence to which it is accessory. It is not to be used as habitable space or for commercial purposes. It is the intent of this Zoning Ordinance to promote public health, safety, and welfare by establishing standards for garages consistent with the goal of complying with ADA requirements for unobstructed access to sidewalks and minimizing off-street parking congestion, neighborhood overcrowding, fire hazards, and other conditions detrimental to public safety and quality of life. The following sections recognize the types of activities that are consistent with garage use, and prohibit those activities which would convert the garage to habitable space or commercial use.

(b) **Conversion.** No garage shall be converted into habitable space without permits. For the purposes of this ordinance, "habitable space" shall be defined "as space within a structure for living, sleeping, or cooking." Factors demonstrating conversion include unauthorized renovations which require permits or permanent enclosure of the garage by installation of a framed wall, and/or enclosure by brick, siding or other materials. Occasional use of a garage for social gatherings, such as parties, which does not involve physical conversion of the garage, is permitted.

(c) **Garage doors.** A garage shall have an opaque vehicular access overhead retractable door which allows vehicles to

enter and exit the building freely and without obstruction. Garage doors of a different style, such as carriage doors, which are consistent with the architectural design of the home and not otherwise inconsistent with the intent of this ordinance may be permitted subject to a compatibility review for accessory buildings as provided by Section 2.03(A)(7) of the Zoning Ordinance. In addition to a permitted garage door, a garage may have a service door (solid/hinged, sliding or French doors) not exceeding eight (8) feet in width for allowing entry into the garage.

All garage doors are subject to the requirements of the building code.

(d) **Sleeping.** In no event shall any garage be used for sleeping purposes, nor shall a garage have any opening into a room used for sleeping purposes.

(e) **Heat.** No open flame heaters shall be used or installed.

(f) **Permitted utilities.** Installation of electrical or plumbing service is not permitted except as follows: a) a faucet or utility sink is allowed as permitted by Code; b) basic electrical service incidental to the use of the garage for minor repairs or hobbies is permitted; c) no bathroom facilities are permitted.

(g) **Cooking Prohibited.** No cooking of any kind shall occur in any garage.

(h) **Lease of garages.** No garage may be leased to any person separately from the owner or tenant of the principal residence. No garage shall be leased to any business or used for any commercial purpose whatsoever.

(i) **Commercial storage.** Storage of materials, inventory or machinery used in a commercial business or enterprise is not allowed.

(j) **Off-street parking.** Any use of a garage which impedes the ability of the occupants of the home to meet the residential parking requirements set forth in Section 4.01(B)(2) of the Zoning Ordinance is prohibited.

(k) **Public Service Day.** Any use of a garage which impedes the ability of the occupants of the home to meet the parking requirements set forth in Section 18-358 of the Dearborn Code of Ordinances, entitled "Public Service Day", is prohibited.

B. Attached accessory buildings. Unless otherwise specified in this Article, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. The floor area of a garage attached to a principal residence shall not exceed twenty (20) percent of the total area of the residence or seven hundred (700) square feet, whichever is greater.

1. **Attached garages.** A garage attached to a one (1) family residence shall not be considered part of the principal building for purposes of determining conformance with the combined side yard setback requirement if the garage and residence meet the following requirements:

(a) Minimum lot width: Sixty (60) feet.

(b) Maximum height of house and garage: One (1) story/twenty (20) feet.

(c) Minimum side setback (each side): Four (4) feet.

(d) Minimum setback to front of garage: Four (4) feet behind the front of the residence.

C. Detached accessory buildings.

1. **Location.** Detached accessory buildings shall not be located in a front yard or a required side yard; except that the following accessory uses may be permitted in the front or side yards of commercial or industrial districts with appropriate landscaping, subject to the approval of the planning commission: buildings for parking attendants, guard shelters, gate houses, and transformer pads.

2. **Setbacks.** Detached accessory buildings shall comply with the following setback requirements:

(a) **Front yard setback.** Accessory buildings shall comply with the front setback requirements for the district in which they are located. However, in no case shall an accessory building be located closer to the front lot line than the principal building.

(b) **Side yard setback** The accessory building shall comply with the side yard setbacks for the district which it is located, except that the minimum side yard setback for accessory buildings in single-family districts shall be eighteen (18) inches for lots equal to or less than thirty-five (35) feet in width. The area shall be maintained with all the following conditions: hard-surfaced, maintenance-free and sloped that water runoff has no impact on adjoining property and gutters shall be installed on the accessory building.

(c) **Rear yard setback.** Accessory buildings shall be located no closer than three feet to the rear lot line. Where the rear lot line is coterminous with an alley right-of-way line, the accessory building may be located within one foot of the rear lot line.

(d) **Distance from other buildings.** The primary purpose of a garage in a residentially-zoned district is for the storage of vehicles. A detached garage shall be located in the rear yard in a location such that the resident can freely access and park a vehicle in each bay of the garage. The accessibility of the garage bays shall be determined by the building official. For fire prevention purposes, if the accessory building is less than ten (10) feet from the principal structure, then protective materials with at least one (1)-hour fire rating are required in the exterior wall(s) of the principal structure that is closer than ten (10) feet to the principal structure.

(e) **Setback on corner lots.** Accessory buildings on a corner lot shall comply with the front setback requirements on any side that faces a street, if there is at least one (1) house in the same block that fronts on said street. If there are no houses fronting on the street, then the corner house shall provide a minimum setback of three (3) feet on said side street.

3. **Size and lot coverage.** Detached accessory buildings shall not cover more than seven hundred (700) square feet.

(a) Permitted lot coverage on a single family residential lot may be increased up to five (5) percent solely to accommodate the construction of a twenty (20) foot wide by twenty (20)-foot deep detached garage if the home and all other structures that count toward lot coverage were constructed prior to 1993. Any existing garage or shed may not be retained in conjunction with this provision.

4. **Height.**

(a) Detached accessory buildings in residential districts shall not exceed one (1) story and sixteen (16) feet in height. The roof pitch shall be less than or equal to the roof pitch of the principle structure.

(b) Detached accessory buildings in nonresidential districts shall comply with the maximum height standards for the district in which they are located.

5. **Limitation.** In addition to a garage, each residential lot is permitted one (1) shed).

D. Accessory structures.

1. **General requirements.** Accessory structures (for example, swimming pools, freestanding solar panels, tennis courts, antennas) require a building permit and review for zoning compliance. Accessory structures shall be located in the rear yard and shall comply with height, yard setbacks, and lot coverage requirements for accessory buildings, unless otherwise permitted in this ordinance.

2. **Limitation.** Exclusive of fences, decks air conditioning units, and storage lockers/containers up to 60 cu. ft., (subsections (b), (c), (f), and (g), below) the number of detached accessory structures shall not exceed three (3) per property, unless approved by the Zoning Board of Appeals. All accessory structures shall require Zoning Board of Appeals approval, except for the following:

(a) Pergolas and gazebos subject to the regulations in subsection 3. and 4. below.

(b) Fences and privacy screens which comply with Section 2.19 of this ordinance.

(c) Decks.

(d) Hot-tub or spas.

(e) Above/in-ground swimming pools.

(f) Central air conditioning units and heat pumps, subject to the approval of the building official.

(g) Storage lockers/containers up to 60 cu. ft. in size located on a deck, porch, patio or other paved surface (maximum of two (2) per property).

3. **Pergolas and gazebos.** Pergolas and gazebos that do not comply with all of the conditions listed in subsection 4. below are subject to the standard restrictions on lot coverage (Section 29.02); setbacks (Section 2.03C); appearance (Section 2.03A.7); and a maximum height of sixteen (16) feet, the maximum permitted floor area based on lot size per the table below:

Lot Size	Maximum Floor Area
Less than 5,000 s.f.	200 s.f.
5,000—10,000 s.f.	300 s.f.
Greater than 10,000 s.f.	400 s.f.

(a) Parking of any type of vehicle under a pergola or gazebo shall be prohibited.

(b) The use of a pergola or gazebo for storage purposes shall be prohibited.

(c) Pergolas and gazebos may not be located in a driveway.

4. **Seasonal pergolas and gazebos.** Seasonal pergolas and gazebos are defined as those that meet all of the conditions and requirements listed below. They shall be located in the rear yard and comply with all yard setback requirements listed in subsection C.2.(a)-(c). Seasonal pergolas and gazebos do not require a building permit or zoning review. A seasonal pergola or gazebo:

(a) Shall not be erected before March 1 and shall be removed by November 30 each calendar year. If the structure consists of a frame covered by a removable cloth or canvas surface, the framing structure may remain up between November 30 and March 1 provided that the cloth or canvas covering is fully removed during those months.

(b) Shall not exceed 192 sq. ft.

(c) Shall not exceed a maximum height of sixteen (16) feet.

(d) Shall be prefabricated.

(e) Shall be anchored or attached to grade in accordance with product specifications.

(f) Shall not be used for storage or contribute to harborage for rodents/vermin.

(g) Shall not be used for parking of any type of vehicle under the structure.

(h) May be located in a driveway, provided it is still within the rear yard.

(Ord. No. 93-553, § 2.03, 2-2-1993; Ord. No. 93-575, 11-3-1993; Ord. No. 95-626, 3-7-1995; Ord. No. 02-883, 5-7-2002; Ord. No. 02-925, 12-3-2002; Ord. No. 04-1009, 8-4-2004; Ord. No. 04-1010, 8-4-2004; Ord. No. 04-1011, 8-4-2004; Ord. No. 02-883, 5-15-2002; Ord. No. 06-1081, 10-16-2006; Ord. No. 07-1127, 6-4-2007; Ord. No. 08-1171, 7-14-2008; Ord. No. 08-1172, 7-14-2008; Ord. No. 09-1214, 2-17-2009; Ord. No. 11-1319, 4-4-2011; Ord. No. 12-1367, 10-9-2012; Ord. No. 13-1414, 3-4-2014; Ord. No. 14-1431, 8-12-2014; Ord. No. 19-1646, 4-23-2019; Ord. No. 20-1691, 12-8-2020)

Sec. 2.04. - Lawful use of a structure as a dwelling unit.

A. Incompletely constructed structures. Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a Certificate of Occupancy and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure.

B. Caretaker residence. No dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker and his/her immediate family. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted Building Code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his/her immediate family.

(Ord. No. 93-553, § 2.04, 2-2-1993)

Sec. 2.05. - Residential design standards.

Any residential structure, including manufactured dwellings and mobile homes not located in mobile home parks, shall be erected or constructed only if in compliance with the following residential design standards. This section shall not apply to any applications for permits which were submitted prior to the effective date of this section. The City Planning Division shall have the authority to determine if the following requirements are being complied with.

General requirements.

1. **Area and bulk regulations.** Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.

2. **Foundation.** Any residential structure, including a mobile home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted Building Code of the City. A mobile home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation.

3. **Other regulations.** Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended.

4. **Use.** Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.

5. **Attachments.** Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted Building Code of the City.

6. **Utility connections.** All residential structures shall be connected to the public sewer and water systems.

7. **Design quality for infill development.** The design quality of new and substantially expanded or renovated existing residential structures in established neighborhoods can have a substantial impact on the character, quality, and stability of those neighborhoods. To ensure that all new and substantially renovated residential structures constitute an improvement to the area they shall be subject to a design quality review based on the following requirements. The following requirements are in addition to, not in place of, other applicable requirements in this section.

(a) **Applicability.** New homes and substantial expansions/renovations of existing homes that exceed the threshold for legal nonconformity for improvements and modernization set forth in Dearborn Zoning Ordinance section 3.05.C.2 are subject to design quality review per this section.

(b) **Procedure.** Review of these requirements will be carried out as part of the standard zoning compliance review required for permitting.

(1) Deed restrictions and condominium master deeds/by-laws.

a. The association having authority over the deed restrictions or master deed/by-laws for a given area may file an official copy of these instruments with the Director of the Property Maintenance and Development Services Department if it elects to receive notice of the submission of a permit application or a copy of proposed plans for construction of a new home or the substantial expansion or renovation of an existing home which lies within the boundaries of the association. If the association elects to receive either notice of the submission of a permit application or a copy of proposed plans, it shall provide to the Director and continue to update the name and email address of a designated person or persons to whom either notice of the submission of a permit application or a copy of the proposed plans shall be sent.

b. If an association complies with (a), then the Property Maintenance and Development Services Department shall not issue any permits until after 5 p.m. on the 15th business day after the notice or the proposed plans were emailed to the

association's designee(s). The time shall be calculated from and include the first business day after the City sends an emailed copy of the plan.

c. An association which complies with (a) shall also receive notice to its designated person(s) of an appeal to the Zoning Board of Appeals pertaining to a property within the boundaries of the association.

(2) **Specific design guidelines.**

a. **Front entry:** peak height of the roof over the front entry shall be below the midpoint height of the main roof.

b. **Columns.**

i. Column height to diameter ratio:

(a) One story columns: column height shall be at least 8 and no more than 12 times column diameter.

(b) Two story columns: column height shall be at least 10 and no more than 14 times column diameter.

ii. Beams at the tops of columns shall be at least as tall and thick as the columns that support them.

c. **Windows.**

i. **Window Shape:** a maximum of three primary window shapes shall be used on a home. Egress windows and limited use of accent window shapes such as transoms or ovals/circles do not count against this requirement (maximum three accent window shapes per home).

ii. Window and door lintels and headers shall be designed to appear structural.

iii. Shutters shall be the correct size and positioned correctly to appear functional.

d. **Roofs.**

i. **Roof shapes:** no more than two roof shapes shall be permitted on the front elevation (gable, hip, gambrel, studio, A frame, etc.)

ii. **Roof pitch:** main roofs shall have a minimum pitch of 5:12, except where the specific architectural style dictates otherwise (i.e., French provincial, Italianate, etc.)

e. **Dormers.**

i. Dormers shall not make up more than 50% of the roof area of the front half of the home.

f. **Exterior materials.**

i. Primary exterior materials (making up more than 25% of the façade) shall consist of no more than three materials.

ii. Secondary exterior materials (making up less than 25% of the façade) shall be made up of no more than three materials.

iii. E.F.I.S. and stucco shall only be permitted as secondary exterior materials. Their use as primary exterior materials on homes is prohibited.

iv. Glare/reflection: the reflection from exterior surfaces shall be no greater than from white semi-gloss exterior enamel.

8. **Attached garages.** Attached garages shall only be permitted if they meet the following standards:

(a) Lot has a minimum width of forty five (45) feet.

(b) Exceptions:

(1) Corner lots with the garage entry off the side yard facing the side street.

(2) Where the proposed configuration is consistent with the dominant pattern of existing development in the immediate area (as in many existing condominium communities).

(3) Side loaded garages designed to blend into the front façade of the home in such a way as to not compromise the standards in the design quality section.

9. **Driveways.** Driveways are required and permitted on residential lots accessory to homes primarily for the purpose of providing access to off-street parking in a garage or the rear yard. Residential driveways shall meet the following requirements:

(a) Standard driveways (driveways providing direct access to parking in a garage or rear yard):

(1) Minimum driveway width: ten (10) feet (may be reduced to nine (9) feet on lots less than fifty (50) feet in width).

(2) Maximum driveway width in the front yard: twelve (12) feet for a driveway going to a single bay attached garage or to any size garage or parking pad in the rear yard, twenty (20) feet for a driveway going to an attached two bay garage with doors facing the street.

(b) Circular driveways (an extra driveway generally providing for a drop-off area near the front door to the home):

(1) Shall not exceed the front yard and total impervious surface limits in this section.

(2) Only permitted on lots with a front yard of a minimum width of seventy five (75) feet and minimum depth of thirty five (35) feet.

(3) Maximum drive width: twelve (12) feet.

(4) Shall only be permitted one additional curb cut, one entrance from the street must also be the main driveway to the garage.

a. Exception: In the case of a side yard loaded garage on a corner lot, the circular drive may have two curb cuts to the front yard. The curb cuts shall be a minimum of twenty five (25) feet from the right-of-way line of the side street.

(5) Minimum required side yard setback: three (3) feet.

(6) Circular drive design must permit a full size vehicle to travel its length without leaving driveway pavement.

10. Standards for Mobile Homes & Manufactured Dwellings. The dimensions and placement of mobile homes or manufactured dwellings located outside of a mobile home park shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a mobile home or manufactured dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than sixteen (16) feet. If there are any extensions or additions off of the front of the mobile home or manufactured dwelling, the minimum width of any such secondary front elevation shall be sixteen (16) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the mobile home or manufactured dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the mobile home or manufactured dwelling.

11. Roof overhang. Residential structures shall be designed with either a roof overhang of not less than six (6) inches on all sides or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.

12. Cantilevers. Cantilever areas shall be included as part of the calculation for lot coverage and shall comply with the lot coverage and setback requirements listed in Section 29.02 of the Dearborn Zoning Ordinance.

13. Exterior doors. Residential structures shall conform with Chapter 5, Article II, of the Dearborn City Code, entitled "Building Code," regarding design standards for the number of exterior doors.

14. Lot combinations. The size of the originally platted lot or site condominium lot in an established development largely defines the consistent character and development pattern for a neighborhood. The combination of lots to create larger single home sites can have the effect of disrupting the character and orderly development of the area. As such lot combinations that meet any of the following criteria require approval by the Planning Commission. Approval of any lot combination meeting the criteria shall be contingent upon site plan review and approval by the Planning Commission. Any site plan modifications will require approval by the Planning Commission.

(a) Lot combinations where the resulting lot would exceed twice the size of the largest of the constituent lots as established in the plat or master deed.

(b) Lot combinations where the resulting lot would exceed twenty thousand (20,000) square feet.

(c) To approve such a lot combination the Planning Commission must find that the proposed combination of lots would result in the development of the land in such a manner as to be compatible with surrounding land uses and development and not contrary to the spirit and purpose of the subdivision plat, site condominium documents, city master plan and zoning ordinance.

(Ord. No. 93-553, § 2.05, 2-2-1993; Ord. No. 95-626, 3-7-1995; Ord. No. 01-859, 3-5-2002, amended 6-28-2004; Ord. No. 18-1626, 9-24-2019)

Sec. 2.06. - Reserved.

Sec. 2.07. - Temporary structures and uses.

General requirements. Temporary buildings and structures shall comply with the following requirements:

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

2. Permits. Pursuant to the adopted Building Code, approval from the building official shall be required for a permit for a temporary structure. Any such permit shall specify a date for removal of the temporary structure, but the period of approval shall not exceed one (1) year.

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

4. Special events and other temporary uses. The city council may grant temporary use of land and structures for special events and other temporary uses, as defined in Article 1.00 of this ordinance, subject to the following general conditions:

(a) Adequate off-street parking shall be provided.

(b) The applicant shall specify the exact duration of the temporary use.

(c) Electrical and utility connections shall be approved by the building official.

(d) The City may require a performance bond to assure proper cleanup.

The following conditions apply to specific temporary uses:

5. Conditions which apply to specific temporary uses.

(a) Carnival or circus.

— **Maximum duration.** Ten (10) days.

— **Operator or sponsor.** Nonprofit entity

— **Location.** Shall not be located in or adjacent to any developed residential area except on church, school or park property.

— Subject to the provisions of City Ordinance, Chapter 12.

(b) **Sidewalk display and sale of bedding plants.**

— **Maximum duration.** Thirty (30) days.

— **Location.** In commercial districts only.

— **Sidewalk coverage.** Shall not cover more than twenty (20) percent the width of the sidewalk.

— Subject to the provisions of City Ordinance, Chapter 12.

Cross reference— Restrictions on sidewalk sales, Section 12-144, City of Dearborn Code of Ordinances.

(c) **Christmas tree sales.**

— **Maximum duration.** Forty-five (45) days.

— **Clean-up.** Stumps, branches, and other debris shall be completely removed from site. Leftover trees shall be removed within one (1) week after Christmas.

(Ord. No. 93-553, § 2.07, 2-2-1993)

Sec. 2.08. - Uses not otherwise included within a district.

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

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

2. **Conditions by which use may be permitted.** If the city planner determines that the proposed use is compatible with permitted and existing uses in the district, the city planner shall then decide whether the proposed use shall be permitted by right, as a Special Use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located.

3. **Plan Commission determination.** In the event that the city planner is unable to decide if a use should be considered a permitted use in a particular zoning district, then the determination shall be made by the plan commission, which may elect to resolve the case by initiating an amendment to the zoning ordinance.

4. **Uses listed in another district.** No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a Special Use in any other district.

(Ord. No. 93-553, § 2.08, 2-2-1993)

Sec. 2.09. - Yard and bulk regulations.

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

1. **Minimum lot size.** Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance, Feb. 11, 1993, shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.

No yards in existence on the effective date of this ordinance, Feb. 11, 1993, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance.

2. **Number of principal uses per lot.** Only one (1) principal building shall be placed on a lot of record or site in Single-Family Residential Districts.

3. **Projections into required yards.** Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is

located. The following table identifies permitted projections in required yards:

PERMITTED PROJECTIONS INTO REQUIRED YARDS					
Projections	All Yards	Interior	Corner	Side Yard	Court Yard
		Rear Yard	Side Yard		
Air conditioning equipment shelters	—	X	X	X	X
Access drives	X	—	—	—	—
Arbors and trellises	X	—	—	—	—
Awnings and canopies	X	—	—	—	—
Bay windows	X	—	—	—	—
Decks, if not enclosed	—	X	—	—	—
Eaves, overhanging	X	—	—	—	—
Emergency electrical generators*	—	X	—	—	—
Fences *	X	—	—	—	—
Flagpoles	X	—	—	—	—
Gardens	X	—	—	—	—
Hedges	X	—	—	—	—
Laundry drying equipment	—	X	X	—	—
Light standards, ornamental	X	—	—	—	—
Parking, off street *	X	—	—	—	—
Paved terraces and open porches *	—	X	—	—	—
Porches, unenclosed with or without proof *	X	—	—	—	—
Approved signs *	X	—	—	—	—
Stairways, open unroofed	X	—	—	—	—
Steps	X	X	X	X	X
Television or radio towers or antennas	—	X	X	X	X
Trees, shrubs, and flowers	X	—	—	—	—
Walls (see Fences) *	X	—	—	—	—
Window air conditioning units	X	—	—	—	—

* see additional regulations in this ordinance X = permitted

Notes Related to Table

- 1. Architectural features.** Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend into any front or rear yard not more than twenty-four (24) inches.
- 2. Terraces and porches.** Open paved terraces, porticos, decks, porte cocheres, and open porches not more than four (4) feet in height may project into a required rear yard up to ten (10) feet, provided that the unoccupied portion of the rear yard has a depth of at least twenty-five (25) feet.
- 3. Access drives and walkways.** Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than six (6) inches above grade.
- 4. Porches, unenclosed with or without a roof.** Porches and similar permanently unenclosed ground-story projections may extend into a required yard not more than ten (10) feet, but not nearer in any case than ten (10) feet to a front or rear lot line, or nearer than three (3) feet to any side yard lot line. A front porch roof structure shall be compatible to the structures in the immediate vicinity per Section 2.05(A) 7, Compatibility.
- 5. Unobstructed sight distance.** No fence, wall, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two (2) roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

Trees. Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road pavement within the triangular area.

Unobstructed sight area

The unobstructed triangular area is described as follows:

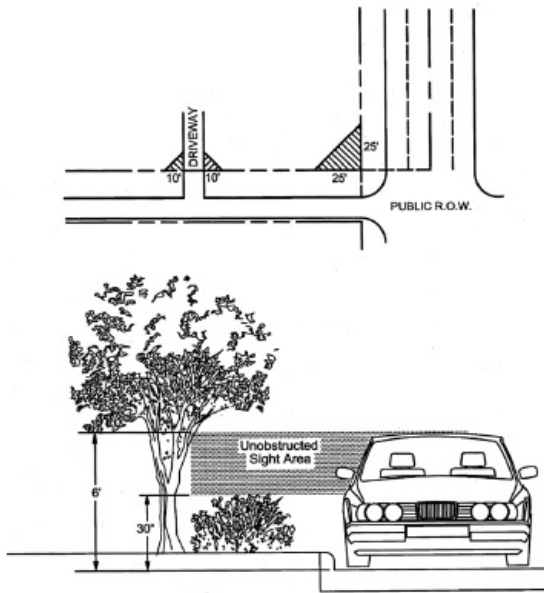
- The area formed at the corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two (2) sides, or
- The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.

6. Lots adjoining alleys. In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and

setback requirements, one-half (½) of the width of said alley shall be considered a part of the lot. However, if a portion of the lot is occupied by an alley currently in use (i.e., not vacated), then such area shall not be used in lot area computations related to the landscaping standards.

(Ord. No. 93-553, § 2.09, 2-2-1993; Ord. No. 95-626, 3-7-1995; Ord. No. 02-884, 4-16-2002; Ord. No. 08-1173, 7-14-2008; Ord. No. 11-1307, 1-4-2011)

Short Title, Rules of Construction and Definitions



Unobstructed Sight Distance Section 2.09

Unobstructed Sight Distance

Sec. 2.10. - Streets, roads, and other means of access.

A. **Intent.** Unimpeded, safe access to parcels of land throughout the City is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

B. **Public access required.** The front lot line of all lots shall abut onto a publicly dedicated road right-of-way.

C. **Driveway dimensions.** Driveways providing access to residential, commercial or industrial properties shall comply with the dimensional standards specified in Article 4.00.

D. **Access across residential district land.** No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a nonresidential district, unless such access is by way of a public road.

E. **Service roads.** If the plan commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the commission may permit or require construction of service roads across abutting parcels and generally parallel to the arterial street to allow traffic to circulate from one parcel to another without re-entering the public road. The front edge of any such secondary access drive shall be located no closer to the road than the future right-of-way line. Such secondary access drive shall conform to the minimum specifications established by the city engineer.

F. **Performance guarantee.** To assure completion of a private road or service road in conformance with the requirements set forth herein, the building official or zoning administrator may require the applicant or owner to provide a performance guarantee, in accordance with § 2.17.

(Ord. No. 93-553, Section 2.10, 2-2-1993)

Sec. 2.11. - Grading regulations.

A. **Intent and scope of requirements.** Compliance with the grading regulations set forth herein shall be required as follows:

1. **Intent.** Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place. The regulations set forth herein also establish procedures and requirements for grading permits, inspection of finished

grading operations, and penalties for violation of the grading regulations.

2. **Scope of application.** A permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alteration to the land are proposed. Filling shall include the dumping of soil, sand, clay, gravel, or other material on a site. However, where minor alterations to the land which do not affect the storm drainage pattern are proposed, a grading permit shall not be required.

B. Grading plan.

1. **Grading plan.** In the event that a grading permit is required, the applicant shall first submit a grading plan for review and approval by the city engineer and building official. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. Such plans shall be prepared by a registered land surveyor or civil engineer.

2. **Grading plan standards.** At a minimum, grading plans shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on City of Dearborn Lake Survey datum. Elevations and location of benchmarks used for determining elevations shall be shown on the plan.

3. **Subdivision grading plans.** For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

C. Grading standards.

1. **Slope away from buildings.** All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five (5) percent slope away from all sides of a building or structure shall be provided for a minimum distance of ten (10) feet.

2. **Runoff onto adjacent properties.** New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.

D. Review, inspection, and approval procedures. Grading plans shall be reviewed by the city engineer and building official with final approval by the building official. In the event that the grading plan is submitted in conjunction with a site plan submission, the plan commission shall review the grading plan as a part of normal site plan review. The building official shall issue a grading permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

For residential properties, compliance with a grading plan and permit shall be verified by the building official after visual on-site inspection. The city engineer shall be responsible for verifying compliance with grading plans and permits for nonresidential uses. Before final inspection and issuance of a Certificate of Occupancy, the rough grading must be completed; final grading shall be completed within six (6) months after a Certificate of Occupancy has been issued.

(Ord. No. 93-553, § 2.11, 2-2-1993)

Sec. 2.12. - Lighting.

A. Purpose. The purpose of this section is to provide reasonable regulations to direct the location, design, illumination level and use of outdoor lighting to minimize its undesirable effects. Specifically, this section is intended to promote the public health, safety and general welfare of the City by:

1. Creating well-maintained, vibrant and attractive residential and business neighborhoods.
2. Supporting the Master Plan's various character areas such as Great Neighborhoods, Main Street Michigan Avenue and Destination Commercial Districts, as well as supporting the purposes and recommendations of various area specific plans and special plans adopted in support of orderly development of the City.
3. Maintaining safe night-time driver performance on public streets by minimizing lighting glare.
4. Encouraging lighting that provides security but protects the privacy of adjacent properties.
5. Allowing lighting that is not unduly intrusive or a nuisance to nearby residents, property occupants, and drivers.
6. Eliminating artificial light and lighting that unnecessarily contributes to sky glow and energy consumption.

B. Lighting plan. The following information shall be included for all site plan reviews. Where site plan review is not required, one (1) or more of the following items may be required by the Zoning Administrator prior to lighting installation to verify compliance with this section:

1. A plan showing the location and type of all existing and proposed light fixtures.
2. A photometric plan which includes lighting levels at ground level based on no greater than a twenty-five (25) feet on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels shall also be measured for all surrounding streets at the public right-of-way.
3. Manufacturer's specifications and cut-sheets for all proposed lighting fixtures and lamps (bulbs), including mounting

heights.

C. **Site lighting.**

1. **Type.** All site lighting, including, but not limited to, free-standing, canopy, pole, building mounted, window/window frame/window opening mounted (visible from outside the building), and landscape, shall be fully shielded and directed downward to prevent off-site glare and illumination.

2. **Intensity.** The intensity of light within a site shall not exceed ten (10) foot-candles within any part of the site and one and one-half (1.5) foot-candles at any lot line. Exceptions:

a. Where a site abuts or faces a residential zoning district or residential use, a maximum of one-half (0.5) foot-candles is permitted at the lot line of the site.

b. Approved outdoor sales areas and the areas under fuel station canopies may have up to a maximum of twenty (20) foot-candles of illumination within the interior of the site so long as they meet the applicable lighting intensity limits listed above at the lot lines.

3. **Uniformity ratios.** In order to maintain uniformity in light levels across a development and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in foot-candles at ground level, and shall not exceed a ratio of fifteen-to-one (15:1).

4. **Height.** Except as otherwise noted below or in this section, light fixtures shall not exceed thirty (30) feet in height.

a. Fixtures for nonresidential uses that are located in a residential zoning district or within two hundred (200) feet of such a district shall not exceed the following light source to ground level height limits:

i. Twenty-two and one-half (22.5) feet, including a two and one-half (2.5)-foot base, for parking lots.

ii. Twenty (20) feet for sidewalks and pathways.

b. Fixtures attached to ground poles for residential uses shall not exceed eight (8) feet.

c. Fixtures in commercial or industrial zoning districts (not within two hundred (200) feet of a residential zoning district): The Planning Commission may, as part of a site plan review, permit fixtures up to the maximum building height permitted in the district based upon a finding that the proposed lighting configuration would not have negative off-site impacts.

5. **Hours.** All site lighting fixtures shall be turned off one (1) hour after close of business, unless needed for safety and security (typically this would be entrance, walkway and parking lot lighting). In such case, the lighting shall be reduced to the minimum level necessary for that purpose.

6. **Fixtures.**

a. All outdoor fixtures, including building mounted fixtures, shall be full cut-off, shielded fixtures.

b. Poles for lighting fixtures shall be of a fixed height. Adjustable poles are prohibited.

c. The Planning Commission may, as part of a site plan review, approve decorative fixtures as an alternative to shielded fixtures based upon a finding that there would be no off-site glare or illumination and that the proposed fixtures will improve the appearance of the site.

D. **Architectural lighting.** When buildings and structures are to be illuminated, the Zoning Administrator shall approve a design for illumination using the following standards:

1. **Direction of lights.** Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets or properties, and light shall not trespass onto surrounding properties.

2. **Façade lighting.** Lighting fixtures mounted on the building or in/around windows and designed to "wash" the façade with light are permitted.

3. **Accent lighting.**

a. **Commercial zoning districts.** Lighting may be allowed as an architectural detail in commercial zoning districts, provided that exposed bulbs shall be shielded. The Zoning Administrator may approve internally illuminated architectural bands or similar shielded accents upon determining that such accents would not cause off-site glare or light pollution and such lighting is not used to the extent that it constitutes a sign.

b. **Residential zoning districts.** Lighting shall be prohibited in the front yard of lots located in residential zoning districts unless it is a temporary display. A temporary display is permitted for sixty (60) consecutive days and must be disassembled and removed from the structure within that timeframe.

4. **Landscape lighting.** The illumination of landscaping shall not generate light levels and glare beyond the landscaping area.

E. **Other lighting.**

1. Indirect illumination of signs, canopies, bollards and buildings is permitted provided the resulting lighting does not violate other provisions of this section related to maximum lighting levels within and at the lot line of the site or any applicable sections of the sign ordinance.

2. Electrical feeds to lighting standards shall run underground, not overhead.

3. The use of a laser light source, search lights or any similar high intensity light for outdoor advertising or entertainment is prohibited.

4. Lighting shall not consist of or have the appearance of movement or flashing.

F. **Exemptions.** The following site lighting fixtures are exempt from the provisions of this section:

1. Porch lights: Single or double bulb residential light fixtures utilizing standardly configured light bulbs having a maximum output equivalent to a one hundred fifty-(150)-watt incandescent light bulb. Such fixtures shall not create glare onto adjacent properties and roadways so as to create a nuisance or safety concern.

2. Streetlights located within a public right-of-way.

3. Lighting necessary for street and utility construction or emergencies.

4. Lighting necessary for baseball, softball, football and soccer fields, or similar uses that cannot reasonably comply with the standards and provide sufficient illumination of the recreational field for safe use. The fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Lights shall be extinguished within one (1) hour of the completion of the event.

5. Government facilities, parks and open areas, public utility facilities, and uses where sensitive or dangerous materials are located may submit a Site Security Plan to the Zoning Administrator requesting outdoor lighting that deviates from the standards in this section. The Plan shall be approved, or approved with conditions, upon finding:

a. The lighting is necessary for adequate protection of the public;

b. The condition, location, or use of the land, or history of activity in the area, indicates the land or any materials stored or used on it are in danger of theft or damage, or members of the public are at risk for harm; and

c. The deviations from this section shall not have a adverse effect on the neighboring areas.

(Ord. No. 93-553, § 2.12, 2-2-1993; Ord. No. 17-1566, 1-31-2017)

Sec. 2.13. - Dumping, filling and excavation.

The dumping of waste or other materials, grading, excavating, filling, and similar "earth changes" shall be subject to the following regulations:

A. **Dumping of waste, junk, or similar materials.** The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of refuse, ash, garbage, rubbish, waste material or industrial byproducts shall not be permitted in any district.

B. **Excavation.** The excavation or continued existence of unprotected holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired, provided such excavations are properly protected with fencing, guard rails, and warning signs. Excavations which may be permitted if proper permits are acquired include excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.

C. **Dumping of soil, sand, clay, gravel or similar material.** The dumping or filling with soil, sand, clay, gravel or similar earthen material (excluding waste, junk, or contaminated material) on any lot or parcel of land shall not occur unless the plans for such dumping or filling have first been reviewed and appropriate permits issued by the building official. Land within a drainage easement shall not be filled unless approved by the city engineer.

D. **Removal of soil, sand or similar materials.** Approval of the zoning administrator shall be required prior to the removal of topsoil, sand, gravel, or similar earthen material from any site in the City. A permit shall be issued only upon finding that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition or unfit for the growing of turf and other land uses permitted in the district in which the site is located.

(Ord. No. 93-553, § 2.13, 2-2-1993)

Sec. 2.14. - Trash removal and collection.

Standards for siting and screening of trash dumpsters. Dumpsters may be permitted or required as accessory to any use other than single- and two-family residential uses, subject to the following conditions:

A. **Location.** Dumpsters shall be permitted in the side and rear yard provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is enclosed within a building whenever practicable. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.

B. **Concrete pad.** Dumpsters shall be placed on a concrete pad along with the proper foundation as referenced in current Michigan Building Code. The concrete pad should extend a minimum of ten feet in front of the dumpster enclosure.

C. **Screening.** Dumpsters shall be screened from view from adjoining property public streets and thoroughfares. Dumpsters shall be screened on three (3) sides with a permanent building or decorative wall, not less than six (6) feet in height or at least six

(6) inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three (3) sides. Plastic slats within chain link fencing shall be prohibited.

D. **Bollards.** Bollards (concrete-filled metal posts) or similar protective devices shall be installed as needed to prevent damage to the screening wall and to limit the gate swing.

E. **Site plan requirements.** The location and method of screening of dumpsters shall be shown on all site plans.

F. When a change of use (reoccupancy) generates additional volume or changes the nature of trash, particularly food waste, or when trash on a site is creating an on-going nuisance, the staff shall have the authority to deviate from the above requirements in order to ensure that the goal of managing trash and waste is carried out in such a way as to best serve public safety, health and welfare. Such deviations shall be the minimum required to meet that goal and shall not be granted in the case of new property developments. All such deviations shall be approved by the Sanitation Division Superintendent, Senior Planner, and Building Official in accordance with the standards set forth in section 32.02E, 1 through 18 (standards for site plan approval).

(Ord. No. 92-885, 4-16-2002; Ord. No. 93-553, § 2.14, 2-2-1993; Ord. No. 04-1012, 8-4-2004; Ord. No. 15-1477, 9-22-2015)

Sec. 2.15. - Safety provisions.

A. **Public service access.** All structures shall be provided with adequate access for fire, police, sanitation, and public works services.

B. **Fire protection.** All structures shall be provided with adequate fire protection, including adequate water supply for firefighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the fire chief or building official.

1. **Fire protection systems.** The fire chief or building official shall have the authority to require fire protection systems installed in any zoning district.

2. **Site development standards.** To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:

(a) Water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate fire fighting protection for all buildings and uses, subject to applicable codes and review by the city officials.

(b) Prior to construction of buildings and other large structures, an improved roadbed shall be provided to accommodate access of heavy firefighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed and be constructed in accordance with the requirements of the fire department if so required.

(c) Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.

(d) The building permit holder shall provide scheduled cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the building official.

(Ord. No. 93-553, § 2.15, 2-2-1993)

Sec. 2.16. - Exemptions.

(A) **Essential services.** Essential services, as defined in Article 1.00, shall be permitted as authorized and regulated by state, federal, and local ordinances and laws, it being the intention hereof to exempt such essential services from those regulations governing area, height, placement, and use of land in the City which would not be practical or feasible to comply with.

Although exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review, it being the intention of the City to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or operation of said services.

B. **Exemptions to height standards.** The height limitations of this ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, water towers, and flag poles, provided that the following requirements are complied with:

1. **Wind-driven energy devices.** The maximum height of wind-driven energy devices shall be thirty-five (35) feet, provided that the device is set back from all property lines a distance equal to the height of the device. Such devices shall be located in the rear yard of a residential district, and shall be subject to the regulations in the City Code.

2. **Antennas in residential districts.** Private television antennas, pole antennas, and other private communication antennas or towers shall be permitted in residential districts as follows:

(a) Antennas with a wind-resistance surface of seven (7) square feet or less shall be located in the rear yard or on a rooftop, provided that freestanding antenna towers shall be set back from all property lines a distance equal to the height of the tower. Such antennas shall comply with the height standards for the district in which they are located, except as hereinafter provided.

(b) Antennas with a wind-resistance surface of over seven (7) square feet shall be located in the rear yard only, and shall be subject to the setback and height standards for the district in which they are located. Any such antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

(c) Notwithstanding the above requirements, open element and monopole antennas shall be permitted in residential districts, provided they do not exceed forty-five (45) feet in height.

(d) Satellite dish antennas shall be subject to the regulations in Section 2.21.

3. **Antennas in nonresidential districts.** Antennas with a wind-resistance surface of seven (7) square feet or less shall be permitted on the rooftop of any building or in the rear of a nonresidential district provided that the antenna complies with the height standard for the district in which it is located, and is obscured from view from adjacent properties and roads, to the maximum extent possible. A freestanding antenna may be located in the side yard if its visibility from adjacent properties is obscured.

4. **Variations.** Variations from height standards may be sought from the zoning board of appeals. In considering such a request, the zoning board of appeals shall consider, at minimum, the character of the surrounding uses, the height of surrounding structures, the potential to obscure light or view to or from existing buildings or surrounding properties, and potential detriment to the use or value of surrounding properties.

(Ord. No. 93-553, § 2.16, 2-2-1993)

Sec. 2.17. - Sidewalks.

Sidewalks shall be subject to the requirements in Chapter 17, Article V, of the City Code, and the following regulations:

General requirements.

1. **Location and width.** Required City sidewalks shall be five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The plan commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements in cases where site plan approval is provided by the plan commission.

2. **Design standards.** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the City pursuant to construction and maintenance of sidewalks.

3. **Alignment with adjacent sidewalks.** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The plan commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.

4. **Maintenance.** The owner of the property which fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.

5. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from City, county or State of Michigan agencies to allow sidewalk construction in the road right-of-way.

(Ord. No. 93-553, § 2.17, 2-2-1993)

Sec. 2.18. - Performance guarantee.

A. **Intent and scope of requirements.** To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the City may require that a performance guarantee be deposited with the City to insure faithful completion of improvements, in accordance with Section 4e of the City or Village Zoning Act, Public Act 207 of 1921, as amended. Improvements for which the City may require a performance guarantee include, but are not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage.

B. **General requirements.** The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of a cash deposit, certified check, surety bond, or performance bond which names the property owner as the obligor and the City as the obligee.

2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the City shall deposit the funds in an interest-bearing account in a financial institution with which the City regularly conducts business.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the zoning administrator.

4. The entire performance guarantee, including interest accrued, shall be returned to the applicant following inspection by the building official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project.

C. **Unsatisfactory completion of improvements.** Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this ordinance, the City may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the City shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of

the required improvements.

(Ord. No. 93-553, § 2.18, 2-2-1993)

Sec. 2.19. - Fences.

A. General requirements.

1. **Fence materials.** Fences shall consist of materials commonly used in conventional fence construction, such as wood, metal, vinyl or vinyl-clad wood. Razor wire shall not be permitted. The installation and construction of fences shall comply with the requirements of the City Ordinance, Section 5-121. Fences which carry electric current are prohibited.

Fence posts shall be sunk into the ground at least three (3) feet, and all steel, metal, or vinyl posts shall be encased in concrete.

2. **Finished appearance.** If, because of the design or construction, one (1) side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

3. **Obstruction to use of adjoining property.** No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the building official may require a fence to be set back a minimum distance from a driveway or property line.

4. **Fence maintenance.** Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated. If a fence is found to be in need of repair by the building official, he may issue orders to complete such repairs. Failure to comply with written notice from the building official shall be deemed a violation of this ordinance.

5. **Location—General requirements.** Any fence shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the building official may permit it to be constructed on their common property line.

6. **Corner clearance.** Fences located on corners shall be designed to provide unobstructed sight distance for drivers in accordance with Section 2.09.

B. Review and approval procedures.

1. **Application for Zoning Compliance Certificate.** If a fence is proposed in conjunction with a development that requires site plan review, then the fence shall be shown on the site plan, which shall be reviewed in accordance with normal site plan review procedures. In all other cases, an application for a Zoning Compliance Certificate to construct a fence shall be filed with the building official. The application shall be accompanied by a survey by a licensed surveyor, along with drawings or other information required by the building and safety department which illustrate the dimensions and design of the proposed fence. The survey shall delineate the lot lines, which shall be permanently staked on the property.

2. **Review by the Building Official.** The building official shall review the fence application and supporting data with respect to the standards set forth in this ordinance, the adopted Building Code, and administrative rules which may be established to provide for proper administration of this section. The building official may grant a permit to construct a proposed fence upon finding that it complies fully with all applicable regulations.

3. **Appeal of a decision.** An applicant may appeal a decision of the building official or plan commission concerning a proposed fence to the building board of appeals. The building board of appeals shall review the appeal in accordance with the standards set forth in Section 32.05.

C. Fence regulations in residential districts.

1. Location and height.

(a) Fences in residential districts shall not exceed five (5) feet in height.

(b) No fence shall be permitted to extend into a front yard. No fence shall be located beyond the rear yard or project into the side yard no farther than to enclose the side grade door in a side yard.

(c) Fences shall be permitted along the side street lot line on corner lots between the established building line and the front lot line. Such fences shall taper from four (4) feet in height at the building line, to two (2) feet at the front lot line; alternately, such fences may have a uniform height of two (2) feet.

(d) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk.

(e) Only one (1) fence may be constructed along any common or adjoining property line.

2. **Fences enclosing public areas.** Fences which enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed eight (8) feet in height, measured from the surface of the ground.

3. **Privacy screens.** Fences or privacy screens may be placed on the interior of the lot in the rear yard, subject to the following:

(a) A minimum clearance of six (6) feet shall be provided between the proposed privacy screen and any other fence, structure, or property line.

(b) Privacy screens shall not exceed five (5) feet in height.

(c) Privacy screens shall be designed to screen a selected use or area (such as a swimming pool or patio) and not the entire property line.

(d) Privacy screens shall be constructed of the materials cited previously in this section, and may also include masonry materials, subject to review and approval by the building official.

(e) Privacy screens shall be freestanding and self-supporting.

(f) Only one (1) privacy screen may be constructed along any common or adjoining property line.

4. **Privacy fences.** Privacy fences shall be board-on-board construction.

D. Fence regulations in nonresidential districts.

1. **Location.**

(a) Fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend toward the front of the lot than any portion of the principal structure.

(b) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk.

(c) Fences on corner lots shall comply with the corner clearance requirements in Section 2.09.

2. **Height.** Fences in commercial districts shall not exceed six (6) feet in height. Fences in industrial districts shall not exceed eight (8) feet in height.

E. **Walls.** This section shall in no way alter or affect the requirements for walls set forth in Article 6.00.

F. **Barbed wire.**

1. **Permitted zoning districts.** Barbed wire may be used at the top of fences for security purposes around storage areas located in industrial zoning districts.

(a) Barbed wire in Industrial A zoning districts located within two hundred (200) feet of a residential zoning district is prohibited.

2. **Location requirements.** Barbed wire shall not be permitted on fences along frontages on streets defined as arterial or collector roads.

3. **Design regulations.**

(a) No strand of barbed wire shall be permitted less than eight (8) feet above ground.

(b) The barbed wire strands shall be installed on supports that slant inward toward the interior of the site.

(Ord. No. 93-553, § 2.19, 2-2-1993; Ord. No. 93-574, 11-3-1993; Ord. No. 95-626, 3-16-1995; Ord. No. 99-785, 7-20-1998; Ord. No. 02-886, 4-16-2002; Ord. No. 02-919, 11-19-2002; Ord. No. 16-1557, 1-17-2017)

Sec. 2.20. - Concrete Zoning Compliance Certificate.

Review and approval procedures.

Application for Zoning Compliance Certificate. Concrete shall be shown on the site plan, which shall be reviewed in accordance with normal site plan review procedures. In all cases, an application for a Zoning Compliance Certificate to install concrete flatwork shall be filed with the building official. The application shall be accompanied by a site plan, along with drawings or other information required by the building and safety department which illustrate the dimensions and depths for the proposed concrete flatwork.

(Ord. No. 93-553, § 2.20, 2-2-1993; Ord. No. 95-626, 3-7-1995; Ord. No. 02-920, 11-19-2002)

Sec. 2.21. - Satellite dish antennas.

Satellite dish antennas may be permitted as an accessory structure in any zoning district, subject to the provisions of Section 2.03 and to the following conditions:

A. **Roof-mounted antennas.** Roof-mounted dish antennas up to ten (10) feet in diameter shall be permitted in commercial and industrial districts only, provided that the antennas comply with the height standards for the district in which they are located.

B. **Ground-mounted antennas.** Ground-mounted antennas up to eight (8) feet in diameter shall be permitted in all districts subject to the following conditions:

1. Maximum height permitted shall be twelve (12) feet.

2. The satellite dish structure shall be securely mounted and anchored to a pole and secured in accordance with the requirements of the manufacturer and the Building Code.

3. Any person who proposes to construct a satellite dish antenna having a dish diameter larger than three (3) feet on any lot or parcel of land must first obtain a permit from the building and safety department. The person seeking the permit, if not the owner of the lot or parcel of land, must provide evidence to the building and safety department that the owner of the lot or parcel of land has no objection to its construction and assumes all liability for its construction, operation and use.

4. The building and safety department shall issue a permit provided the applicant complies with all the provisions of this ordinance and submits a written application upon forms provided by the building and safety department, along with a site plan showing the exact location and dimensions of the proposed satellite dish and the proposed landscaping.

5. The applicant shall present any license or permit required by any federal, state or local agency pertaining to the ownership, construction or operation of a satellite dish antenna.

6. The applicant must comply with the provisions of City Ordinance, Chapter 9, Licenses and Fees. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.

7. Satellite dish antennas shall comply with setback requirements for the district in which they are located, and shall not be permitted in front or side yards.

8. All electrical and antenna wiring shall be placed underground.

9. The surface of the dish shall be painted or treated as not to reflect glare from sunlight, and shall not be used as any sign or message board. All installations shall employ, to the extent possible, materials and colors that blend the surroundings.

10. The site of the antenna shall be screened from view through the planting of evergreens of sufficient concentration to reasonably conceal the antenna. Alternative screening is acceptable if approved by the director of the building and safety department.

11. Any ground-mounted antenna shall be so located and designed to withstand a wind force of one hundred (100) miles per hour.

12. If a true hardship or practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this ordinance is impossible because satellite sight lines are blocked, then a variance may be granted by the Zoning Board of Appeals to the extent necessary to permit reasonable reception, after consideration of the following factors and standards:

(a) A showing of good and sufficient cause and exceptional hardship;

(b) The safety of the property owner and the surrounding property owners;

(c) The variance shall be the minimum necessary to afford relief to the applicant;

(d) "Reasonable reception", as used in this Section, does not mean perfect reception from each satellite of the many satellites in space;

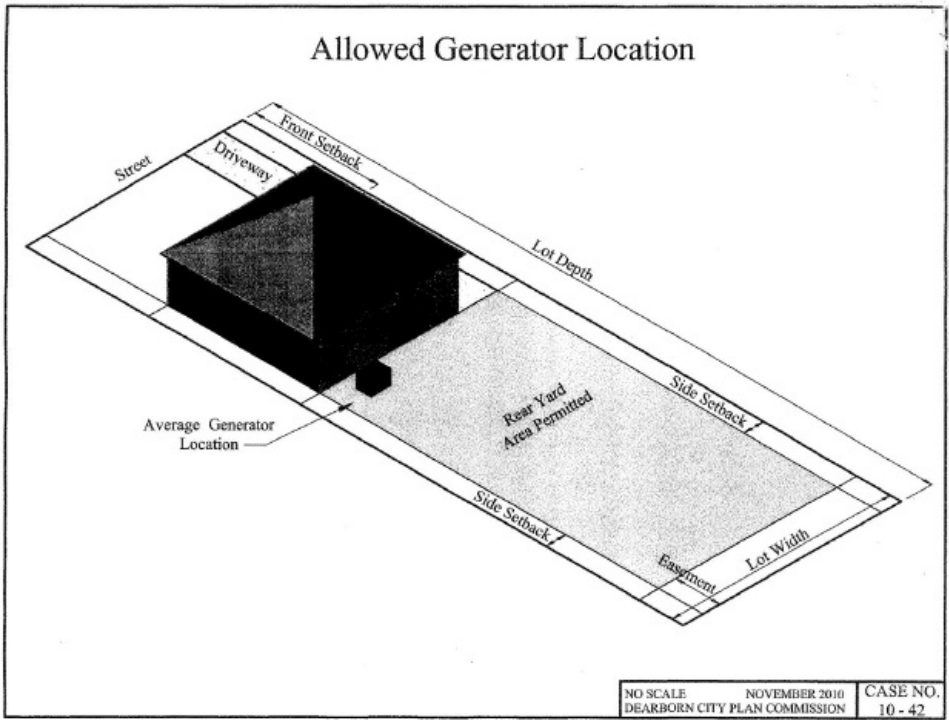
(e) Conditions may be attached to the granting of the variance which are in the best interest of the health, safety and welfare of the community.

(Ord. No. 93-553, § 2.21, 2-2-1993)

Sec. 2.22. - Emergency electrical generators.

Emergency electrical generators ("generator") may be permitted as projections into rear yards in residential districts subject to Section 2.09 and to the following conditions:

A. **Location.** The generator may be located only in the rear yard pursuant to a site plan approved by the Residential Services Department. The generator must be permanently located on its own concrete slab that is not used or designed to be used for any purpose other than as a concrete slab for the generator.



B. **Use.** The generator is to be used only in emergencies where the normal power source to the residence has been disrupted. As soon as normal power has been restored, the owner shall cease operation of the generator.

C. **Permit required.** A permit must be obtained from the Residential Services Department prior to the commencement of any construction or installation of a generator.

D. **Final Inspection.** As soon as construction or installation of a generator has been completed, the property owner must obtain a final inspection by the city to ensure compliance with all terms and conditions of this article, and the generator shall not be used prior to receiving final inspection approval.

E. **Fuels.** Acceptable fuels include natural gas, propane, gasoline or diesel. Connections made to a natural gas line of a residence must be in accordance with all applicable building codes. Other fuel sources must meet all state and local code requirements.

F. **Maintenance.** Property owners are responsible for keeping the generator within all applicable code requirements. Automatic maintenance exercise testing is limited to not more than fifteen (15) minutes each week, Monday-Friday, between the hours of 9:00 a.m. to 4:00 p.m.

G. **Noise.** All generators shall comply with the residential decibel level standards set forth in Dearborn Zoning Ordinance Section 8.02, including during the automatic maintenance exercise test, except that a generator in a rear yard used during an emergency pursuant to subsection B of this section will not be subject to the decibel regulations during the emergency.

(Ord. No. 11-1307, 1-4-2011)

ARTICLE 3.00 - NONCONFORMITIES

Sec. 3.01. - Intent.

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

(Ord. No. 93-553, § 3.01, 2-2-1993)

Sec. 3.02. - Definitions.

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

Effective date. Whenever this Article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendments created a nonconforming situation.

Nonconforming building. A building or portion thereof which was lawfully in existence at the effective date of this ordinance, February 11, 1993, or amendments thereto, that does not meet the limitations on building size, location on a lot, or other

regulations for the district in which such building is located.

Nonconforming lot. A lot which was lawfully in existence at the effective date of this Ordinance, Feb. 11, 1993, or amendments thereto, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.

Nonconforming sign. A sign which was lawfully in existence on the effective date of this ordinance, Feb. 11, 1993, or amendments thereto, that does not conform to one or more regulations set forth in the ordinance.

Nonconforming use. A use which was lawfully in existence at the effective date of this ordinance, Feb. 11, 1993, or amendment thereto, and which does not now conform to the use regulations of this ordinance for the zoning district in which it is now located.

Structural nonconformity. A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a dimensional nonconformity.

(Ord. No. 93-553, § 3.02, 2-2-1993)

Sec. 3.03. - General requirements.

The following regulations shall apply to all nonconforming uses, structures, and lots:

A. Continuation of nonconforming uses and structures. Any lawful nonconforming use established on or before the effective date of this ordinance, Feb. 11, 1993, or amendment thereto may be continued and shall not be considered to be in violation of this ordinance, provided that, unless otherwise noted in this Article, the building and land involved shall neither be structurally altered, nor enlarged unless such modifications conform to the provisions of this ordinance for the district in which it is located. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

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

C. Discontinuation of nonconforming uses and structures.

1. **Nonconforming structure.** When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for one hundred eighty (180) days or discontinued for any period of time without a present intention to reinstate the nonconforming use, the structure or structure and land in combination shall not thereafter be used except in conformance with the provisions of the district in which it is located.

2. **Nonconforming uses of open land.** If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

3. **Seasonal uses.** In applying this subsection to seasonal uses, the time during the off-season shall not be counted.

D. Purchase or condemnation. In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the City, pursuant to Section 3a, Public Act 207 of 1921, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses or structures. Where acquisition is contemplated, the procedures set forth in Section 3.06 shall be followed.

E. Recording of nonconforming uses and structures. The director of building and safety shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this ordinance. Failure on the part of a property owner to provide the director of building and safety with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

F. Establishment of a conforming use or structure. In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

G. Change of tenancy or ownership. In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. Exceptions and variances. Any use for which a special exception or variance has been granted as provided in this ordinance shall not be deemed a nonconformity.

I. Unlawful nonconformities. No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

J. Substitution. A nonconforming use may be changed to another nonconforming use upon approval of the zoning board of appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the zoning board of

appeals may require conditions to accomplish the purposes of this ordinance.

K. **Change of location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 93-553, § 3.03, 2-2-1993)

Sec. 3.04. - Nonconforming lots of record.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this ordinance or amendment thereto:

A. **Use of nonconforming lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed, meeting all setback standards of the zoning ordinance without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. **Variance from area and bulk requirements.** If the use of nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the zoning board of appeals.

C. **Nonconforming contiguous lots under the same ownership.** If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of an parcel be made which creates a lot with width or area less than the requirements stated in this ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

D. **Combination of nonconforming lots.** Upon application to the city planner, he may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this ordinance.

(Ord. No. 93-553, § 3.04, 2-2-1993)

Sec. 3.05. - Modification to nonconforming uses or structures.

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as specifically permitted by the regulations which follow:

A. **Applicability.** The following regulations shall apply to any nonconforming use or structure, including:

1. Nonconforming uses of open land.
2. Nonconforming use of buildings designed or used for a conforming use.
3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
5. Nonconforming structures, such as fences and signs.

B. **Enlargement, extension, or alteration.**

1. **Increase in nonconformity prohibited.** Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- An increase in the total amount of space devoted to a nonconforming use, or
- Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2. **Permitted extension.** Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this ordinance or amendment thereto.

3. **Alterations that decrease nonconformity.** Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use, subject to the limitations in sections 3.05(C) and (D) below. The zoning administrator shall determine if a proposed alteration will decrease the degree of nonconformity.

4. **Alterations to existing structures with dimensional nonconformities.**(Note: This provision is also intended to apply to new commercial structures, so similar language will be added to the Development Standards for Business and Office Districts.)

Many buildings in commercial corridors in Dearborn were built on lots with platted depths of one hundred twenty (120) feet or less. It is recognized that such shallow lot depths are a practical difficulty, as defined in this Ordinance, and have necessitated zoning variances for most new developments and alterations to existing buildings. In recognition of the practical difficulty presented by lots with depths of one hundred twenty (120) feet or less, on those lots, no variances are required for side and front yard setbacks and rear yard setbacks, except that each new development must have at least a one (1) foot setback from the property line. As a trade-off for leniency with setbacks and landscaping, it is the intent of the City of Dearborn to require strict adherence to parking and lot coverage requirements.

To prevent situations where more-intense uses are proposed for buildings shortly after new construction or alterations are completed, no variances may be granted on a property for which a variance was obtained within the previous ten (10) years.

C. Repairs, improvements, and modernization.

1. **Required repairs.** Repairs or maintenance deemed necessary by the director of building and safety to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the director of building and safety, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

2. **Additional permitted improvements.** Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty (50) percent of the market value as determined by the city assessor of the structure during any period of twenty-four (24) consecutive months. Repairs, improvements, and modernization approved under this provision shall not result in any of the following conditions:

(a) Enlargement of any existing dimensional nonconformity (construction of a building addition along an existing nonconforming setback line is prohibited, any addition shall not be placed within the required setback).

(b) Expansion of a nonconforming use.

(c) Creation of any new nonconformity.

(d) An increase in gross floor area (excluding basements) of more than thirty-eight (38) percent.

(e) Expansion of a structure or use that is nonconforming per the parking requirements in Article 4 unless the new parking requirement is met.

D. Damage by fire or other catastrophe. Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of fifty (50) percent of the structure's precatastrophe fair market value (as determined by the city assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this ordinance.

In the event that the damage is less than fifty (50) percent of the structure's precatastrophe fair-market value, the structure may be restored to its precatastrophe status. Such restoration shall take place only upon approval of the director of building and safety and in full compliance shall be completed within one (1) year from the date of catastrophe.

(Ord. No. 93-553, § 3.05, 2-2-1993; Ord. No. 02-887, 4-16-2002; Ord. No. 07-1114, 4-2-2007; Ord. No. 18-1605, 1-30-2018)

Sec. 3.06. - Acquisition of nonconforming structures or uses.

The City may acquire by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses and structures, except that the property shall not be used for public housing. The city council may provide that the cost and expense of acquiring private property be paid from general funds, or the cost and expense or a portion thereof be assessed to a specific district. The elimination of nonconforming uses and structures in a zoned district as provided is declared to be for a public purpose for a public use. The city council may institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the provisions of the City Charter relative to condemnation, or in accordance with Act No. 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws, or any other applicable statute.

(Ord. No. 93-553, § 3.06, 2-2-1993)

ARTICLE 4.00 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 4.01. - Off-street parking requirements.

A. **Scope of off-street parking requirements.** Compliance with the off-street parking regulations shall be required as follows:

1. **General applicability.** For all buildings and uses established after the effective date of this ordinance, Feb. 11, 1993, off-street parking shall be provided as required in this Section. However, where a building permit has been issued prior to the effective date of the ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

2. **Change in use or intensity.** Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

3. **Existing parking facilities.** Off-street parking facilities in existence on the effective date of this ordinance, Feb. 11, 1993, shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this ordinance.

An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this ordinance.

4. **Additional off-street parking.** Nothing in this ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the ordinance, provided all such parking conforms with the regulations herein.

B. **General requirements.** In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

1. **Location.**

(a) **Proximity to building or use being served.** Except as otherwise permitted for collective use of off-street parking, off-street parking shall be under the same ownership and located on the same lot or parcel as the building or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building or use to the nearest point of the parking.

1. **Collective/Shared Parking.** Required parking may be located on a lot or parcel that is under different ownership from the building it serves or is not contiguous to the building site, if a written easement that provides for continued use and maintenance of the parking is filed with the Wayne County Register of Deeds and a copy is submitted to the City Planner, PMDS, and Corporation Counsel. Both the grantor and the grantee of the easement are required to comply with the parking requirements of this section. If the parking easement is terminated, the grantee's Certificate of Occupancy shall be automatically revoked. The grantor and grantee are required to notify the City within ten (10) days of a parking easement termination.

(b) **Within yards.** Off-street parking in commercial and office districts may be located in a front, side, or rear yard, provided that all landscaping and berm requirements in Article 5.00 are met, and provided further that off-street parking shall not be permitted within twenty (20) feet of a parcel zoned or used for residential purposes, nor within twenty (20) feet of the traveled portion of any road right-of-way, unless screening is provided according to Article 6.00. In cases where the lot or parcel has a depth of 120 feet or less the following exceptions shall apply:

1. Off-street parking may be permitted within twenty (20) feet of the traveled portion of any road right-of-way so long as one of the following alternatives is used to separate and screen the parking from the road:

a. A curbed landscape island or planter with a minimum depth of five (5) feet is provided between the parking and the road right-of-way; or

b. A three (3) foot tall decorative fence or wall is provided between the parking and the road right-of-way, with an appropriate setback for access to the parking. The fence or wall shall be designed to be compatible and complimentary to the buildings on the site and on the surrounding sites.

Off-street parking in multiple-family and industrial districts may be located in a side or rear yard or non-required front yard, provided that all landscaping and berm requirements in Article 5.00 are complied with, and provided further that off-street parking serving an industrial use shall not be permitted within twenty (20) feet of a residential district.

2. **Residential parking.** When thirty (30) foot to thirty-five (35) foot width lots were platted in the City, typically, residents had no more than one (1) car per single-family residence and many residents used streetcars or buses as their sole means of transportation. On thirty (30) foot to thirty-five (35) foot width lots, problems have arisen because of the number of motor vehicles currently utilized per family and the lack of places to park them. Therefore, it is imperative that when new homes are constructed adequate off-street parking be provided. Off-street parking spaces for new construction in Single-Family Residential Districts shall consist of a driveway and a garage, shall allow for two (2) cars to be parked side by side and shall be located on the premises they are intended to serve. Off-street parking spaces for existing homes in Single-Family Residential Districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on lawns or other unpaved areas on residential lots, with the exception of approved parking areas.

3. **Control of off-street parking.** It shall be unlawful to park or store commercial or recreational vehicles or offer for sale any motor vehicle or recreational vehicle on private property. Where required parking is permitted on land other than on the same lot as the building or use being served, the land on which the parking is located shall be under the same ownership and control as the lot occupied by said building or use.

4. **Access to parking.** Each off-street parking space for new construction shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street in a manner that will least interfere with the smooth flow of traffic. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.

5. **Collective use of off-street parking.** Off-street parking for separate buildings or uses may be provided collectively subject to the following:

(a) The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, in the case of a site plan for development within the Planned Unit Development Mixed Use District, the plan commission may reduce the total number of required spaces by up to forty (40) percent upon making the determination that the parking demands of the uses will be met. In other nonresidential districts, the zoning board of appeals upon recommendation of the Plan Commission may modify the total number of required spaces for a use by up to forty (40) percent upon making the determination that the parking demands of the uses being served do not overlap.

(b) The collective off-street parking shall not be located farther than three hundred (300) feet from the building or use being served without crossing a major thoroughfare.

(c) An easement or other formal written agreement assuring the continuing joint usage of said common parking for the combination of uses or buildings must be properly drawn and executed by the parties concerned and submitted to the city planner and city attorney for approval.

6. **Storage, sale and repair prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service shall be permitted.

7. **Duration.** Except when land is used as permitted storage space in direct connection with a legitimate business, a forty-eight (48) hour time limit for parking in nonresidential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, unlicensed, or junked vehicles in any parking area in any district for any period of time.

8. **Parking structures.** Parking structures shall be permitted subject to the following standards:

(a) Any parking structure shall comply with the required setbacks for the district in which it is located.

(b) Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.

(c) The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site and comply with Article 5.00.

(d) Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Such landscaping shall be compatible with the overall landscape plan for the entire site.

C. **Minimum number of spaces required.** The following standards shall be used in determining the required number of parking spaces:

1. **Definition of floor area.** For the purposes of determining the required number of parking spaces, "floor area" shall be measured in accordance with the definitions provided in Article 1.00.

2. **Units of measurement.**

(a) **Fractional spaces.** When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ($\frac{1}{2}$) is disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one (1) full space.

(b) **Employee parking.** Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one (1) time.

3. **Uses not cited.** For those uses not specifically mentioned, the requirements for off-street parking for the most similar use stated shall be determined by the City Planner.

4. **Parking during construction.** Temporary off-street parking shall be provided for workers during construction at a rate of one space per employee. Temporary gravel surfacing may be permitted for such temporary parking subject to approval of the director of building and safety and city engineer. Temporary parking areas must be abandoned and returned to an acceptable state in accordance with the approved site plan prior to the issuance of a Certificate of Occupancy.

5. **Parking for the physically handicapped.** Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign placed six (6) feet above grade which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the adopted City Building Code. The number of barrier-free spaces required is as follows:

Total Parking In Lot	Required Number of Barrier-Free Spaces*
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

* City of Dearborn Ord. Section 18-726.

6. **Use of loading space.** Required loading space shall not be counted or used for parking requirements.

7. **Modification of minimum requirements.** In the case of a site plan for development within the Planned Unit Development District, the plan commission may modify a numerical standard for off-street parking. In other nonresidential districts, the zoning board of appeals may reduce a standard for a particular site, based upon evidence that another standard would be more reasonable considering the level of current or future employment and/or level of current or future customer traffic.

8. **Cumulative nature of parking requirements.** If two (2) or more uses share a common parking area, or if approved multiple uses exist within a single building or site, the required minimum requirement shall be the sum of the required spaces for each individual use.

9. **Minimum number of spaces for each use.** The amount of required off-street parking spaces shall be determined in accordance with the schedule which follows.

10. **Credit for public parking.** Where public parking lots directly abut or are within one hundred (100) feet of a site proposed for occupancy, such public parking areas may be credited to the amount of off-street parking required by this ordinance, provided no other land use has claimed credit for the same public park lot.

SCHEDULE OF OFF-STREET PARKING

Land Use	Required No. of Parking Spaces	Per Each Unit of Measure as Follows
(A)	RESIDENTIAL USES	
(1)	Single Residential Dwellings	2.0 Dwelling unit (may be in garage)
(2)	(a) Multiple-Family Housing and Attached Single-Family Housing Developments	1.0 Efficiency unit, PLUS
		1.5 1 bedroom unit, PLUS
		2.0 2 bedroom unit or larger unit
	In addition, multiple-family and attached single-family developments shall be required to provide supplemental guest off-street parking equal to at least twenty percent (20%) of the spaces required by the above standards.	
(3)	(b) Two-Family	2.0 Dwelling Unit
(3)	Senior Apartments - Use same standards as for multiple-family housing.	
(4)	Housing for Elderly:	0.5 Dwelling unit, PLUS
	Elderly Housing Complex, Congregate Housing, Dependent Housing Facilities	1.0 Employee
(5)	Child Care Organizations	1.0 400 sq. ft. of GFA
	Should units revert to general occupancy, the requirements for multiple-family housing shall be complied with.	
(B)	INSTITUTIONAL OR PUBLIC USES	
(1)	Churches, Temples, and	THE GREATER OF:
		0.3 Seat,
		OR
	Places of Worship	1.0 6 lineal ft. of pews in the main hall.
(2)	Child Care Centers	1.0 Teacher, administrator, or other employee, PLUS
		1.0 400 sq. ft. of usable floor area
	In addition, sufficient area shall be set aside for dropping-off and picking-up children in a safe manner that will not result in traffic disruption.	

(3)	Fraternities, Dormitories	0.5	Person who may legally occupy the premises at one time, based on the occupancy load of local codes, Plus Per Employee
(4)	Hospitals, Sanitariums	1.0	Bed, PLUS 150 sq. ft. of usable floor area occupied by outpatient services, PLUS Per employee
		1.0	
(5)	Homes for the Aged, Convalescent Homes, and Children's Homes	0.5	Bed, PLUS Per Employee
		1.0	
(6)	Museum, Library, Cultural Center, or Similar Facility	1.0	300 sq. ft. of usable floor space, PLUS Employee
		1.0	
(7)	Public Utility Use	1.0	Employee
(8)	School, Elementary and Junior High	2.0	Classroom
In addition, additional spaces shall be provided as required for any auditorium or public meeting space. If no auditorium or public meeting space exists, then 1.0 space per classroom shall be provided in addition to required spaces for teachers, administrators, and other employees.			
(9)	School, Senior High	1.0	Teacher, administrator, or other employee, PLUS Student who may legally occupy the school at one time, based on the occupancy load established by local codes
		0.2	
(9a)	Colleges and Universities PLUS	1.0	Every 3 employees and members of the staff, Every 3 full-time students not residing on campus
		1.0	
In addition, additional spaces shall be provided as required for any auditorium, stadium, or other public meeting spaces.			
(10)	Stadiums, Sports Arenas	THE GREATER OF:	Seat, OR 6 lineal feet of benches, PLUS Employee
		0.3	
		1.0	
(11)	Theaters and Auditoriums with Fixed Seating	THE GREATER OF:	Seat, 6 lineal feet of benches
		0.3	
		OR 1.0	
(12)	Theaters and Auditoriums, without Fixed Seating	0.3	Person who may be legally admitted at one time based on the occupancy load established by local code, PLUS Employee
		1.0	
(C)	BUSINESS AND COMMERCIAL USES		

(1)	Animal Hospitals and Commercial Kennels	1.0 1.0	400 sq. ft. of usable floor area, PLUS Employee
(2)	Auto and Vehicle Repair or Service Facilities, Bump Shop	1.0 3.0 1.0	Employee, PLUS Service or repair bay, PLUS 800 sq. ft. of usable floor area
Each service or repair bay shall count as are space.			
(3)	Auto or Vehicle Service/ Filling Station	1.5 2.0 1.0	Fuel pump station Service or repair bay, PLUS Employee
In addition, off-street parking shall be provided for convenience stores and other uses operated in conjunction with an auto service station, based on the standards set forth herein.			
(4)	Auto Wash, Automatic	5.0 15.0 stacking spaces	Per wash lane, PLUS Per wash lane
(5)	Auto Wash, Self Service	3.0 stacking 2.0 drying spaces	Washing stall in addition to the spaces stall itself, PLUS Washing stall
(6)	Banks, Financial Institutions	1.0	150 sq. ft. of usable floor area
In addition, financial institutions with drive-in windows shall provide 6 stacking spaces for each window.			
(7)	Barber/Beauty Shops	6.0	1,000 sq. ft. of gross floor area
(7a)	Beauty School	1.0	75 sq. ft. of gross floor area
Each separate chair, dryer, tanning beech, wash basin, work station, etc. shall be considered a station.			
(8)	Dining Halls, Exhibition Halls, Assembly Halls without Seats	THE GREATER OF: 0.5 1.0 OR 1.0	Person who may be legally admitted at one time based on the occupancy load established by local codes, PLUS Employee 100 sq. ft. of usable floor area
(9)	Dry Cleaning Pick-Up Station	1.0	150 sq. ft. of usable floor area or a minimum of 10 spaces, whichever is greater
(10)	Furniture and Appliance Sales Household Equipment Repair Shops	1.0	600 sq. ft. of usable floor area
(11)	Hotel, Motel, or Other Lodging	1.0 1.0	Occupancy unit, PLUS Employee
In addition, spaces shall be provided as required for restaurants, bars, assembly rooms, and other affiliated uses.			
(12)	Laundromats and Coin-Operated Cleaners	0.5	Washing and/or dry-cleaning dry machine
(13)	Lumber Yard	2.5	Employee
In addition, additional spaces shall be provided as required for enclosed retail space.			

(14)	Mini-Warehouses, Self-Storage Establishments	1.0 2.0 1.0	10 storage units, equally distributed throughout the storage area, PLUS Manager's or caretaker's quarters, PLUS 50 storage units located at the project office
(15)	Mortuaries, Funeral Homes	1.0	50 sq. ft. of floor area in the parlor area
(16)	Motels, Hotels, Public Lodging House	1.0 1.0	Guest room, PLUS Employee
In addition, additional spaces shall be provided as required for restaurant facilities, meeting, and similar uses.			
(17)	Motor Vehicle Sales (New)	1.0 3.0 1.0	200 sq. ft. of usable floor area exclusive of service areas, PLUS Auto service stall in the service area, PLUS Employee
Each service stall shall count as are space. All parking required above shall be exclusive from parking for vehicles being offered for sale.			
(18)	Motor Vehicle Sales (Used)	2.5	Per employee
(19)	Open Air Business	1.0	150 sq. ft. of land area being used for display
In addition, spaces shall be provided for as required for retail sales within a building.			
(20)	Personal Service Establishments	1.0 1.0	300 sq. ft. of usable floor area, Not Otherwise Specified PLUS Employee
(21)	Radio, Cable or Television Station or Studio	1.5	Employee
(22)	Standard Restaurants, Bar/Lounge/ Tavern, and Cafes	1.0	90 sq. ft. of GFA
Parking for that portion used principally for dining shall be based on the requirements for "Restaurants, Standard."			
(23)	Restaurants, Carry-Out	1.0	180 sq. ft. of GFA
(24)	Restaurants, Fast-Food Drive-In, Drive-Through	1.0 12.0	90 sq. ft. of GFA, PLUS per drive-through window
		stacking spaces (5 minimum before order speaker)	
(25)	Shopping Centers under 15,000 sq. ft., and Retail Stores and Services Not Otherwise Specified	1.0	200 sq. ft. of GFA
(26)	Shopping Centers 15,000—300,000 sq. ft.	1.0	220 sq. ft. GFA
(27)	Shopping Centers over 300,000 sq. ft.	1.0	300 sq. ft. GFA
The parking requirements for restaurants located in a shopping center shall be computed separately and added to the parking requirements for the other uses.			
(28)	Wholesale Sales Stores, Showroom of a Plumber, Electrician, or Similar Trade	1.0 1.0	1,000 sq. ft. of usable floor area, Sales, PLUS Employee

(29)	Recreational Vehicle Storage Facility	1.0	10 RV storage spaces, PLUS
		2.0	Manager's or caretaker's quarters
(D)	OFFICE USES		
(1)	Business and Professional Offices, except as Otherwise Specified	1.0	300 sq. ft. of GFA
(2)	Medical Offices	1.0	180 sq. ft. of GFA
(E)	INDUSTRIAL USES		
(1)	Contractor or Construction Use	3.0	Employee
(2)	Manufacturing Establishments, or Establishments for Industrial production, Processing, Assembly, Research, Compounding, Preparation, Cleaning, Servicing, Testing, Repair, plus Accessory Business Offices and Storage Facilities	1.0 0.5	750 sq. ft. of gross floor area, or per employee, whichever is greater
(3)	Wholesale and Warehouse Establishments	1.0	1,500 sq. ft. of gross floor area
(F)	RECREATIONAL USES (Public and Private)		
(1)	Arcades	2.0	Machine, PLUS
		1.0	Employee
(2)	Archery Facilities	2.0	Target
(3)	Softball, Baseball Fields	25.0	Playing field
(4)	BMX Course	50.0	Course
(5)	Bowling Establishments	5.0	Lane
	Additional spaces shall be provided as required for restaurants, bars, and other affiliated uses.		
(6)	Dance Halls, Health Spas, Skating Rinks, Personal Fitness Center and Similar Indoor Recreation Uses	0.5	Person who may be legally admitted at one time based on the occupancy load of local codes, PLUS Employee
		1.0	
(7)	Football and Soccer Fields	30.0	Field
(8)	Golf Course, Public or Private	6.0 1.0	Golf hole, PLUS Employee
	Additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.		
(9)	Golf Course, Miniature or Par 3	3.0 1.0	Golf hole, PLUS Employee
	Additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.		
(10)	Golf Driving Range	1.0	Tee
(11)	Pools Rooms	3.0	Table
(12)	Private Clubs and Lodges	0.5	Persons who may be legally admitted at one time based on the occupancy load of local codes, PLUS Employee
		1.0	
(13)	Stadium, Sports Arena, or Similar Assembly Space with Fixed Seating	THE GREATER OF: 0.3 OR 1.0	Seat, 6 lineal feet of benches

(14)	Swimming Pool Clubs, Swimming Pools	0.3	Person who may be legally admitted at one time based on occupancy load established by local code, PLUS Employee
(15)	Tennis Clubs and Court- Type Recreation Uses	1.0 1.0	Person permitted based on the capacity of the courts, PLUS Employee
Additional spaces shall be provided as required for restaurants, bars, pro shops, and other affiliated facilities.			

D. **Layout and construction.** All off-street parking facilities containing four (4) or more spaces, except those serving single-family residences, shall be designed, constructed, and maintained in accordance with the following requirements:

1. **Review and approval requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plan for expansion of an existing parking lot that is not associated with other new development shall be submitted to the director of building and safety for review and approval prior to the start of construction. Upon completion of construction, a parking lot must be inspected and approved before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall include typical pavement cross-sections and indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards established by the director of the department of public works.

In the event that required parking cannot be constructed because of cold or inclement weather, a Temporary Certificate of Occupancy may be issued by the director of building and safety provided the applicant first deposits a performance guarantee in accordance with Article 8.00.

2. **Dimensions.** Off-street parking shall be designed to conform with the following standards:

MINIMUM OFF-STREET PARKING SPACE STANDARD (All Dimensions in Feet)

Angle	Maneuvering Aisle	Parking Space	Stall Depth
	Width	Width	to Wall
0 degrees (parallel)	14.0 (Note 3)	23.0 (Note 1)	9.0
Up to 53°	14.0 (Note 3)	9.0 (Note 2)	20.0
54 to 74°	16.0 (Note 3)	9.0 (Note 2)	20.0
75 to 90°	20.0 (Note 3)	9.0	20.0

FOOTNOTES TO OFF-STREET PARKING SPACE STANDARDS

1. Parallel spaces shall provide a three (3) foot marked maneuvering area between stalls.
2. Limited to one (1) way access aisles.
3. Internal circulation routes used by trucks shall provide adequate maneuver area notwithstanding such may be wider than the minimum requirements herein, to permit unobstructed access to loading areas, dumpsters and other areas of the site as dictated by the nature of the use and site.

3. **Stacking spaces.** Stacking spaces shall be provided as required in the schedule of off-street parking. Stacking spaces shall be a minimum of ten (10) feet wide and twenty (20) feet in length, shall not extend into any public right-of-way or private access easement, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.

4. **Ingress and egress.** All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty (20) feet from the nearest point of any property zoned for single-family residential use.

5. **Surfacing and drainage.** Grading, surfacing, and drainage plans shall comply with City engineering standards and shall

be subject to review and approval by the director of the department of public works. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material.

Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

6. **Curbs, wheel chocks.** A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines. A freeway type guardrail is prohibited from use in lieu of curbs or wheel chocks.

7. **Lighting.** All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 2.12. All lighting shall be confined within and directed onto the parking area only.

8. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.

9. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance with City sign regulations. The plan commission, upon review and recommendation of the public safety official, may require the posting of traffic control signs as it deems necessary to promote vehicular and pedestrian traffic.

10. **Screening and landscaping.** All off-street parking areas, except those serving single- and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Article 5.00.

11. **Striping.** To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped. Except for parallel parking spaces, each stall shall be delineated with four (4) inch wide double lines twenty-four (24) inches apart. The width of the parking stall may be computed from the centers of the double striping.

12. **Maintenance.** All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, lane marking, space striping, and related appurtenances shall be maintained in good condition.

13. **Driveways.** The minimum driveway width for one (1), two (2), and three (3) family residential properties shall be nine (9) feet, except for lots with frontage that exceeds forty-nine (49) feet the driveways shall be a minimum of ten (10) feet in width.

(Ord. No. 93-553, § 4.01, 2-2-1993; Ord. No. 95-625, 3-7-1995; Ord. No. 02-888, 4-16-2002; Ord. No. 03-967, 7-1-2003; Ord. No. 04-996, 2-17-2004; Ord. No. 04-1013, 9-7-2004; Ord. No. 08-1190, 12-1-2008; Ord. No. 08-1191, 12-1-2008; Ord. No. 09-1215, 2-17-2009; Ord. No. 15-1491, 10-20-2015; Ord. No. 15-1500, 11-24-2015; Ord. No. 15-1508, 9-6-2016; Ord. No. 16-1542, 9-6-2016; Ord. No. 17-1588, 7-18-2017; Ord. No. 17-1602, 1-16-2018; Ord. No. 17-1572, - -2017)

Sec. 4.02. - Loading space requirements.

A. **Scope of loading space requirements.** Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. **General applicability.** On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this Section.

2. **Change in use or intensity.** Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

B. General requirements.

1. **Location.** Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with vehicular traffic circulation on streets, alleys, or within off-street parking areas. Loading/unloading areas shall not be placed in required fire lanes.

2. **Dimensions.** Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a minimum vertical clearance of fifteen (15) feet.

3. **Surfacing and drainage.** Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the director of the department of public works. Surface water shall not be permitted to drain onto adjoining property, a public easement, a public right-of-way or into the City sanitary sewer system, except in accordance with a City-approved drainage plan.

4. **Storage and repair prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

5. **Use of loading space.** A required loading space shall be dedicated to loading and unloading purposes and shall not be counted or used for required parking.

6. **Central loading.** Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

- (a) Each business served shall have direct access to the central loading area without crossing a public street or alley.

(b) Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.

(c) No building served shall be more than three hundred (300) feet from the central loading area.

7. **Minimum loading space.** The amount of required loading space shall be determined in accordance with the schedule which follows. In a Planned Unit Development District, the plan commission may modify the minimum requirements. In other districts, the zoning board of appeals may reduce or modify the standards upon making the determination that another standard would be more appropriate considering the number or type of deliveries expected or experienced for a particular use or site.

SCHEDULE OF LOADING SPACE REQUIREMENTS	
Gross Floor Area	Number of Loading Spaces
0—5,000 sq. ft.	See Note 1
5,001—20,000 sq. ft.	1 space
20,001—100,000 sq. ft.	2 spaces
100,001 [sq. ft.] and over	3 spaces, plus 1 space for each 100,000 sq. ft. in excess of 100,000 sq. ft.

FOOTNOTE TO SCHEDULE OF LOADING SPACE REQUIREMENTS

(1) Establishments containing less than five thousand (5,000) square feet of gross floor area shall provide adequate loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment (such delivery vehicles are not to exceed forty (40) feet in total length). On-site parking lot maneuver lanes, adjacent on-street parking areas, and adjacent public alleys may be considered loading space for the purposes of meeting this requirement so long as loading vehicles are only present for short periods of time and during times of day that do not substantially disrupt the designated uses of these areas or violate the performance standards in Article 8.00.

(Ord. No. 93-553, § 4.02, 2-2-1993; Ord. No. 08-1189, 12-1-2008)

Sec. 4.03. - Bicycle parking requirement.

A. **Purpose.** The purpose of these bicycle parking requirements are to:

1. Encourage bicycle travel as an additional mode of transportation for residents and visitors;
2. Ensure that safe and convenient bicycle parking spaces are provided for bicyclists;
3. Address the need for short-term bicycle parking; and
4. Improve the City's multi-modal transportation options.

B. **Applicability.**

1. Bicycle parking facilities shall be provided for any new building or any addition or enlargement of fifty (50) percent or greater.
2. Bicycle parking regulations apply to: (a) multi-family residential structures; (b) community and civic facilities; and (c) commercial buildings in all zoning districts.

C. **Bike spaces required.** Bicycle parking facilities shall be provided in accordance with the following schedule, with fractional requirements of one-half (0.5) or greater being rounded up:

Land Use	Required No. of Bicycle Parking Spaces
Multiple-Family Housing	0.25 spaces per dwelling unit
Community and Civic Facilities	2 spaces plus 5% of auto parking requirement
Land Uses in O-S, B-A, B-B, and B-C zoned districts.	2 spaces plus 5% of auto parking requirement

D. **Site requirements.**

1. In order to address a wide range of building configurations and site design characteristics, bicycle parking may be provided in a variety of locations but shall be visible from the roadway, sidewalk or building entrance so that it provides sufficient security from theft and damage.
2. Bicycle racks shall be securely anchored to a concrete pad. The inverted "U" style racks or equivalent are required.
3. Bicycle parking shall not interfere with pedestrian and vehicle circulation. A clear area of at least thirty-six (36) inches between bicycles and other existing and potential obstructions must be provided.

E. **Long-term bicycle parking.** Bicycle storage rooms, bicycle lockers, or other secure storage spaces inside or outside of the building may be provided and shall comply with all applicable codes and ordinances.

F. In all cases this ordinance shall not require in excess of twenty (20) bicycle parking racks and no fewer than two (2) spaces (one (1) rack).

G. **Waiver.** The City Planner may authorize a reduction or waiver of bicycle parking spaces if the site requirements listed in Section 4.03(D) cannot be met.

H. **Exemption.**

1. Buildings that are located within two hundred (200) feet of City-owned or County-owned bicycle parking are not required to provide bicycle parking.

2. The following uses are exempt from this ordinance: Senior housing, industrial uses; utilities; vehicle sales and services; parking lots; and child or day care centers.

(Ord. No. 17-1568, 1-31-2017)

ARTICLE 5.00 - LANDSCAPING

Sec. 5.01. - Intent and scope of requirements.

A. **Intent.** Landscaping enhances the visual image of the City, improves property values and alleviates the impact of noise, traffic, and visual distractions associated with certain uses. Screening provides protection for less intensive uses from noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and landscape screening, for the protection and enhancement of the City's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way, and
2. Protect and preserve the appearance, character, and value of the neighborhoods which abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,

B. **Scope of application.** No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a Certificate of Occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Article 2, Section 2.18.

C. **Minimum requirements.** The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the City from agreeing to more extensive landscaping.

D. **Design creativity.** Creativity in landscape design is recommended. Accordingly, required trees and shrubs may be planted at uniform distances, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the City to coordinate landscaping on adjoining properties.

(Ord. No. 93-553, § 5.01, 2-2-1993; Ord. No. 16-1562, 12-13-2016)

Sec. 5.02. - General landscaping requirements.

A. **General site requirements.** All undeveloped portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

1. All unpaved portions of the site shall be planted with turf grass, ground cover, shrubbery, or other similar high quality, live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all types of uses shall be planted with sod and/or turf grass seed and maintained so that no grass area encroaches upon a paved area greater than two (2) inches.

2. A mixture of evergreen and deciduous trees shall be planted on the unpaved open portions of nonresidential parcels where specific landscaping requirements do not appear later in this Article. The total number of trees required shall be determined at the time of site plan review, based on the overall appearance of the site and the amount of landscaping provided elsewhere on the site. Required trees may be planted at uniform distances, at random, or in groupings.

(a) For existing structures, whenever in this ordinance a planting is required, it shall be planted to completion within three (3) months from the date of issuance of a Certificate of Occupancy, and no later than November 30 of the same year if the certificate is issued between April 1 and September 30. If the certificate is issued between October 1 to March 31, the planting shall be completed no later than the ensuing May 31. Plantings shall be maintained free of weeds and refuse, in order to safeguard the permanence and health of the plant materials and to provide a screen to abutting properties. Spacing, as required by this ordinance, shall be provided in any planting.

(b) For new construction, the landscaping shall be completed no later than eighteen (18) months after the date of issuance of the original building permit. For construction in progress at the time of enactment of this ordinance, the landscaping shall be completed within six (6) months from the effective date of this ordinance if the original building permit was issued more than one (1) year prior to the effective date of this ordinance. If the original building permit was issued less than one year prior to the effective date of this ordinance, the landscaping shall be completed no later than eighteen (18) months after the date of issuance of the original building permit. The Property Maintenance and Development Services Department (PMDS) may require the posting of a performance guarantee as provided by Section 2.18 of the Dearborn Zoning Ordinance, as amended.

4. Landscape improvements adjacent to or within easements, street rights-of-way or any other public places shall be installed pursuant to Dearborn Code of Ordinances, Sections 17-241 through 17-257 and maintained so that no grass area encroaches upon a paved area greater than two (2) inches

5. In order to encourage species diversification in landscaping and to minimize tree loss caused by species-specific disease, a variety of tree species shall be required as specified in the schedule:

Required Number of Trees	Minimum Number of Species
5—30	2
31—60	3
60—100	4
More than 100	5

B. Landscaping adjacent to roads and rights-of-way. Landscaping shall be required adjacent to roads and rights-of-way and shall comply with the following plan requirements:

1. **Minimum requirements.** Landscaping shall be required adjacent to a road or right-of-way and shall consist of a landscaped area with a minimum depth of ten (10) feet, which shall be located on private property contiguous to the road right-of-way, excluding openings for driveways and sidewalks. Through lots and corner lots shall provide such landscaping along all adjacent road right-of-way.

The Planning Commission may permit all or a portion of the landscaped area to be located within the road right-of-way or elsewhere within the front setback area, provided that the plan commission finds that the following conditions exist:

(a) Such relocation of the landscaped area is consistent with the intent of this section.

(b) Relocation of the landscaped area is justified because of the physical characteristics of the site, the location of existing easements, sidewalks, or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.

(c) Such relocation of the landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.

(d) Such relocation of the landscaped area will not jeopardize traffic safety or the general planning of the City.

2. **Required plantings.**

Type	Requirements
Deciduous tree	1 per 35 linear feet of road frontage
Shrubs	6 per 35 linear feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform distances, at random, or in groupings.

3. **Encroachment into the public rights-of-way.** Landscaping shall not become a safety hazard by obscuring the visibility and accessibility of drivers, bicyclists or pedestrians. New landscaping adjacent to roads and rights-of-way shall comply with the following minimum clearance requirements:

(a) Trees shall comply with the following minimum lateral clearance requirements, as measured from the center of the tree:

- To edge of road: Five (5) feet.
- To edge of fire hydrant: Five (5) feet.
- To edge of vehicular accessway or sidewalk: Five (5) feet.

(b) Trees shall comply with the following minimum vertical clearance requirements, as measured from any horizontal projection (tree limbs, branches, etc.) over:

- Roadway surfaces: Fourteen (14) feet.
- Sidewalk surfaces: Seven (7) feet.
- Bicycle path surfaces: Ten (10) feet.

(c) Shrubs shall comply with the following minimum lateral clearance requirements, as measured from the edge of the shrub:

- To edge of road: Five (5) feet.
- To edge of fire hydrant: Five (5) feet.
- To the edge of a sidewalk or multi-use trail: One (1) foot.

• Trees located in the public easement (between the street and sidewalk) shall be exempt from the lateral clearance requirements.

(d) In addition to meeting these clearance requirements, trees and shrubs shall be cut or trimmed to not obstruct the public right-of-way or obscure vehicular and pedestrian sightlines.

4. **Alternatives.** In cases where the non-residential lot or parcel has a depth of one hundred twenty (120) feet or less, the required landscaped area with minimum depth of ten (10) feet adjacent to roads or rights-of-way will not apply so long as one (1) of the following alternatives is used to separate and screen the interior of the site from the road or right-of-way:

(a) Masonry or concrete landscape planters with a minimum width of five (5) feet and a minimum height of twenty-four (24) inches shall be provided adjacent to the road or right-of-way. The planters shall be designed to be compatible and complementary to the buildings on the site and on adjacent sites. Planters shall consist of vegetation that is maintained in a healthy growing condition without weeds.

(b) Masonry or concrete circular landscape planters with a minimum volume of forty-two (42) gallons and a minimum size of thirty-two (32) inches by twenty (20) inches (diameter × height) shall be provided adjacent to the road or right-of-way. The circular planters shall be of a number and of a design to be compatible and complementary to the buildings on the site and on the adjacent sites. Planters shall consist of vegetation that is maintained in a healthy growing condition without weeds.

(c) A three (3)-foot tall decorative fence or wall shall be provided adjacent to the road or right-of-way. The fence or wall shall be designed to be compatible and complementary to the buildings on the site and on the adjacent sites.

C. **Berms.** Berms shall be required to conform to the following standards:

1. **Dimensions.** Required berms shall be measured from the grade of the parking lot or first ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal [thirty-three (33) percent slope], with at least a two (2)-foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The maximum height of required berms shall be three (3) feet.

2. **Protection from erosion.** Any required berm shall be planted with sod and/or turf grass seed, ground cover, or other similar high quality live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited.

3. **Required plantings.**

(a) **Berms located in the front yard of nonresidential parcels.** Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for landscaping adjacent to roads in Section 5.02(B).

(b) **Berms used for screening other than in the front yard.** Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening in Section 5.02(E).

4. **Measurement of berm length.** For the purpose of calculating required plant material, berm length shall be measured along the exterior edges of the berm.

D. **Greenbelts.** Greenbelts shall be required to conform to the following standards:

1. **Measurement of greenbelt length.** For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edges of the greenbelt.

2. **General planting requirements.**

(a) **Grass or ground cover requirements.** Turf grass, ground cover, or other similar high quality live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.

(b) **Tree and shrub requirements.** Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) linear feet or portion thereof of required greenbelt, or, alternatively, eight (8) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform distances, at random, or in groupings.

(c) **Distance from sidewalk.** Plant materials other than turf grass shall not be placed closer than four (4) feet from the right-of-way line where the greenbelt abuts a public sidewalk.

(d) **Setback from property line.** Plant materials other than turf grass shall be placed no closer than four (4) feet from the property line or fence line.

3. **Greenbelts used for screening.** Greenbelts used for screening shall be landscaped in accordance with the requirements for screening in Section 5.02(E).

E. **Screening.**

1. **General screening requirements.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings [i.e., no farther than fifteen (15) feet apart] which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.

2. **Screening of equipment.** Mechanical equipment such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennas, and similar equipment located in multi-family, business and industrial zoning districts shall be screened on at least three (3) sides when directly abutting a single-family use. Required screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting in all multi-family, business and industrial zoning districts.

F. **Landscaping of rights-of-way.** Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with turf grass or similar high quality live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

Trees and shrubs shall not be planted in the road right-of-way without first obtaining written approval from the agency which has jurisdiction over the road.

Trees and shrubs shall be planted no closer to the edge of the road pavement than the distances specified in the following chart:

Setback	
Trees	5 feet (measured from center of tree)
Shrubs	5 feet (measured from perimeter of shrub)

G. Maintenance of unobstructed visibility for drivers. No landscaping shall be established or maintained on any parcel or in any parking lot which will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning unobstructed sight distance set forth in Section 2.09.

H. Potential damage to utilities and public facilities. In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be set back from overhead utility lines by a minimum distance of five (5) feet.

I. Landscaping of divider medians. Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle accessways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty-five (35) linear feet or portion thereof of median. Trees may be planted at uniform distances, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed seventy (70) feet. If the median is less than ten (10) feet in width, the median may be landscaped or paved as per the applicant's site plan.

(Ord. No. 93-553, § 5.02, 2-2-1993; Ord. No. 02-889, 4-16-2002; Ord. No. 09-1242, 9-21-2009; Ord. No. 16-1562, 12-13-2016)

Sec. 5.03. - Specific landscaping requirements for zoning districts.

A. Requirements for commercial, office, and industrial districts. All lots or parcels of land located in office, commercial, or industrial zoning districts shall comply with the following landscaping requirements:

1. **General site landscaping.** At least six (6) percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in Section 5.02A., except where specific landscape elements are required.

2. **Landscaping adjacent to road or road right-of-way.** All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in Section 5.02B.

3. **Berm requirements.** A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 5.02B. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with Section 5.02F.

4. **Screening.** Landscaped screening or a wall shall be required wherever a nonresidential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 5.02E. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with.

B. Requirements for residential uses in residential "A" and "B" districts. All new residential uses developed in the residential "A" and "B" zoning districts shall comply with the following landscaping requirements:

1. All undeveloped and unpaved portions of a site shall be planted with sod, turf grass, ground cover, shrubs, and/or other similar high quality living plant materials.

(a) At least forty (40) percent of the undeveloped and unpaved portions of the front yard shall be planted with sod and/or turf grass.

(b) Front yards shall be maintained so that no grass area encroaches upon a paved area greater than two (2) inches.

2. Planting beds shall consist of living plant materials and have a border that is shaped by spade-cut edging or the following material:

- Masonry Edging, composed of stone, brick or concrete.
- Wood boards or landscape timbers.
- Metal or plastic strip edging material.

3. The use of mulch, stone, gravel, and synthetic material shall be limited to decorative accents within a planting bed.

4. **Species suitability.** Landscape materials native to Southeast Michigan are required to be used to satisfy the requirements of this Article.

5. Except for turf grass, any new planting in the public easement between the sidewalk and the street curb requires a permit from the Director of Public Works in accordance with Section 17-249 and Section 17-250 of the Dearborn City Code.

6. Landscaped areas including grass and planting beds shall be maintained in a healthy growing condition, free from weeds,

debris and refuse.

7. Vegetable and fruit gardens shall be prohibited in the front yard.

8. Landscaping, including hardscape elements and outdoor furniture, shall not prevent or unreasonably obstruct the use of adjacent property, including a driveway or other means of access to the adjacent property. Landscaping shall be set back at least three (3) feet from an adjoining property, except for landscaping installed along a lawfully-existing perimeter fence and landscaping that is set back at least eighteen (18) inches from the adjoining property and measures no more than four (4) inches above the level of the adjoining property.

9. Compliance with this subsection shall be enforced as part of City-wide interval inspections of non-owner occupied dwellings.

C. Requirements for residential uses in residential "C", "D", and "E" districts. All residential uses in the residential "C", "D", and "E" zoning districts shall comply with the following landscaping requirements:

1. **General site landscaping.** A minimum of two (2) deciduous or evergreen trees, plus, four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.

2. **Landscaping adjacent to road or road right-of-way.** All multiple-family developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in Section 5.02B.

3. **Berm requirements.** A berm may be used to screen off-street parking in multiple-family developments from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 5.02B. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with Section 5.02C.

4. **Screening.** Landscaped screening or a wall shall be required on all sides of any multiple-family development, except on sides facing a road. Landscaped screening shall comply with the requirements in Section 5.02E. A wall may be used instead of landscaping adjacent to nonresidential districts, subject to the requirements in Article 6.00.

5. **Parking lot landscaping.** Off-street parking areas containing greater than fifteen (15) spaces shall comply with the requirements for parking lot landscaping in Section 5.02F.

6. **Privacy screen.** Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and berming, subject to review by the plan commission.

D. Requirements for nonresidential uses in residential districts. All nonresidential uses developed in residential zoning districts shall comply with the following landscaping requirements:

1. **General site landscaping.** At least ten (10) percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in Section 5.02A., except where specific landscape elements are required.

2. **Landscaping adjacent to road or road right-of-way.** All nonresidential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road or road right-of-way in Section 5.02B.

3. **Berm requirements.** A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 5.02B. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with Section 5.02C.

4. **Screening.** Landscaped screening or a wall shall be required wherever a nonresidential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 5.02E.

(Ord. No. 93-553, § 5.03, 2-2-1993; Ord. No. 16-1562, 12-13-2016)

Sec. 5.04. - Standards for landscape materials.

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. **Plant quality.** Plant materials used in compliance with the provisions of this ordinance shall be nursery grown, free of pests and diseases, hardy in Wayne County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

B. **Nonliving plant material.** Plastic and other nonliving plant materials shall not be permitted. Water bodies, boulder groupings, landscape furniture, and man-made landscape ornaments, singly or in combination shall not account for more than fifteen (15) percent of the ground area to be landscaped.

C. **Plant material specifications.** The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this ordinance:

1. **Deciduous shade trees.** Deciduous shade trees shall be a minimum of one and three-quarter (1.75) inches in caliper measured six (6) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

2. **Deciduous ornamental trees.** Deciduous ornamental trees shall be a minimum of one and one-half (1.5) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

3. **Evergreen trees.** Evergreen trees shall be a minimum of five (5) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.

4. **Shrubs.** Shrubs shall be a minimum of two (2) feet in height when planted. Low-rowing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

5. **Hedges.** Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

6. **Vines.** Vines shall be a minimum of thirty (30) inches in length after one (1) growing season.

7. **Ground cover.** Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season. Ground cover shall be maintained in a healthy growing condition, free from weeds, debris and refuse.

8. **Grass.** Grass area shall be planted using species normally grown as permanent lawns in Wayne County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, hydroseeded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

9. **Mulch.** Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep.

10. **Undesirable plant material.** Use of the following plant materials (or their clones) is not encouraged because of susceptibility to storm damage, disease, and other undesirable characteristics. Additional undesirable plant materials may be identified, a list of which shall be maintained by the City.

- American Willow.
- Ash.
- Box Elder.
- Northern Catalpa.
- Poplar.
- Tree of Heaven.
- Willow.

(Ord. No. 93-553, § 5.04, 2-2-1993; Ord. No. 16-1562, 12-13-2016)

Sec. 5.05. - Installation and maintenance.

The following standards shall be observed where installation and maintenance of landscape materials are required:

A. **Installation.** Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

Summary of Plant Material Specifications^[1]

	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Deciduous trees	1¾ in. [2]	4 ft. first branch	—	—
Ornamental trees	1½ in. [3]	4 ft.	—	—
Evergreen trees	—	5 ft.	2½ ft.	—
Shrubs	—	2 ft.	2 ft.	—
Hedges	—	2 ft.	—	—
Vines	—	—	—	30 inches after one season

Footnotes:

[1] See Section 5.04 for detailed requirements.

[2] Measured six (6) inches above grade.

[3] Measured six (6) inches above grade.

B. **Protection from vehicles.** Landscaping shall be protected from vehicles.

C. **Off-season planting requirements.** If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 2.18.

D. **Maintenance.** Landscaping required by this ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the zoning administrator, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed upon notice from the zoning administrator.

(Ord. No. 93-553, § 5.05, 2-2-1993)

Sec. 5.06. - Treatment of existing plant material.

The following regulations shall apply to existing plant material:

A. **Consideration of existing elements in the landscape design.** In instances where healthy plant material exists on a site prior to its development, the plan commission may permit substitution of such plant material in place of the requirements set forth previously in this section, provided such substitution is in keeping with the spirit and intent of this article and the ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this section.

B. **Preservation of existing plant material.** In the event that healthy plant materials which are intended to meet the requirements of the ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the zoning administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

Caliper Measured 12 Inches Above Grade		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

(Ord. No. 93-553, § 5.06, 2-2-1993)

Sec 5.07. - Modifications to landscape requirements.

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the plan commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and ordinance in general. In determining whether a modification is appropriate, the plan commission shall consider whether the following conditions exist:

- A. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the ordinance, and
- B. 1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design, or
- 2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

(Ord. No. 93-553, § 5.07, 2-2-1993)

ARTICLE 6.00 - WALLS

Sec. 6.01. - Obscuring wall standards.

Where permitted or required by this ordinance, obscuring walls shall be subject to the following requirements:

- A. **Location.** Required obscuring walls shall be placed inside and adjacent to the lot line except in the following instances:
 - 1. Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line subject to approval of the city engineer.
 - 2. Subject to plan commission approval, required walls in a nonresidential district may be located on the side of an alley right-of-way closest to the adjacent residential zone when mutually agreed upon by affected property owners and residents. The continuity of the required wall shall be considered by the plan commission in reviewing such requests.
 - 3. Walls shall not extend closer to the front lot line than the required front setback or the established front setback line whichever is greater.

B. Corner clearance. Obscuring walls shall comply with the specifications for maintenance of unobstructed sight distance for drivers, Section 2.09.

C. Substitution or waiver.

1. As a substitute for a required obscuring wall, the plan commission may, in its review of the site plan, approve the use of other existing or proposed living or man-made landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any such substitute screening shall comply with the applicable requirements in Sections 2.09 and 5.02.

2. If a fence is approved by the plan commission as a suitable substitute for a required obscuring wall, the fence shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.

3. The zoning board of appeals may waive the requirements for an obscuring wall upon making the determination that:

- (a) The adjoining residential district is in transition and will become nonresidential in the future, or
- (b) Existing physical features provide adequate screening.

D. Wall specifications. Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. Alternately, walls may be constructed of precast steel-reinforced panels, anchored in place by steel I-beam columns, provided that the pre-cast panels have a simulated brick or stone pattern that is compatible with the architecture of the principal structure and any adjoining screen walls on abutting property.

E. Wall requirements. For the uses and districts listed below, an obscuring wall shall be provided as specified along property lines that abut a residential district, except where landscaped screening is permitted by the plan commission in lieu of a wall [see Section 5.02(E)]:

Proposed Use or District	Wall Height Requirements
P. Business Parking District	6.0 feet
Off-Street Parking (other than VP District)	6.0 feet
Office Uses or Districts	6.0 feet
Commercial Uses or Districts	6.0 feet
Industrial Uses or Districts	6 foot minimum, up to 8 feet to completely screen storage, loading, and service areas
Utility Buildings, Substations	6.0 feet
Service and Delivery Areas	6.0 feet

F. Maintenance. Walls required by this ordinance shall be maintained in a neat and orderly appearance, structurally sound, free from paint, refuse, and debris. Any wall found in a deteriorated condition shall be repaired and/or replaced upon notice from the building and safety department.

(Ord. No. 93-553, § 6.01, 2-2-1993)

ARTICLE 7.00 - SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

Sec. 7.01. - Intent and scope of regulations.

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. Where there is a combination of uses proposed, the most restrictive standards shall be applied. These standards are intended to alleviate the impact from a use that is of an area, intensity or type, or that possesses characteristics that are unique or atypical for the district in which the use is allowed. These standards are intended to assure that such uses will be compatible with surrounding land uses and insure the orderly development of the district. Compliance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

(Ord. No. 93-553, § 7.01, 2-2-1993)

Sec. 7.02. - Site development standards for nonresidential uses.

A. Automobile or vehicle sales. Automobile or vehicle sales operations with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to any operation involving the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the director of building and

safety.

2. **Driveway location.** The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. **Servicing of vehicles.** All servicing of vehicles shall be subject to the following requirements:

(a) Service activities shall be clearly incidental to the vehicle sales operation.

(b) Vehicle service activities shall occur within a completely enclosed building.

(c) Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

(d) Buildings containing the service operations shall be located a minimum of fifty (50) feet from any abutting residential property line.

(e) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building.

(f) Buildings should be oriented so that open bays, for automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per Article 6.00.

4. **Broadcasting devices prohibited.** Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

5. **Setbacks.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the requirements for parking lots, as specified in Section 4.01B.1.

6. **Minimum lot area.** The minimum lot area required for such uses shall be two (2) acres.

B. **Automobile filling stations, automobile or vehicle service stations, automobile repair garages.** The following regulations shall apply to automobile filling stations and automobile or vehicle service stations, including tire, battery, muffler and undercoating shops:

1. **Minimum lot area.** The minimum lot area required for such uses shall be twelve thousand (12,000) square feet.

2. **Minimum lot width.** The minimum lot width required for such uses shall be one hundred fifty (150) feet.

3. **Minimum setbacks.** Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides that abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

Minimum Setback from Right-of-Way Line	
Nearest Edge of Pump Island	25 feet
Nearest Edge of Unenclosed Canopy	20 feet

4. **Minimum distances between uses.** In all cases, there shall be a minimum distance of at least five hundred (500) feet between such uses.

5. **Ingress and egress.** Ingress and egress drives shall be a minimum of thirty-one (31) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

6. **Curbs.** A curb of at least six (6) inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.

7. **Layout.** All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Adequate vehicle parking and stacking spaces shall be provided as required in Article 4.00.

8. **Outside storage.** Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding forty-eight (48) hours. Unless enclosed within a masonry screening wall that is not less than six (6) feet in height.

9. **Vehicle sales and storage.** The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited except in conformance with this ordinance.

10. **Sales of nonautomotive products.** Any retail sales of nonautomotive products such as food products, dairy products, or similar goods and products must be clearly accessory and ancillary to the principal use of the site and building.

11. **Food services and/or products.** In the event any food services and/or food products are available at retail as an accessory use, necessary bathroom and toilet facilities shall be provided within the principal building in accordance with the

requirements of the City Plumbing Code standards.

C. **Automobile wash or car wash establishment.** The following regulations shall apply to automobile wash or car wash establishments:

1. **Minimum lot area.** The minimum lot area required for automobile or car wash establishments shall be ten thousand (10,000) square feet.

2. **Layout.** All washing activities shall be carried on within a fully enclosed building. Vacuum activities shall be permitted in the rear yard only, provided such activities are located at least twenty-five (25) feet from adjacent residentially zoned or used property and the vacuum unit shall be located within the building. Entrances and exits shall not face abutting residentially zoned or used property. Adequate vehicle parking and stacking spaces shall be provided as required in Article 4.00 with a minimum of thirty-five (35) stacking spaces (including interior stacking in the building) each consisting of a minimum of one hundred sixty (160) square feet for each stacking space.

3. **Entrances and exits.** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash property. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

4. **Orientation of open bays.** Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per Article 6.00.

5. **Exit lane drainage.** Exit lanes shall be sloped to drain water back to the wash building to drainage gates and not unto the public street.

6. **Minimum distances between uses.** In all cases, there shall be a minimum distance of at least five hundred (500) feet between such uses.

D. **Drive-in establishments.**

1. **Setbacks.** Buildings or other structures used for the purpose of a drive-in establishment shall be set back a minimum of sixty (60) feet from any street right-of-way line.

2. **Location of driveways.** Driveways serving drive-in establishments shall provide direct access from a major thoroughfare or arterial road. The nearest edge of any entrance or exit drive shall be located no closer than twenty-five (25) feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

3. **Screening.** An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in Article 6.00.

4. **Ingress and egress.** Ingress and egress drives shall be a minimum of thirty-one (31) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other building or uses or its location near a vehicular or pedestrian entrances or crossings.

E. **Fast-food and drive-through restaurants.** The following regulations shall apply to fast-food and drive-through restaurants:

1. **Minimum frontage.** The site shall have a minimum of one hundred fifty (150) feet of frontage on a major thoroughfare.

2. **Location of driveways.** Ingress and egress points shall be located no closer than twenty-five (25) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having business-zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least sixty-five (65) feet measured from the two (2) closest driveway curbs.

3. **Screening.** An obscuring wall shall be provided along all property lines abutting a residential zoning district subject to the requirements in Article 6.00.

4. **Noise.** Any drive-up or drive-through speaker system shall comply with the noise regulations listed in Chapter 13, Article II of the City of Dearborn Code of Ordinances, and shall be located and oriented away from adjacent or abutting residential properties.

5. **Stacking spaces.** A restaurant with a drive-through window shall provide stacking spaces for each drive-through window as required in the schedule of off-street parking, Section 4.01C.24.

6. **Distance standard.** A fast-food restaurant shall be located no closer than seven hundred (700) feet to a school, or another fast food restaurant, the distance being measured from the nearest property line of the fast food restaurant to the school, or fast food restaurant.

7. **Traffic study.** An on-site and off-site traffic study shall be required for drive-through restaurants as part of the special land use application to understand the impacts on the capacity and safety of the transportation system. The applicant must use the City's traffic engineer to conduct the traffic study.

F. **Funeral homes or mortuaries.** The following regulations shall apply to funeral homes and mortuaries:

1. **Assembly area.** An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All

maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

2. **Screening.** The service and loading area shall be obscured from adjacent residential areas in accordance with Article 6.00.

3. **Caretaker's residence.** A caretaker's residence may be provided within the main building of the funeral home or as an approved accessory building on the site, subject to the provisions of this ordinance.

G. **Group day care home, child care center.** The following regulations shall apply to group day care homes, child care centers, nursery schools, day nurseries, and pre-schools:

1. **Licensing.** In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards required for such facilities.

2. **Outdoor play area.** A minimum of fifty (50) square feet of outdoor play area shall be provided and maintained per child, provided that the overall area of the play area shall not be less than two thousand (2,000) square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with Article 5.00.

3. **Frontage.** Child care centers shall front onto a thoroughfare or collector road that is constructed to City standards.

4. **Setbacks.** Child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

H. **Hospitals.** The following regulations shall apply to hospitals:

1. **Lot area.** The minimum lot area for a hospital site shall be ten (10) acres.

2. **Frontage and access.** Hospitals shall front onto a major thoroughfare and the main means of access to the hospital for patients, visitors, and employees shall be via the thoroughfare. Secondary access to a hospital site may be off of a residential street.

3. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of fifty (50) feet from any property line.

4. **Screening.** Ambulance, emergency entrance areas, and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping, or a masonry wall.

5. **State and federal regulations.** Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including provisions of the Michigan Hospital Survey and Construction Act, Public Act 299 of 1947, as amended.

I. **Junk yards.** The following regulations shall apply to junk yards:

1. **Minimum lot area.** The minimum lot area for a junk yard shall be five (5) acres.

2. **Location.** A parcel of land used for a junk yard shall abut only nonresidential or noncommercial land uses or zoning districts.

3. **Setbacks.** A minimum setback of one hundred (100) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least one hundred (100) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line that abuts a residentially zoned or used district.

4. **Screening.** The entire junk yard site shall be screened with an eight (8) foot obscuring masonry wall, constructed in accordance with Article 6.00. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

5. **Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved and provide adequate drainage.

6. **Regulated activities.** All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

7. **Permits.** All required City, county, state and federal permits shall be obtained prior to establishing a junkyard.

J. **Kennels.** The following regulations shall apply to commercial kennels:

Commercial kennels. Commercial kennels shall be subject to the following standards:

(a) Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.

(b) The lot on which any such kennel is located shall have a minimum lot area of one (1) acre. If more than four animals are housed in the kennel, an additional one (1) acre shall be required for every additional ten (10) animals (or fraction thereof).

(c) All animals, animal runs, and exercise areas shall be located within an enclosed building and shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

K. **Mini-warehouses.** The following regulations shall apply to mini-warehouses:

1. **Lot area.** The minimum lot area for mini-warehouses shall be two (2) acres.

2. **Permitted use.** Mini-warehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

3. **Site enclosure.** The entire site, exclusive of access drives, shall be enclosed with a six (6) foot-high masonry wall, constructed in accordance with Article 6.00. A six (6) foot chain link fence may be permitted along property lines that do not abut a residentially zoned district or residential use.

4. **Orientation of open bays.** Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall in compliance with Article 6.00.

5. **Exterior appearance.** The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

6. **Resident manager.** A resident manager may be permitted on site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the provision of this ordinance.

7. **On-site circulation and parking.**

(a) All one-way driveways shall be designed with one (1) ten (10) foot wide loading/unloading lane and one (1) fifteen (15) foot travel lane.

(b) All two-way driveways shall be designed with one (1) ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.

(c) The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

L. **Motels and hotels.** The following regulations shall apply to motels or hotels:

1. **Lot area.** The minimum lot area for a motel or hotel shall be three (3) acres.

2. **Design.** Each unit available for rental within a motel or hotel shall contain a bath and at least one (1) bedroom and encompass a minimum gross floor area of three hundred fifty (350) square feet.

3. **Services.** A motel or hotel shall provide customary motel services, such as main service, linen service, telephone and/or desk service, and the use of furniture.

M. **Nursing homes, convalescent homes, rest homes, and orphanages.** The following regulations shall apply to nursing homes, convalescent homes, rest homes, and orphanages:

1. **Minimum lot area.** The minimum lot area for such facilities shall be one (1) acre.

2. **Frontage and access.** Such uses shall front onto a major thoroughfare and the main means of access to the site for residents or patients, visitors, and employees shall be via the thoroughfare. In no case shall primary access to a nursing home, convalescent home, or rest home be limited to a residential street.

3. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of twenty-five (25) feet from any property lines.

4. **Open space.** Any such facility shall provide a minimum of five hundred (500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

5. **State and federal regulations.** Nursing homes, convalescent homes, rest homes, and orphanages shall be constructed, maintained, and operated in conformance with applicable City, state, and federal laws.

N. **Open-air business.** The following regulations shall apply to permanent open-air businesses:

1. **Minimum lot area.** The minimum lot area for open-air businesses shall be ten thousand (10,000) square feet.

2. **Driveway location.** The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.

3. **Parking setback.** Parking shall be set back a minimum of ten (10) feet from any road right-of-way line.

4. **Lot width.** The minimum lot width for open-air businesses shall be one hundred (100) feet.

5. **Loading and parking.** All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or alleys.

6. **Outdoor display of vehicles.** The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors that are for sale, rent, or lease shall comply with the requirements in Section 7.02(A).

7. **Plant material nursery.** Nurseries that deal with plant materials shall comply with the following:

(a) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.

(b) The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

8. **Composting and recycling.** Composting operations and recycling center as regulated by the City of Dearborn Ordinance, Chapter 16.

O. **Restaurant site requirements.**

1. **Access.** Points of vehicular ingress and egress shall be limited to the thoroughfare having business-zoned frontage only.
2. **Screening.** A restaurant with a rear or side yard abutting a noncommercial district shall provide a permanent obscuring wall, conforming to the requirements of Article 8.00, along the full length of each abutting property line.
3. **Vehicular storage.** Parking and vehicular storage shall only be permitted during normal business hours and any parking and vehicular storage in excess of twenty-four (24) consecutive hours shall be prohibited at all times on the premises, and the owner, franchisee holder or lessee shall post a sign or signs giving notice that all parked or stored vehicles are subject to ticketing and removal at the owner's expense.
4. **Rubbish and debris.** Each restaurant site shall be kept free of rubbish and debris and the grass and other landscaping shall be well maintained so as to present a neat and attractive appearance at all times.

P. **Radio and television towers (commercial and public).** The following regulations shall apply to commercial and public radio and television towers, microwave towers, and other communication antennas/towers:

1. **Setbacks.** Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.
2. **Fencing.** An open-weave, six (6) foot high chain link fence shall be constructed around the entire perimeter, in accordance with Section 2.19.
3. **State and federal regulations.** Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

Q. **Recreation facilities.**

1. **Outdoor recreation facilities.** Outdoor recreation facilities, such as, but not limited to, courses for off-road vehicles and snowmobiles, campgrounds, baseball facilities, and swimming pools, shall comply with the following regulations:

- (a) Principal and accessory buildings shall be set back at least fifty (50) feet from all property lines, unless otherwise specified herein.
- (b) The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The plan commission may specify the hours of operation in order to assure compatibility with adjacent uses.
- (c) Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
- (d) All parking for outdoor recreation uses shall be provided in off-street parking lots, which shall be designed in accordance with Article 4.00.
- (e) Lighting for outdoor recreation uses shall be shielded to the greatest extent possible from adjoining properties.
- (f) Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Section 5.02(E).
- (g) Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

2. **Indoor recreation facilities.** Indoor recreation facilities such as, but not limited to, bowling establishments, indoor archery ranges, indoor tennis courts, indoor skating rinks, and similar indoor recreation uses shall comply with the following regulations:

- (a) Indoor recreation uses shall be set back a minimum of fifty (50) feet from any property line that abuts a residential district.
- (b) The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
- (c) Indoor recreation uses shall have direct access onto a major thoroughfare.

R. **Religious institutions.** The following regulations shall apply to all religious institutions, including churches, synagogues, mosques, temples, and related uses:

1. **Minimum site area.** The minimum site area for a religious institution shall be five (5) acres.
2. **Lot width.** The minimum lot width for religious institutions shall be two hundred (200) feet with a minimal site of five (5) acres.
3. **Parking setback.** Off-street parking shall be prohibited in the front setback area required by this ordinance. No parking shall be allowed within fifteen (15) feet of any property line and comply with Article 4.00.

4. **Frontage and access.** Religious institutions shall be located on a major thoroughfare. All vehicular access to the site shall be provided from a major thoroughfare.

5. **Landscaping.** Religious institutions shall comply with the landscaping requirements set forth in Section 5.03C.

S. **Stamping plants, punch presses, press brakes, and other machines.** The following regulations shall apply to stamping machines, punch presses, press brakes, and other machines:

1. **General requirements.** All such machines shall have shock-absorbing mountings and be placed on a suitable reinforced-concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. All such machines shall comply with the noise and vibration standards at all times in this ordinance.

2. **Automatic screw machines.** Automatic screw machines shall be equipped with noise silencers and shall not be located closer than three hundred (300) feet from any property zoned or used for residential purposes.

3. **Setbacks.** Punch and stamp presses, other than hydraulic presses shall comply with the performance standards in Article 8.00.

4. **Press brakes.** Press brakes shall be set back at least three hundred (300) feet from any property line zoned for residential use.

T. **Veterinary clinics.** Veterinary clinics shall comply with the following requirements:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.

2. **Setbacks.** All buildings shall be set back at least fifty (50) feet from abutting land that is zoned for residential use.

3. **Treatment facilities.** No veterinary clinic shall contain exterior facilities for boarding of animals. Treatment shall be limited to domesticated animals considered as pets.

U. **Veterinary hospitals.** Veterinary clinics shall comply with the following requirements:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.

2. **Setbacks.** All buildings shall be set back at least two hundred (200) feet from abutting land that is zoned for residential use.

3. **Treatment facilities.** No veterinary clinic shall contain exterior facilities for boarding of animals. Treatment shall be limited to domesticated animals considered as pets.

V. **Smoking lounges.** Smoking lounges shall comply with the following requirements:

1. **Off-street parking.** Smoking lounges shall provide off-street parking per the standard for restaurants, bar/lounge/taverns in Section 4.01

2. **Access.** Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only.

3. **Mechanical ventilation required.** Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge are prohibited. The air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

4. **Hours of operation; outdoor dining; other outdoor activities prohibited.**

a. Businesses operating a licensed smoking lounge shall be closed between the hours of 2:00 a.m. and 10:00 a.m.

b. Outdoor dining of carryout food or food properly brought on the premises by a customer may be permitted provided it is in compliance with the Zoning Ordinance and does not violate any other section of the code or state law.

c. No outdoor dining of any kind, including carryout food or food properly brought on the premises by a customer, shall occur at a business operating a licensed smoking lounge with outdoor seating between the hours of 12:00 a.m. and 10:00 a.m.

d. All other smoking lounge business activities shall be conducted wholly indoors, unless otherwise approved by the City Council.

5. **Notice on exterior.** A clearly visible notice shall be posted by the entry door to the premises that:

a. Indicates that it is a smoking lounge;

b. Indicates it is not a food service establishment;

c. States that no loitering is permitted on the premises; and

d. States that no minors are permitted on the premises.

6. **Minimum distances between uses.**

a. The establishment of a smoking lounge is prohibited if it constitutes the second such use within a one thousand two hundred (1,200) foot radius;

b. The establishment of a smoking lounge is prohibited if it is located within seven hundred (700) feet of a school, childcare facility, or a park.

7. **Cap on allowable number of smoking lounges.** The number of smoking lounges, as defined in Chapter 12, Article XXV, of the Code of the City of Dearborn, shall be capped at fifteen (15).

a. An individual may petition the City Council for permission to exceed the cap.

8. Smoking lounges, as defined in Chapter 12, Article XXV of the Code of the City of Dearborn, shall ~~not~~ not:

a. Advertise as a restaurant or other type of food establishment;

b. Have paper or electronic menus for customers of the smoking lounge to use to place carry out orders for food;

c. Facilitate ordering or food deliveries from another food establishment;

d. Store or prepare food on-site;

e. Provide condiments, small wares such as silverware, dishware, drinking glasses or cups, dishwashing, etc., for customers of the smoking lounge;

f. Have wait staff to facilitate the serving of food;

g. Provide ice in individual servings; or

h. Provide water, or drinks, other than to sell incidental amounts of pre-packaged beverages.

9. Smoking lounges, as defined in Chapter 12, Article XXV of the Code of the City of Dearborn, may only be located on premises that are physically separated from any areas of the same or adjacent establishments in which smoking is prohibited by state law and where smoke does not infiltrate into those nonsmoking areas. "Physically separated" shall mean an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to ceiling.

10. **Federal, State and local regulations.** All smoking lounges shall be constructed, maintained, and operated in conformance with applicable laws, ordinances, and code provisions.

W. **Outdoor dining.** The intent of permitting outdoor dining on private property is to enhance the attractiveness, viability and pedestrian environment of the business districts in the City. Outdoor dining on private property shall comply with the following requirements:

1. **Location.** Outdoor dining shall be directly adjacent to, and on the same parcel as, the building or tenant space occupied by the principal use it serves. Outdoor dining areas are permitted in all yards.

2. **Off-street parking.** Outdoor dining shall be considered an accessory use and therefore not included in the calculation of required parking under the following conditions:

(a) **B-A, B-B, and B-C zoning districts:** The occupant load of the outdoor dining area shall not exceed forty (40) percent of the interior customer/patron occupant load of the building or tenant space housing the principal use (occupant load to be determined per the Building Code).

(b) **WD and B-D zoning districts:** The occupant load of the outdoor dining area shall not exceed fifty (50) percent of the interior customer/patron occupant load of the building or tenant space housing the principal use (occupant load to be determined per the Building Code).

(c) **[Limits on seating:]** Carry-out restaurants with no indoor seating shall not exceed twelve (12) seats for outdoor dining.

If the outdoor dining area does not qualify as an accessory use under the standards listed above, the outdoor dining area shall be included as part of the floor area and occupant load of the principal use for the purposes of calculating the parking requirement for that use. Outdoor dining shall not be permitted to displace off-street parking otherwise required for the principal use.

3. **Fencing.** A decorative fence or wall less than four (4) feet in height around the designated outdoor dining area may be permitted as part of the site plan approval for this use. The fence or wall shall be designed to be compatible and complimentary to the buildings on the site and the adjacent sites. Fencing for outdoor dining areas is permitted in all yards.

4. **Minimum landscaping.** Landscaping shall be required between any outdoor dining area and any public road right-of-way per Section 5.02B of the Zoning Ordinance.

5. **Hours of operation.** The hours of operation of outdoor dining shall be limited as follows:

(a) **B-A, B-B, and B-C zoning districts:** Between 7:00 a.m. and 10:00 p.m. or the normal operating hours of the principal use, whichever is more restrictive.

(b) **WD and B-D zoning districts:** Between 7:00 a.m. and 12:00 a.m. or the normal operating hours of the principal use, whichever is more restrictive.

6. **Washrooms.** Washroom facilities shall be provided per the Building Code based upon the occupant load of the building.

7. **Nuisance.** Outdoor dining shall comply with all applicable noise and nuisance ordinances of the City of Dearborn.

8. **Other codes and ordinances.** Outdoor dining shall comply with all applicable codes, ordinances and laws.

9. **Design review.** Outdoor dining areas in the B-D zoning district shall be subject to a review and approval by the City of Dearborn Design Review Committee.

10. **Exception: Temporary/Seasonal Outdoor Dining.** The intent of this provision is to create or increase outdoor dining

areas for existing restaurants on a temporary or seasonal basis:

(a) **Permit required.** An annual zoning permit issued by the Economic & Community Development Department director or his designee shall be required. A restaurant must submit a permit application and all required documents before the issuance of a permit.

(b) **Permit revocation.** A permit may be revoked for cause by the Director of Economic and Community Development Department director or his designee if the outdoor dining is creating a nuisance, or for any other violation of law.

(c) **Appeals.** An appeal of a permit denial or permit revocation shall be made to City Council.

(d) **Dates of operation.** Permitted temporary/seasonal outdoor seating may operate between April 15th and November 15th.

(e) **Displacement of required parking:**

i. Up to ten (10) percent of the existing parking spaces for the building may be displaced to permit outdoor dining pursuant to this section, if there are less than ten (10) spaces then one space may be displaced for this purpose.

ii. Maximum: total permitted outdoor dining area (permanent & temporary/seasonal) shall not exceed the limits established in section 2 above.

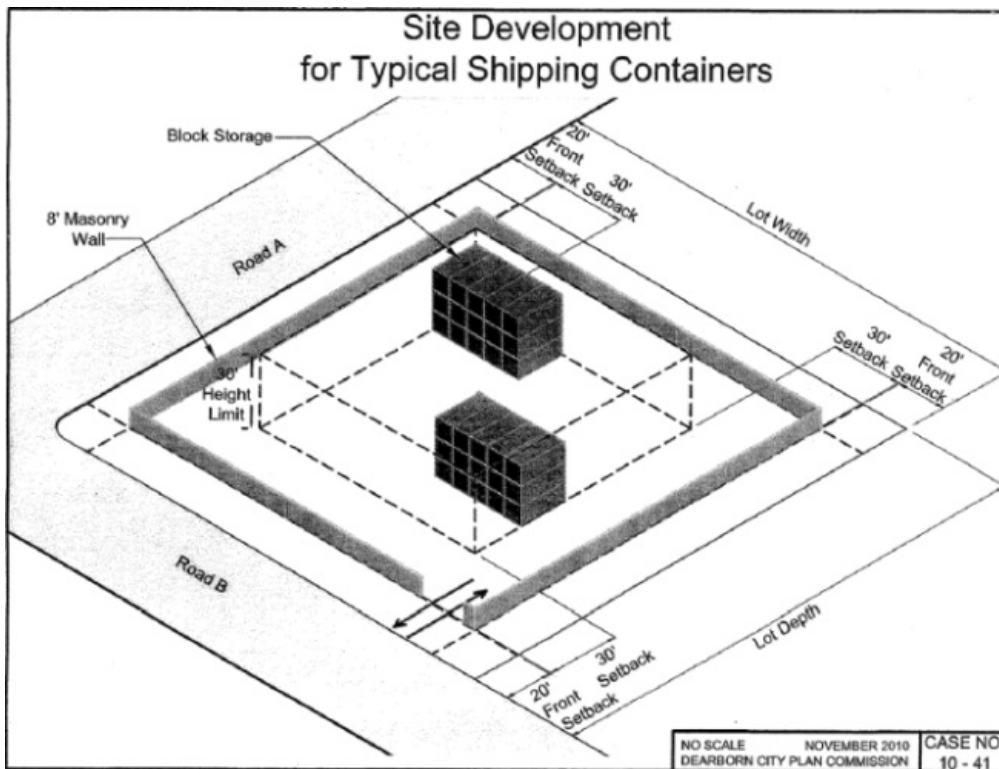
iii. The outdoor dining area shall be configured to provide safe separation from neighboring parking spaces and drive aisles; movable planters and decorative fencing may be used to provide such separation.

iv. Adequate clearance for car door swing areas shall be maintained for adjacent parking spaces (Minimum: 2 feet).

(f) **Minimum landscaping.** Required landscaping in accordance with section 4 above may be waived for issuance of a permit pursuant to this section. Existing, permanently installed landscaping shall not be displaced under this provision.

X. **Terminal and Transfer Facilities.** Storage of shippers' containers is subject to the following restrictions:

1. **Site Plan.** Shipper's containers shall be placed or stored in areas depicted on a site plan approved by the Economic and Community Development Department — Commercial Services Division and the Fire Marshal.



2. **Set backs.** Shippers' containers shall comply with the perimeter yard setbacks for structures in an industrial zoning district, except that a minimum setback of twenty (20) feet shall be maintained between the front property line and the masonry screening wall required in subsection 7.02X(1)(c)(3), and a minimum setback of thirty (30) feet shall be maintained around the entire perimeter of the shippers' container storage area between the masonry screening wall required in subsection 7.02X(1)(c)(3) and any shippers' containers stored on the site.

3. **Stacking.** Shippers' containers may be stacked provided that:

(a) Shipper's container stacks shall not exceed thirty (30) feet in height.

(b) Only block storage is permitted, so that the number of containers stacked vertically must be equaled or exceeded by the number of containers placed side-by-side.

(c) The site plan must comply with applicable screening ordinances for outdoor storage, and the shippers' container storage area must be enclosed on all sides by an eight (8) foot masonry screening wall.

4. **Portability.** No shippers' container shall be permanently affixed to the ground. Shippers' containers shall be able to be moved by a reasonable means within a twenty-four (24) hour period.

5. **Fire suppression.** Shippers' containers storage areas shall comply with the applicable fire codes, including installation and maintenance of fire lanes, fire suppression lines, hydrants, and other protective devices as determined by the Fire Marshal. A site plan approved by the Economic and Community Development Department — Commercial Services Division and the Fire Marshal must be on file with the Dearborn Fire Department.

6. **Maintenance.** Shippers' containers shall be painted and maintained such that they do not constitute a nuisance, and shall be free of graffiti and rust visible from public rights-of-way and properties surrounding the shippers' container storage area. Shippers' container storage areas shall be maintained so as to be free of weeds and debris.

Y. **Day laborer agency.** Day labor agencies shall comply with the following requirements:

1. **Minimum distance between uses.**

a. No such use shall be permitted within one thousand (1,000) feet from any other day labor agency and/or establishments listed under Section 7.05 of the City of Dearborn Zoning Ordinance.

b. No such use shall be permitted within seven hundred (700) feet from any school, childcare facility, park, residentially zoned district or any existing residential use.

2. **On-site management.** Management personnel shall be present on-site during normal business hours and must be accessible to day laborers, law enforcement personnel, and any other individuals who needs to establish communication upon or about the premises. On-site management also requires that the employee has the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.

3. **Adequate seating and waiting area.** The day laborer agency shall provide a waiting area located in the lobby of the day labor agency. The waiting area must accommodate seating for the maximum number of day laborers expected per day.

4. **Restrooms and water access.** The day laborer waiting area shall contain access to restrooms and water.

5. **Trash.** Trash receptacles shall be provided in the lobby waiting area. Trash and cigarette receptacles shall be provided outside the premises.

6. **Litter.** All litter on the site, on the public right-of-way, and on spaces adjacent to or within one hundred (100) feet of the premises of the use shall be picked up at least twice a day and at the close of business, and more often if necessary to prevent an unsightly or unsanitary accumulation, on each day that the business is open.

7. **Conducting business.** All waiting and business related to the day labor agency must be conducted inside the business.

Z. **Alternative financial establishment.** Alternative financial establishments shall comply with the following requirements:

1. **Minimum distance between uses.**

a. No such use shall be permitted within one thousand (1,000) feet from any other alternative financial establishment listed under Section 7.05 of the City of Dearborn Zoning Ordinance.

b. No such use shall be permitted within seven hundred (700) feet from any school, childcare facility, park, residentially zoned district or any existing residential use.

2. **Hours of operation.** The hours of operations for alternative financial establishments are limited to 8:00 a.m. to 8:00 p.m.

3. **Drive-thru.** Drive-thru transaction stations are prohibited.

4. **Security.**

a. The Dearborn Police Department will conduct a site security survey and provide recommendations for the alternative financial establishment that must implemented by the petitioner and/or business owner.

b. Requires unobstructed view of the business from a public street, a security plan and other approved operating and development standards.

c. Window bars, chains, etc. are prohibited.

d. At least thirty (30) percent of a first floor façade that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs.

5. **Conducting business.** All receipt, sorting or processing of checks, cash, and goods shall occur within a completely enclosed building.

6. **Lighting.** The building shall have lighting to provide illumination for security and safety of parking and access areas.

AA. **Recreational vehicle storage facility.** Recreational vehicle storage facilities shall comply with the following requirements:

1. **Screening and security.**

a. A secured wall or screening fence must be constructed around the storage lot to provide security and screening from the view of the surrounding properties and adjoining streets. Rolled razor wire on fences or walls is prohibited. No fence or wall may exceed a maximum height of eight (8) feet.

b. As a substitute for a required screening wall or fence, the Planning Commission may, in its review of the site plan, require the use of other existing and/or proposed natural landscape features (such as closely spaced evergreens, thujas, willows, cypresses, junipers, American hollies, etc.) that would produce substantially the same results in terms of screening, durability, and permanence. The character of adjoining uses and the preferences of adjoining residents or businesses shall be taken into consideration in determining whether any such substitution is appropriate.

c. When natural landscape features are required for screening as part of Special Land Use approval, a fence that meets

the requirements of Section 5-127 of the Dearborn Code of Ordinances must be installed in addition to the landscape features.

d. Lighting of the facility and storage lot must be adequate and conforming with Section 2.12 and Section 8.02 of the Dearborn Zoning Ordinance.

2. Operations.

a. Recreational vehicle storage facilities and the operations conducted on-site shall comply with Chapter 13 "Nuisances" of the City of Dearborn Code of Ordinances.

b. All stored recreational vehicles shall be in operable condition with no disconnected, damaged, or missing parts. Recreational vehicles with signs of major damage to mechanical and body parts shall not be permitted.

c. All stored recreational vehicles must be registered with the Secretary of State during the current calendar year and display the registration decals. There are three (3) options to register a recreational vehicle with the Secretary of State. One (1) of the following three (3) registration options is required during a calendar year: A thirty (30) day option, sixty (60) day option, or twelve (12) month option.

d. No stored recreational vehicles shall be utilized for overnight sleeping or as a living accommodation.

e. No vehicles shall be displayed "for sale" on the site.

f. All boats are required to have covers for the open areas. All covers must be custom fit to the contours of the boat. No tarps or other non-custom fit covers, or ready-fit or semi-custom covers may be used. A custom fit cover is designed, manufactured and tailored to closely fit the body style and size group of the specific make, model and year of the item to be covered.

g. The facility shall not engage or operate as a site for maintenance or repair of recreational vehicles. No work or maintenance on vehicles shall be permitted.

3. Lot surface.

a. Drive aisles and outdoor storage lots/spaces shall have an asphalt or concrete paved surface and be drained to prevent standing water.

(Ord. No. 93-553, § 7.02, 2-2-1993; Ord. No. 95-643, 7-5-1995; Ord. No. 06-1088, 9-25-2006; Ord. No. 09-1200, 1-20-2009; Ord. No. 10-1277, 6-21-2010; Ord. No. 11-1306, 1-4-2011; Ord. No. 15-1458, 4-21-2015; Ord. No. 15-1479, 9-22-2015; Ord. No. 15-1483, 9-22-2015; Ord. No. 15-1492, 10-20-2015; Ord. No. 15-1501, 11-24-2015; Ord. No. 16-1519, 2-9-2016; Ord. No. 16-1531, 4-12-2016; Ord. No. 17-1582, 6-13-2017; Ord. No. 21-1722, 1-11-22)

Sec. 7.03. - Site development standards for residential uses.

A. **Housing for the elderly.** The following site development standards shall apply to housing for the elderly:

1. **Minimum floor area.** Dwelling units within a building shall average three hundred fifty (350) square feet in floor area (not including kitchen and sanitary facilities).

2. **Lot coverage.** Total coverage of the all buildings, including dwelling units and related service buildings, shall not exceed thirty (30) percent of the total site, exclusive of any dedicated public right-of-way.

B. **Single-family cluster option.** Except as stated within this Section, an application for approval of a site plan for a residential cluster option shall follow the procedures and requirements established for a special use approval as stated in Article 10.00. The following standards shall apply to single-family cluster projects:

1. **Intent.** The intent of the single-family cluster option is to provide the opportunity for creative design in single family residential districts to accomplish the following primary objectives:

(a) To promote a higher quality of development than could be achieved under conventional zoning regulations.

(b) To encourage innovation in land use and variety in design, layout, and type of structures constructed.

(c) To provide a feasible means of residential development on sites that would otherwise be difficult or impossible to develop because of the parcel size or shape, the character of surrounding land uses, or other constraints.

2. Eligibility criteria.

(a) In considering any proposal for the single-family cluster option, the plan commission shall determine that the proposal satisfies one (1) or more of the following eligibility criteria:

(1) The overall impact of the development will provide a recognizable and substantial benefit to its ultimate residents and to the community.

(2) The parcel has narrow width, shallow depth, or a unusual configuration that is a substantial detriment to development as a conventional subdivision.

(3) A significant portion of the property's perimeter is bordered by a major or secondary thoroughfare so that, if developed as a conventional subdivision, a substantial number of the lots would abut the thoroughfare and be impacted by negative traffic noise and lights.

(4) A substantial portion of the property's perimeter is bordered by land that is zoned or used for more intensive and potentially incompatible nonresidential development.

(5) The parcel contains natural assets that would be preserved or enhanced through the use of cluster development. Such assets may include stands of trees, land that serves as a habitat for wildlife, unusual topographic features, or other natural assets that should be preserved.

(b) An application for the single-family cluster option shall be accompanied by written and graphic documentation demonstrating to the plan commission that the proposal satisfies one or more of the listed eligibility criteria.

3. **Project density.** The overall density of development on a site that qualifies for cluster development shall not exceed the standards for density as established by the underlying zoning regulations for the district in which the site is located. The density of a development shall be computed by dividing the total number of units proposed by the allowable acreage. The quotient shall be rounded to the nearest tenth of an acre.

For the purposes of computing density, allowable acreage shall include the following:

(a) All areas to be used for residential purposes, including off-street parking and private access roads, but excluding public street rights-of-way;

(b) Dedicated private parks and/or common open space devoted for use of residents of the single family cluster development.

4. **Site design requirements.** Single-family cluster developments shall comply with the following requirements:

(a) **Clustering alternatives.**

(1) **Attachment of units.** A maximum of four (4) single-family dwelling units may be attached to each other provided that measures are taken to avoid monotonous facade design or the appearance of massive buildings that are out-of-scale with surrounding single family development. The attached units shall be offset from one another, and/or different design details (i.e., different building entrance designs, different building materials, etc.) shall be used for each unit.

(2) **Detached clusters.** A maximum of four (4) single-family detached units may be combined into a single cluster, provided that the units shall be spaced not less than ten (10) feet apart. This spacing requirement may be waived or modified by the plan commission during site plan review, based upon a favorable recommendation of the City fire chief and compliance with the building Code requirements.

(b) **Open space.**

(1) **General requirements.** Single-family cluster developments shall provide and must maintain at least fifteen percent (15%) of the site as dedicated common open space.

(2) **Water bodies and basins.** Up to twenty-five percent (25%) of the required open space may include the area of any created water bodies or water detention/retention basins.

(3) **Conveyance of open space.** The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction(s) or covenant(s) that run with the land, assuring that the open space will be developed, dedicated and continually maintained according to the site plan and never changed to another use.

(c) **Setbacks.**

(1) **Setbacks between clusters.** Each cluster of attached or detached dwelling units shall be set back a minimum distance of fifty (50) feet from any other cluster, except that the minimum setback for adjoining clusters that have a side-to-side building relationship shall be twenty (20) feet.

(2) **Building setbacks.** Buildings within each cluster shall comply with the following minimum setbacks:

Internal private road:	30 feet from edge of traveled roadway;
Public road right-of-way:	30 feet;
Property line (other than road right-of-way):	30 feet;
Utility easement (other than individual unit lead):	12 feet.

(d) **Landscaping.** Single-family cluster developments shall comply with the landscaping requirements specified in Article 5.00.

(e) **Transitional area in density.** Where the parcel proposed for use as a cluster development abuts a conventional single-family development, the cluster development shall be designed to provide an orderly transition between the two (2) developments. Such a transition may be achieved by providing a buffer zone consisting of any of the following: open space, additional landscaping, berms, changes in topography, or similar measures.

(f) **Sidewalks.** Sidewalks shall be provided along all public roads within the cluster development.

(g) **Utility connections.** Each dwelling unit shall be separately connected and metered for City water and sewer service.

5. **Determination of eligibility.** The application for cluster development shall include documentation that the proposal satisfies one or more of the eligibility criteria set forth in Section 7.03C. The planning commission shall make a preliminary determination whether the proposal qualifies for the cluster option, based on the submitted documentation.

6. **Effect of preliminary eligibility determination.** Preliminary determination by the planning commission that a parcel

qualifies for cluster development does not assure approval of the site plan. Such a determination, however, does give the applicant the opportunity to proceed further with site plan review.

7. **Site plan review.** A cluster housing development shall be subject to the site plan review requirements in Article 32.00 of this ordinance, as well as the additional requirements in this Section.

8. **Information required for site plan review.** In addition to the information required in Article 32.00 as a part of site plan review, the following information shall be included on all cluster option plans submitted for review:

- (a) Acreage and density computations.
- (b) Setbacks from all property lines and distances between all buildings and between buildings and roads.
- (c) Proposed landscape screening along the perimeter and within the site.
- (d) Specific locations of significant site features such as tree stands and water retention areas.
- (e) Delineation of open space areas and detailed information concerning common access and proposed landscaping or other improvements within the open space.

9. **Recording of Planning Commission action.** Each action taken with reference to a cluster development proposal, including the grounds for the action taken, shall be duly recorded in the minutes of the planning commission.

10. **Recording of documents.** If the planning commission approves the cluster development proposal, all requirements and conditions upon which such approval is based shall be included as part of the approved site plan. Easements, deed covenants or deed restrictions shall be drafted into recordable forms, reviewed and approved as to form by the city attorney, and filed by the applicant, with the appropriate county agency prior to the issuance of a building permit for any construction.

11. **Performance guarantee.** A performance guarantee shall be deposited with the City to insure faithful completion of improvements, in accordance with this Ordinance.

C. **Child care organizations.** The following regulations shall apply to all child care organizations as defined in Article 1 of this ordinance:

1. **Licensing.** In accordance with applicable state laws, all child care organizations shall be licensed by the Department Licensing and Regulatory Affairs and shall comply with the minimum standards of the Child Care Organizations ACT (1973 PA 116).

2. **Sleeping areas.** In new and converted institutions, single occupant sleeping rooms shall not be less than seventy (70) square feet, exclusive of closet space. In new and converted institutions, multi-occupant sleeping rooms shall not be less than fifty (50) square feet per occupant, exclusive of closet space.

3. **Toilet and bathing facilities.** There shall be at least one (1) toilet, lavatory, and tub or shower, which are easily accessible from sleeping quarters, for each eight (8) residents.

4. **Recreational areas.** An institution shall provide and follow its written policy regarding recreational activities. A variety of indoor and outdoor recreational areas shall be provided and indicated on the site plan and floor plans. The Planning Commission shall have the authority to review and approve the proposed recreational activities plan and areas and determine its adequacy in relation to the size and occupancy of the facility.

(Ord. No. 93-553, § 7.03, 2-2-1993; Ord. No. 17-1603, 1-16-2018)

Sec. 7.04. - Site development standards for mixed uses.

Commercial uses in industrial developments. In all commercial districts, a limited amount of storage is permitted where the storage is accessory to the principal retail use. Similarly, in industrial districts office and sales operations are permitted where such activities are clearly incidental to the principal industrial use.

In certain businesses, the accessory use is an integral part of the overall business operation, such that the business takes on the character of a "mixed use." In these cases, the specific guidelines provided in this section should be used to determine if the accessory use is reasonable and should be permitted.

Retail uses in industrial districts. Retail uses shall be deemed acceptable accessory uses in industrial districts if the following criteria are met:

(a) **Character of the principal use.** The principal use on the site must be industrial in character. The retail activity must be an integral part of the business such that separation of the manufacturing and retail activity would adversely affect operating and management procedures.

(b) **Percent of floor area.** The retail activity shall occupy no more than thirty percent (30%) of total floor area or one thousand (1,000) square feet, whichever is less.

(c) **Percent of gross value.** The gross value of the retail sales shall not exceed thirty percent (30%) of the gross value of the products produced on the premises.

(d) **Products offered for sale.** Retail sales shall be limited primarily to products produced on the premises. If it is determined by the zoning administrator that the sale of limited specialty products not produced on the premises is essential to installation or use of the principal product sold, then such sales may be permitted provided that in total, they represent less than fifty percent (50%) of the on-site retail sales.

(e) **Compatibility of traffic.** The type and quantity of traffic generated by the retail sales operation shall be compatible with permitted industrial uses in the district.

(f) **Parking.** Adequate parking shall be provided for the retail sales, as specified in Section 4.01. Off-street parking shall be subject to the location and setback requirements for the district in which the use is located.

(Ord. No. 93-553, § 7.04, 2-2-1993)

Sec. 7.05. - Regulated uses.

A. **Scope of regulations.** In the development and execution of these zoning regulations, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, including the diversity and vibrancy of business districts. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area; i.e., not more than one such use within one thousand two-hundred (1,200) feet of another. The establishment of the following kinds of uses is prohibited if the establishment of any one of the following uses constitutes the second such use within a one thousand two-hundred (1,200) foot radius:

1. Adult book or supply store;
2. Adult model studio;
3. Adult motion picture arcade;
4. Adult motion picture theater or adult live stage performing theater;
5. Adult outdoor motion picture theater;
6. Adult physical cultural establishment;
7. Adult entertainment establishment;
8. Boarding house or rooming house;
9. Cabaret;
10. Massage parlor or massage establishment not including state-certified massage therapists or practitioners;
11. Pawn shop or collateral loan or exchange establishments;
12. Public lodging house;
13. Second-hand resale stores.

B. **Application procedure.** Application to establish any of the above regulated uses shall be made to the zoning administrator, who shall not approve any such application if there are already in existence two (2) or more such regulated uses within a radius of one thousand (1,000) feet of the outermost boundaries of the lot upon which the proposed regulated use will be situated.

C. **Waivers.** Upon denial of any application for a regulated use under Section 7.05B., the applicant may appeal for a waiver of the location provisions above to the board of appeals consistent with the standards set forth below. The board may waive the location provisions set forth in subsection 7.05(8), after all the following findings are made:

1. **Compliance with regulations.** The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;
2. **Not enlarge district.** The proposed use will not enlarge or encourage the development of a "skid row" or "strip";
3. **Consistent with programs.** That the establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;
4. **Consistent with law.** That all applicable City, state, or federal laws and regulations will be observed.

D. **Procedure for waiver.** Prior to granting a waiver of the location restrictions set forth above, and not less than five (5), nor more than fifteen (15), days before the request for waivers is considered or a public hearing held pursuant to this Section, the board shall publish, in a newspaper of general circulation in the City, one (1) notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of the premises in question, and to the occupants of all structures within three hundred (300) feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

1. **Notification to manager.** Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) 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.

2. **Notice contents.** The notice of application shall:

- (a) Inform the recipient of the applicant's name,
- (b) Describe the nature and type of use proposed,
- (c) Indicate the local address,
- (d) The lot number and subdivision name of the property in question, and,
- (e) Provide the section of the zoning chapter under which the proposal is being processed.

This notice shall also invite written comments, statements, or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

3. **Hearing requests.** The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, of a structure located within three hundred (300) feet of the boundary of the property being considered for the regulated use. If the applicant or the board requests a public hearing under this section, any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau.

E. Establishment prohibited near schools, residential zones.

1. **Restrictions.** It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a seven hundred (700) foot radius of a residentially zoned district, or within a seven hundred (700) foot radius of any nursery, primary, or secondary school. This prohibition relative to the establishment of a regulated use near residentially zoned districts shall be waived upon the presentment to the board of appeals of a validated petition requesting such waiver, signed by at least fifty-one (51) percent of occupants of all addresses within seven hundred (700) feet of the proposed location. No waivers shall be given to permit a regulated use to locate within a seven hundred (700) foot radius of any nursery, primary, or secondary school.

2. **Petitions for waiver.** Petitions for waiver shall conform to the following requirements:

(a) Circulators of petitions must subscribe to an affidavit to be included on each page of petition signatures attesting to the fact that the circulator is at least eighteen (18) years old, that the petition was circulated in accordance with the rules of the Dearborn Zoning Ordinance, and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appeared thereon.

(b) Each petition sheet must identify and recite the Dearborn Zoning Ordinance section that the petitioner is petitioning to be waived, and identify the proposed use that would be allowed if the requirement is waived. Appendix pages that contain only signatures are not permitted.

(c) The petition must elicit from each signer the signer's printed and signed name, full address within seven hundred (700) feet of the proposed regulated use, the date of signing and, if applicable, the name of the business represented by the signer.

(d) The zoning administrator shall provide the petitioner a list of all addresses that are within a seven hundred (700) foot radius of the proposed regulated use. For purposes of determining the base number of addresses that will be used in evaluating whether the fifty-one (51) percent threshold is satisfied, the following standards shall be utilized:

(1) The phrase "occupants of all addresses" shall be construed to include the following:

a. The occupant of a residential structure, whether or not owner-occupied, or the owner of a vacant residential structure. Each unit of a multiple-family dwelling with its own street address shall be considered a separate address.

b. The occupant of each unit within a commercial building, whether occupied by the owner or a tenant, or the owner of a vacant commercial building, regardless of the number of units. If a commercial building is partially occupied, then the occupied units shall each be counted as a separate address and each be entitled to a signature, and all vacant units in the building will be considered a single address for which the building owner may sign once.

c. The owner of a multi-unit commercial or professional building in which units are accessible exclusively through common interior corridors. Any residential units within a multi-unit building, and any units with public exterior entrances, shall each be considered a separate address whose occupant may separately sign without affecting the right of the owner to sign once on behalf of all interior units.

d. A representative of a religious or educational institution. The religious or educational institution shall be considered one (1) address entitled to one (1) signature, regardless of the number of buildings that comprise the institution.

e. The owner or management company of a residential apartment complex in which the individual units are labeled by apartment number. The apartment complex shall be considered a single address entitled to one (1) signature, regardless of the number of separate buildings that comprise the complex.

f. To the extent that multiple addresses within the petition area may be validly represented by the same person, that person may sign on behalf of each property he or she properly represents.

g. Only one (1) signature will be permitted and required per address, regardless of the number of persons residing in or working at the address.

(2) The phrase "occupants of all addresses" shall not be deemed to include the following:

a. Addresses assigned to vacant land on which no structure exists.

b. In the event that reaching the fifty-one (51) percent threshold is jeopardized solely by the existence of an unreasonably high number of vacant properties, the petitioner may submit to the zoning administrator a list of addresses that the petitioner wishes to challenge as being included in the base number. If the zoning administrator can independently verify that the properties are vacant and the owners of those properties are unreachable, the zoning administrator may remove those properties from the list.

(3) Any decision of the zoning administrator to include or exclude an address may be appealed to the zoning board of appeals.

3. **Filing of waiver.** The zoning board of appeals shall not consider the waiver of location requirements until the above described petition, if required, shall have been filed and verified by the zoning administrator. The zoning administrator shall verify the petition by reviewing each signature for conformance with the requirements of this section, and by sending a letter to each signer at the address provided on the petition informing the signer that he or she signed the petition, requesting that the signer contact the zoning administrator if the signer believes that the signature is invalid, and informing the signer of the date of the board of appeals meeting at which the waiver will be considered.

4. **Conditions of approval.** Prior to the granting of approval for the establishment of any regulated use, the planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

F. **Specific penalties.** No person operating an adult entertainment business shall permit any person under the age of eighteen (18) to be on the premises of said business either as an employee or customer. In addition to the penalties provided in this ordinance, violation of this provision may result in criminal prosecution pursuant to Article 2 of Ordinance Chapter 14, as amended, entitled "Penal Code".

(Ord. No. 93-553, § 7.05, 2-2-1993; Ord. No. 12-1362, 9-11-2012; Ord. No. 17-1591, 9-12-2017)

ARTICLE 8.00 - PERFORMANCE STANDARDS

Sec. 8.01. - Intent and scope of application.

A. **Intent.** The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that may cause harm to the public health, safety, and welfare.

B. **Scope of application.** After the effective date of this ordinance, Feb. 11, 1993, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Article. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this Article.

C. **Submission of additional data.** Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the plan commission may waive or modify the regulations set forth in this Article, provided that the plan commission finds that no harm to the public health, safety and welfare will result and that the intent of this ordinance will be upheld.

(Ord. No. 93-553, § 8.01, 2-2-1993)

Sec. 8.02. - Performance standards.

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this section.

A. Noise.

1. **General requirements.** No operation or activity shall be carried on which causes or creates measurable noise levels which exceed the maximum noise level limits prescribed in table A, following, as measured at the boundary line of the lot on which the operation or activity is located.

2. **Method and units of measurement.** The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound-measuring equipment shall be properly calibrated before and after the measurements.

Since sound waves having the same decibel (dB) level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound-level meter used to take measurements required in this section. An A-weighted filter automatically takes account of the varying effect on the human ear of different pitches. Accordingly, all measurements are expressed in dB(A) to reflect the use of the A-weighted filter.

3. **Table of maximum noise levels.** Noise levels shall not exceed the limits set forth in the following Table A:

Table A
Maximum Permitted Noise Level

Zoning District	Time	Sound Level (A-Weighted) Decibels dB(A)
Table A		
Maximum Permitted Noise Level		
Zoning District	Time	Sound Level (A-Weighted) Decibels dB(A)
Residential	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Commercial	7:00 a.m. to 7:00 p.m.	65
	7:00 p.m. to 7:00 a.m.	60
Industrial, where all adjacent properties are zoned industrial	Anytime	70
Industrial, where any adjacent properties are zoned industrial	Anytime	60

The time duration allowance set forth in the following chart shall apply to these noise level limits.

Allowances For Sound Levels Lasting Less Than One Hour	
Duration	Decibel Allowance
Up to 30 minutes per hour (50%)	+3 Db(A)
Up to 15 minutes per hour (25%)	+6
Up to 10 minutes per hour (16%)	+8
Up to 5 minutes per hour (8%)	+11
Up to 2 minutes per hour (3%)	+15

4. **Compensation for street and background noise.** Where street traffic noise directly adjacent to the boundary line exceeds the maximum permitted levels in Table A, the sound level permitted by the subject use may exceed the levels specified, provided the sound level does not exceed the noise level on the adjacent street(s).

Where existing background noise exceeds the maximum permitted levels specified in Table A, the sound level permitted by the subject use may exceed the levels specified, provided that:

(a) The sound level at the property line does not exceed the background noise level, and

(b) The background noise is being produced by a permitted use operating in legally accepted manner. In order to make such a determination, the zoning administrator shall determine the source, level and duration of background noise.

5. **Intermittent sounds.** Intermittent sounds or sounds characterized by pure tones may be a source of complaints, even though the measured sound level may not exceed the permitted level in Table A. In such cases, the zoning administrator shall investigate the complaints to determine the nature of and justification for the complaint and possible corrective action. If the complaints are determined to be justified and are not resolved within sixty (60) days, the zoning administrator may proceed to enforce the terms of the zoning ordinance in accordance with the remedies provided herein.

6. **Variance from sound level provisions.** An application for a variance from the sound-level provisions may be submitted to the board of appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of noise from the equipment on the overall noise level in the area. The statement shall also include a study of background noise levels, predicted level of noise at the boundary line due to the proposed operation, and justification for the variance. Upon review of the request for variance, the board of appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance will not create a threat to the health, safety, and welfare of the public. The board of appeals may impose conditions of operation in granting a variance.

7. **Permitted exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:

(a) Temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m.

(b) Performance of emergency work.

(c) Warning devices necessary for public safety, such as police, fire, and ambulance sirens and train horns.

(d) Noises associated with snow plowing, street sweeping, and similar public works activities.

(e) Church bells, chimes, and carillons.

(f) Lawn care and house maintenance that occurs between 9:00 a.m. and 9:00 p.m.

B. **Vibration.**

1. **Permitted vibration.** Vibration is the oscillatory motion of a solid body. Machines or operations which cause vibration may be permitted in industrial districts, provided that:

(a) No operation shall generate any ground- or structure-borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located, and

(b) No operation shall generate any ground-transmitted vibrations which exceed the limits specified in Section 3., following, as measured at the boundary line of the lot on which the operation or activity is located.

2. Method and units of measurement. The instrument used to measure vibrations shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

Vibrations shall be measured 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 formula shall be used:

PV	=	6.28 (F × D),
Where:		
PV	=	Particle velocity, expressed in inches per second
F	=	Vibration frequency, expressed in cycles per second
D	=	Single amplitude displacement of the vibration, expressed in inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

3. Maximum ground-transmitted vibration. Ground-transmitted vibration shall not exceed a particle velocity of two-tenths (0.20) inches per second, as measured at the boundary line of the lot, unless the adjacent property is used for residential purposes, in which case the particle velocity shall not exceed two-hundredths (0.02) inches per second. These maximum permitted values may be doubled for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses.

4. Permitted exemptions. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the maximum permitted vibration levels in Section 3., provided that such activity occurs in a legally accepted manner.

C. Dust, smoke, soot, dirt, fly ash and products of wind erosion. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations as administered by the Wayne County Air Pollution Division. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be controlled by paving, wetting, covering, landscaping, fencing, or other means.

D. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and heat. Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (½) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and safety hazards.

1. General requirements. The storage and handling of flammable or combustible liquids or gases, and explosives shall comply with all applicable federal, state, county and local regulations.

2. Storage tanks. All storage tanks for flammable or combustible liquids or gases above ground shall be located at least one hundred fifty (150) feet from all property lines, and shall be completely surrounded by embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. These provisions shall not apply to approved tanks which hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks which contain flammable or combustible liquids or gases shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the Michigan Department of Natural Resources, in accordance with Michigan Public Act 165 of 1985, as amended.

3. Detonable materials. The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the Fire Chief and the following restrictions:

Proposed Activity	Restrictions
Storage, utilization or manufacture of 5 lbs. or less	Permitted accessory use in industrial "A" district

Storage or utilization of over 5 lbs.	Special land use in industrial "A" district
Manufacture of over 5 lbs.	Not permitted

Detonable materials covered by these requirements include, but are not necessarily limited to the following:

- (a) All primary explosives such as lead azide, lead styphnate, fulminates, and tetracaine.
- (b) All high explosives such as TNT, RDX, HMX, PETN, and picric acid
- (c) Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
- (d) Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
- (e) Blasting explosives such as dynamite and nitroglycerine.
- (f) Unstable organic compounds such as acetylene, tetrazolium, and ozonide.
- (g) Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%).
- (h) Nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

4. **Liquefied petroleum gas.** The storage or utilization of liquefied petroleum gas shall be permitted subject to approval by the Fire Chief and the following restrictions:

Proposed Activity	Restrictions
Storage, utilization of 80 lbs. or less	Permitted accessory use in all districts
Storage, utilization of more than 80 lbs.	Permitted in industrial "A" district

G. **Sewage wastes and water pollution.** Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Natural Resources, the Wayne County Health Department, and the U.S. Environmental Protection Agency.

H. **Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the Federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, which is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal, state, county or local regulatory agency which has jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hour
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hour
Lead	1.5 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 ug/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

I. **Electromagnetic radiation and radio transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. **Radioactive materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an X-ray machine, shall not exceed levels established by federal agencies which have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

(Ord. No. 93-553, § 8.02, 2-2-1993; Ord. No. 93-572, 9-21-1993)

Sec. 8.03. - Procedures for determining compliance.

In the event that the City receives complaints or otherwise acquires evidence of possible violation of any of the performance

standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. Official investigation. Upon receipt of evidence of possible violation, the zoning administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The zoning administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Building Official is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
2. A description of the existing or proposed machinery, processes, and products.
3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article.
4. Measurement of the amount or rate of emissions of the material purported to be in violation.

B. Method and cost of determination. The zoning administrator shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the zoning administrator using equipment and personnel normally available to the City without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then the costs of this determination shall be paid by the City.

C. Appropriate remedies. If, after appropriate investigation, the zoning administrator determines that a violation does exist, the zoning administrator shall take or cause to be taken lawful action as provided by this ordinance to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The zoning administrator shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

1. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the zoning administrator shall note "violation corrected" on the City's copy of the notice, and the notice shall be retained on file. If necessary, the zoning administrator may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.
2. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits [thus establishing admission of violation, as provided Section 8.03A.], and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the zoning administrator shall take such action as may be warranted to correct the violation.
3. **Reply requesting extension of time.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the zoning ordinance, but that more time is required than was granted by the original notice, the zoning administrator may grant an extension if:
 - (a) The zoning administrator deems that such extension is warranted because of the circumstances in the case, and
 - (b) The zoning administrator determines that such extension will not cause imminent peril to life, health, or property.
4. **Reply requesting technical determination.** If a reply is received within the specified time limit requesting further review and technical analysis even though the alleged violations continue, then the zoning administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within thirty (30) days, the City shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be paid by the City.

D. Continued violation. With respect to alleged violations occurring subsequent to enactment of this ordinance, if, after the conclusion of the time period granted for compliance, the zoning administrator finds that the violation still exists, any permits previously issued shall be void and the City shall initiate appropriate legal action, including possibly pursuit of judicial remedies in court.

E. Appeals. Action taken by the director of building and safety pursuant to the procedures outlined in this section may be appealed to the board of appeals within thirty (30) days following said action. In the absence of such appeal, the administrative decision shall be final.

ARTICLE 9.00 - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 9.01. - Creation of districts.

For the purposes of this ordinance, the City is hereby divided into the following zoning districts as shown on the official Zoning Map:

R-A	One Family Residential District
R-P	Residential Preservation District
R-B	One Family Residential District
R-C	Multiple Family Residential District
R-D	Multiple Family Residential District
R-E	Multiple Family Residential District
O-S	Business Office District
B-A	Local Business District
B-B	Community Business District
B-C	General Business District
B-D	Downtown Business District
I-A	Light Industrial District
I-B	Medium Industrial District
I-C	Intensive Industrial District
I-D	General Industrial District
T-R	Technology and Research District
PUD	Planned Unit Development Mixed Use District
F-P	Floodplain District
V-P	Vehicular Parking District
VPD	Vehicular Parking District, Class A Auto Dealer

(Ord. No. 93-553, § 9.01, 2-2-1993)

Sec. 9.02. - Adoption of Zoning Map.

The boundaries of the zoning districts listed in Section 9.01 are hereby established as shown on the official Zoning Map of the City. The Zoning Map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this ordinance as if fully described herein.

In accordance with the provisions of this ordinance and Michigan Public Act 207 of 1921, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the city council and has been published in a newspaper of general circulation in the City. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in Article 32.00.

Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the municipal offices and shall be the final authority with regard to the current zoning status of all land in the City.

(Ord. No. 93-553, § 9.02, 2-2-1993)

Sec. 9.03. - Interpretation of district boundaries.

The following rules shall apply to the interpretation of zoning district boundaries:

- A. Boundaries indicated as approximately following the centerlines of streets, roads, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following such limits.
- D. Boundaries indicated as approximately following the center lines of ditches, drains, or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or as an extension of features cited in paragraphs (A) through (D) above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.
- F. Where there is any uncertainty, contradiction, or conflict with the city planner concerning the intended location of zoning district boundaries, the zoning board of appeals shall interpret the exact location of zoning district boundaries.

(Ord. No. 93-553, § 9.03, 2-2-1993)

Sec. 9.04. - Zoning of vacated areas.

Whenever any street, alley, or other public way within the City is vacated, such street, alley, or other public way shall be

automatically be classified in the same zoning district as the property to which it attaches, and shall be subject to the standards for said zoning district.

(Ord. No. 93-553, § 9.04, 2-2-1993)

Sec. 9.05. - District requirements.

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this zoning ordinance, including but not limited to Article 29.00, Schedule of Regulations.

(Ord. No. 93-553, § 9.05, 2-2-1993)

ARTICLE 10.00 - R-A and R-B, ONE FAMILY RESIDENTIAL DISTRICTS^[1]

Footnotes:

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Editor's note— Ord. No. 00-830, adopted Nov. 8, 2000, amended Article 10.00 in its entirety and enacted similar provisions as set out herein. The former Article 10.00 derived from Ord. No. 93-553, §§ 10.01—10.03, adopted Feb. 2, 1993; and Ord. No. 93-569, adopted July 6, 1993.

Sec. 10.01. - Statement of purpose.

The intent of the One Family Residential Districts is to provide areas of the City for the construction and continued use of single-family dwellings within stable neighborhoods. The two (2) One Family Residential Districts have different minimum area, density, and building placement requirements to provide different housing types to accommodate the varied needs of the population.

The regulations in this Article are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible. It is further the intent of this district to prohibit multiple-family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with single-family development or quality of life in this District.

(Ord. No. 00-830, 11-8-2000)

Sec. 10.02. - Permitted uses and structures.

A. Principal uses and structures. In all areas zoned R-A and R-B One Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Single-family detached dwellings.
2. Community uses or buildings.
3. Private parks owned and maintained by homeowner associations.
4. Manufactured homes, subject to the provisions in Section 2.05.
5. Golf courses and country clubs.
6. Cemeteries.
7. Essential services, subject to the provisions in Section 2.16.
8. Public and private museums.
9. Family day care homes.
10. Uses and structures accessory to the above, subject to the provisions in Section 2.03.

B. Special land uses. The following uses may be permitted subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00

1. Two-family duplex, side-by-side units, residential dwellings within the R-B District only.
2. Municipal buildings and uses, including public libraries, which do not require outside storage of materials or equipment.
3. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
4. Public or Private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
5. Group day care homes, and child-care centers, subject to the provisions in Section 7.02G.
6. Religious institutions, subject to the provisions in Section 7.02R.
7. Hospitals, in R-B districts only, subject to the provisions in Section 7.02H.

(Ord. No. 00-830, 11-8-2000; Ord. No. 14-1418, 2-11-2014)

Sec. 10.03. - Development standards.

A. **Site Plan Review.** Site Plan Review and approval by the city planner is required for all uses except detached single-family residential uses, in accordance with Article 32.00.

B. **Area, height, bulk, and placement requirements.** Buildings and uses in the One Family Residential Districts are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

C. **Planned Unit Development Mixed Use.** Item deleted.

D. **Single-family development options.** Single-family development in the One Family Residential Districts may be developed in accordance with the single-family cluster option in Section 7.03.

E. **General development standards.** Buildings and uses in the One Family Residential Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site-Development Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-830, 11-8-2000)

ARTICLE 11.00 - R-P, RESIDENTIAL PRESERVATION DISTRICT

Sec. 11.01. - Statement of purpose.

The intent of the RP, Residential Preservation District is to permit the construction or conversion of structures for combined office and residential use, provided that the residential character of the structure and the parcel is maintained. This district may serve as a transition between neighborhood commercial centers and the surrounding residential uses.

(Ord. No. 93-553, § 11.01, 2-2-1993; Ord. No. 04-1018, 9-21-2004)

Sec. 11.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas zoned R-P, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Office of civic, professional, religious or charitable organizations.
2. Office of an accountant, architect, artist, attorney, doctor or dentist.
3. An insurance agency.
4. A real estate office.
5. A public park or playground.
6. Any other use that, according to the city planner, is similar to the above.
7. Low-impact retail that would be harmonious with and support the neighborhood.
8. A bed and breakfast.
9. Family day care homes.
10. Residential uses as permitted in residential districts.

B. **Special land uses.** The following uses may be permitted in an R-P District, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00.

1. Public, parochial, and other private elementary, intermediate, or high schools licensed by the state to offer courses in general education.
2. Group day care homes, and childcare centers, subject to the provisions in Section 7.02G.
3. Religious institutions, subject to the provisions in Section 7.02R.

4. Private swimming pools and swimming pool clubs.
5. Private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club, or similar facility.
6. Community buildings, including education, social, neighborhood, or community centers, but not a residential club operated as a commercial enterprise.

(Ord. No. 93-553, § 11.02, 2-2-1993; Ord. No. 04-1018, 9-21-2004; Ord. No. 14-1419, 2-11-2014)

Sec. 11.03. - Development standards.

A. Dimensional standards.

1. **Front yard setback.** Same as R-A or as exists.
2. **Side yard setback.** Same as R-A or as exists.
3. **Rear yard setback.** Same as R-A or as exists.
4. **Height.** Same as R-A or as exists.
5. **Coverage.** Same as R-A or as exists.

B. Signs. One (1) flat, wall-mounted, nonilluminated sign of a maximum of four (4) square feet is permitted or one (1) post sign as approved by the Downtown Business District Design Review Committee (DBDDRC).

C. Exterior building restrictions.

1. **Existing residential structures.** Retain the existing residential facade; in addition to site plan review and approval by the city planner, modifications requiring a building permit will also require review and approval by the DBDDRC.
2. **Existing nonresidential structures and new construction.** In keeping with the architectural character of the neighborhood; in addition to site plan review and approval by the city planner, DBDDRC review and approval is required.
3. **Historic District Commission review.** If the structure is historically or architecturally significant as determined by the Historic District Commission, or if new construction is in a designated historic district, in addition to the standard review, review and approval will be required by both the Historic District Commission, consistent with Section 2-481 of the City of Dearborn Code of Ordinances, and the DBDDRC.

D. Preservation of residential character.

1. **Commercial uses in existing buildings.** Exterior alterations that change the residential character or appearance of the dwelling, any accessory building or the zoning lot, shall be reviewed and approved by the DBDDRC where the property was originally designed for residential purposes.
2. **New construction of commercial use.** All new construction shall be compatible with the scale and character of the surroundings; exterior building materials shall be harmonious with other buildings in the neighborhood.
3. **Prohibition.** The combination of more than two (2) platted lots is prohibited, except for solely residential uses.
4. **Office uses.** Office uses are limited to a maximum gross floor area of four thousand five hundred (4,500) square feet.
5. **Medical clinics.** Medical clinics are limited to a maximum gross floor area of two thousand (2,000) square feet.
6. **Structures and flatwork.** Maximum lot coverage for structures and flatwork shall not exceed sixty-five percent (65%) of the lot.
7. **Parking.** Parking shall be developed with landscaped screening so that there is no visual impact from the parking area to adjacent properties. Any boundary fencing must be decorative/ornamental.
8. **Manufacturing.** Manufacturing of products for wholesale distribution off of the premises is not permitted.
9. **Enclosed buildings.** All business, services, or processing, except off-street parking and loading, shall be conducted within a complete enclosed building, unless otherwise specifically permitted.
10. **Outside storage.** There shall be not outside storage of any goods, inventory, or equipment.
11. **Warehousing and indoor storage.** Warehousing and/or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.

E. General development standards. Buildings and uses in the R-P District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 2.00	General Provisions
Article 4.00	Off-Street Parking.
Article 5.00	Landscaping
Article 6.00	Fences and Walls
Article 7.00	Site Development Standards

(Ord. No. 93-553, § 11.03, 2-2-1993; Ord. No. 04-1018, 9-21-2004)

ARTICLE 12.00 - R-C, R-D, AND R-E MULTIPLE FAMILY RESIDENTIAL DISTRICTS^[1]

Footnotes:

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Editor's note— Ord. No. 00-830, adopted Nov. 8, 2000, amended Article 12.00 in its entirety and enacted similar provisions as set out herein. The former Article 12.00 derived from Ord. No. 93-553, §§ 10.01—10.03, adopted Feb. 2, 1993; and Ord. No. 93-571, adopted July 6, 1993.

Sec. 12.01. - Statement of purpose.

The intent of the R-C, R-D, and R-E Multiple Family Residential Districts is to address the varied housing needs of the community by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. In addressing these housing needs, multiple-family housing in the R-C, R-D, and R-E districts should be designed in consideration of the following objectives:

- R-C, R-D, and R-E developments are generally considered suitable transitional uses between single-family detached housing and nonresidential development.
- Multiple-family housing should be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
- Multiple-family housing should be designed to be compatible with surrounding or nearby single-family housing.
- Multiple-family developments in the R-C, R-D, and R-E Districts should have direct access to a collector road or major thoroughfare.

(Ord. No. 00-830, 11-8-2000)

Sec. 12.02. - Permitted uses and structures.

A. Principal uses and structures. In all areas zoned R-C, R-D, and R-E Multiple Family Residential Districts, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Single-family attached dwellings or townhouses, as defined in Article 1.00.
2. Multiple-family dwellings, including apartments, terrace apartments, and row houses.
3. Two-family dwellings.
4. Community uses or buildings.
5. Private parks and community buildings owned and maintained by a homeowner association or the proprietor of a housing project.
6. State licensed residential facilities which provide resident services for six (6) or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations of Michigan Public Act 116 of 1973, as amended.
7. Essential services, subject to the provisions in Section 2.16.
8. Public and private museums.
9. Uses and structures accessory to the above, subject to the provisions in Section 2.03, except for the provisions of Sections 2.03C.5. and D.3. including, but not necessary limited to, the following:
 - (a) Private swimming pools for the exclusive use of residents and their guests.
 - (b) Private garages, carports, community garages, or parking lots.

B. Special land uses. The following uses may be permitted subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00.

1. Single-family detached dwellings, subject to the area, height, bulk, and placement requirements for single-family dwellings in the R-A and R-B One Family Residential Districts, Article 10.00.
2. Multiple-family housing for the elderly, subject to the provisions in Section 7.03(A).
3. Bed and breakfast operations. A use which is subordinate to the principal use as a single-family dwelling unit which is owner occupied and a use in which transient guests are provided a sleeping room and breakfast in return for payment. The use shall conform to the following conditions:
 - (a) Not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used for sleeping rooms.

(b) There shall be not more than eight (8) sleeping rooms, including sleeping rooms occupied by the owner, one (1) or more of which are available for rent to transient tenants.

(c) There shall be no separate cooking facilities used by the transient guests.

(d) Name plates identifying the use shall not exceed twenty-four (24) inches × twenty-four (24) inches in size, shall be permanently affixed to the dwelling, and shall be made of polished hardwood or brass and contain the name and/or address identifying the bed and breakfast.

(e) No Certificate of Occupancy shall be issued for the use to a dwelling unit located on a parcel of property within two hundred (200) feet, measured from centerline to centerline of an existing bed and breakfast operation.

4. Municipal buildings and uses including public libraries, which do not require outside storage of materials or equipment.

5. Nursing homes or convalescent homes, subject to the provisions in Section 7.02(M).

6. Group day care homes and child-care centers, subject to the provisions in Section 7.02G.

7. Private noncommercial recreational facilities, such as a community center for the housing project.

8. Child care organizations which provide resident and child caring services for thirty (30) or fewer children, subject to the regulations of Michigan Public Act 116 of 1973, as amended.

(Ord. No. 00-830, 11-8-2000; Ord. No. 17-1604, 1-16-2018)

Sec. 12.03. - Development standards.

A. **Site Plan Review.** Site Plan Review and approval by the plan commission is required for all uses except detached Single-Family Residential Uses, in accordance with Article 32.00.

B. **Area, height, bulk, and placement requirements.** Buildings and uses in the R-C, R-D, and R-E Multiple Family Residential Districts are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

C. **Planned Unit Development Mixed Use.** Item deleted.

D. **General development standards.** Buildings and uses in the R-C, R-D, and R-E Multiple Family Residential Districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site-Development Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-830, 11-8-2000)

ARTICLE 13.00 - O-S, BUSINESS OFFICE DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-830, adopted Nov. 8, 2000, amended Article 13.00 in its entirety and enacted similar provisions as set out herein. The former Article 13.00 derived from Ord. No. 93-553, §§ 13.01—13.03, adopted Feb. 2, 1993.

Sec. 13.01. - Statement of purpose.

The intent of the O-S, Business Office District is to accommodate various types of administrative and professional office uses, as well as certain personal service businesses. These uses can serve as transitional uses between more intensive land uses and less intensive residential uses. This district prohibits those types of retail and other uses that typically generate large volumes of traffic, traffic congestion, parking problems, require outside storage, or have other impacts that could negatively affect the use or enjoyment of adjoining properties. Accordingly, low-rise office buildings in landscaped settings with sufficient off-street parking are considered the most appropriate land uses in this district.

(Ord. No. 00-830, 11-8-2000)

Sec. 13.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas zoned O-S, Business Office District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Office buildings for professionals and general office use, subject to the intent and limitations of this Article.
2. General office buildings and uses, provided that goods are not manufactured or sold on the premises.
3. Business and technical schools.
4. Financial institutions without drive-through facilities.
5. Accessory structures and uses such as personal service establishments such as shoe repair shops, tailor shops, beauty parlors, barber shops, and including dry cleaning or laundry pickup stations without processing on the premises and customarily incidental to the above permitted uses.

B. Special land uses. The following uses may be permitted, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

1. Financial institutions with drive-through facilities.
2. Medical, dental, or optical laboratories, excluding the manufacturing of pharmaceutical or other products for wholesale distribution.
3. Veterinary hospitals or clinics.

(Ord. No. 00-830, 11-8-2000)

Sec. 13.03. - Development standards.

A. Required conditions. Unless otherwise noted, buildings and uses in the O-S Business Office District shall comply with the following requirements:

1. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
2. There shall be no outside storage of any goods, inventory, or equipment.
3. No interior advertising display shall be visible from the exterior of the building.
4. Commercially used or commercially licensed vehicles having a maximum gross vehicle weight of three-quarters (¾) of a ton used in the normal operation of a permitted use on the site may be parked in the rear only. This provision applies to operable vehicles that are moved on and off of the site on a regular basis.
5. External security gates, bars, steel barriers, hurricane curtains, and other security devices are prohibited. If they are located inside a building, security devices must be retractable so as not to be visible from the sidewalk or public right-of-way during business hours, must be equipped with an emergency release device, and must be permitted and inspected by the fire marshal and the economic and community development department commercial services division.

B. Site Plan Review. Site Plan Review and approval by the plan commission is required for all uses in the O-S Business Office District in accordance with Article 32.00.

C. Area, height, bulk, and placement requirements. Buildings and uses in the O-S Business Office District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. Planned Unit Development Mixed Use. Planned Unit Development Mixed Use may be permitted as a means to achieve the basic intent of this district, in accordance with guidelines in Article 23.00.

E. General development standards. Buildings and uses in the Business Office District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site-Development Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-830, 11-8-2000; Ord. No. 11-1318, 4-4-2011)

ARTICLE 14.00 - B-A, LOCAL BUSINESS DISTRICT^[1]

Footnotes:

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Editor’s note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 14.00 in its entirety and enacted similar provisions as set out herein. The

former Article 14.00 derived from Ord. No. 93-553, 14.01—14.03, adopted Feb. 2, 1993; Ord. No. 94-609, adopted Oct. 18, 1994; Ord. No. 00-831, adopted Nov. 16, 2000; and Ord. No. 03-943, adopted March 4, 2003.

Sec. 14.01. - Statement of purpose.

The B-A Local Business District is designed for the convenience of persons residing in adjacent residential areas, and is intended to permit only such uses as are necessary to satisfy the limited shopping and service needs of these residents. Commercial development in this district offers a less intensive range of goods and services than uses permitted in the B-B District and the B-C District. Because of the limited variety of business types permitted in the B-A District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, B-A Local Business District developments should be:

- Compatible in design with adjacent commercial development and adjacent residential Districts,
- Designed with a pedestrian orientation,
- Buffered from residential areas, and
- Located with direct access to a major thoroughfare or indirect access to a major thoroughfare through a minor road or service drive.

(Ord. No. 00-831, 11-8-2000)

Sec. 14.02. - Permitted uses and structures.

A. Principal uses and structures. In the B-A Local Business District, except as otherwise provided in this chapter, all buildings shall be erected, and all lands shall be used only for one (1) or more of the following specified uses:

1. Business, executive, administrative, and professional offices.
2. Business and technical schools and schools and studios for photography, art, music, and dancing.
3. Establishments utilizing customer operated automatic washer, dryer, or dry cleaning machines for family washing or dry cleaning.
4. Financial institutions without drive-through facilities.
5. Medical or dental clinics and offices.
6. Neighborhood newspaper distribution stations, provided that loading and unloading area is provided on the site.
7. Personal service establishments such as shoe repair shops, tailor shops, barber shops/beauty salons, tanning salons, and including dry cleaning or laundry pickup stations without processing on the premises.
8. Private clubs, fraternities, and lodges without rental of facilities.
9. Libraries, museums, and publicly owned buildings used for offices or business functions.
10. Retail stores which supply goods and commodities on the premises for persons residing in adjacent residential areas such as groceries, dairy products, beverages, packaged baked goods or other foods, drugs, dry goods, notions, hardware, books, stationery, records, video cassette rentals or sales, bicycles, flowers, sporting goods, paints, periodicals, shoes, hobby supplies, small household articles, and tobacco products.
11. Stores producing jewelry, leather goods, candles, and similar merchandise to be sold at retail on the premises, provided that the services of not more than four (4) persons are required to produce such merchandise.
12. Religious institutions, subject to the provisions in Section 7.02R.
13. Other uses not specifically listed in this ordinance, after determination by the director of building and safety that such use is similar to other permitted uses in this district.
14. Accessory structures and uses customarily incidental to the above permitted uses.

B. Special land uses. The following uses may be permitted, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

1. Group day care home or child care center.
2. Restaurants without drive-through facilities.
3. Carry-out restaurants.
4. Outdoor dining, subject to the provisions of Section 7.02W.
5. Multiple-family dwellings to include rental apartments and condominium units. These dwellings shall only be a special land use on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted or special land uses in the B-A zoning district.

(Ord. No. 00-831, 11-8-2000; Ord. No. 03-943, 3-4-2003; Ord. No. 07-1123, 3-19-2007; Ord. No. 10-1276, 6-21-2010; Ord. No. 17-1573, 7-18-2017)

Sec. 14.03. - Development standards.

A. **Required conditions.** Unless otherwise noted, buildings and uses in the B-A District shall comply with the following requirements:

1. All permitted retail or service establishments shall deal directly with retail customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
3. There shall be no outside storage of any goods, inventory, or equipment. All storage must be clearly accessory to the principal permitted use.
4. Commercially used or commercially licensed vehicles having a maximum gross vehicle weight of three-quarters (¾) of a ton used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
5. All sites shall be maintained in compliance with the open space and landscaping requirements of Section 5.03.
6. External security gates, bars, steel barriers, hurricane curtains, and other security devices are prohibited. If they are located inside a building, security devices must be retractable so as not to be visible from the sidewalk or public right-of-way during business hours, must be equipped with an emergency release device, and must be permitted and inspected by the fire marshal and the economic and community development department commercial services division.

B. **Site Plan Review.** Site Plan Review and approval by the city planner is required for all uses in the B-A Local Business District in accordance with Article 32.00.

C. **Area, height, bulk, and placement requirements.** Buildings and uses in the B-A District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. **Planned Unit Development Mixed Use.** Planned Unit Development Mixed Use may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 23.00.

E. **General development standards.** Buildings and uses in the B-A Local Business District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000; Ord. No. 11-1318, 4-4-2011)

ARTICLE 15.00 - B-B, COMMUNITY BUSINESS DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 15.00 in its entirety and enacted similar provisions as set out herein. The former Article 15.00 derived from Ord. No. 93-553, 15.01—15.03, adopted Feb. 2, 1993; and Ord. No. 93-569, adopted July 6, 1993.

Sec. 15.01. - Statement of purpose.

The intent of the B-B Community Business District is to provide for commercial development that offers a broad range of goods and services. Uses permitted in the B-B District are generally intended to be less intensive than those permitted in the B-C District. Commercial establishments in the B-B District cater to the convenience and comparison-shopping needs of residents. Because of the variety of business types permitted in the B-B District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, Community Business District developments should be:

- Compatible in design with adjacent commercial development,
- Designed as part of a planned shopping center or in coordination with development on adjoining commercial sites,
- Buffered from or located away from residential areas, and
- Served by a major thoroughfare.

Sec. 15.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas zoned B-B Community Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. All principal uses and structures permitted in the B-A, Local Business District as specified in Section 14.02(A).
2. Bakeries with all goods for retail sale on the premises.
3. Blueprinting shops.
4. Commercial parking lots.
5. Electronics, bicycle, and household appliance repair shops.
6. Laundries and dry cleaning establishments with processing limited to goods brought to the establishment by the individual retail customer.
7. Equipment and car rentals.
8. Standard restaurants.
9. Fast food and carry out restaurants.
10. Other uses not specifically listed in this ordinance, after determination by the director of building and safety that such use is similar to other uses permitted in this district.
11. Accessory structures and uses customarily incidental to the above permitted uses.
12. Outdoor dining, subject to the provisions in Section 7.02W.

B. **Special land uses.** The following uses may be permitted, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

1. Financial institutions with drive-through facilities.
2. Funeral homes and mortuaries.
3. Group day care home or child care center.
4. Indoor recreation facilities.
5. Open air businesses.
6. Gun sales, retail sales, commercial service, storage, or repair of any firearms, handguns, long guns, rifles, shotguns, ammunition, gunpowder, explosives or blasting agents as partial or sole use of an individual structure or building subject to not being located closer than a seven hundred (700) foot radius distance to the nearest residential zoning district, residential land use, church or place of worship, and public or private school.
7. Veterinary hospitals.
8. Bar/lounge/tavern.
9. Smoking lounges subject to provisions in Section 7.02V.
10. Multiple-family dwellings to include rental apartments and condominium units. These dwellings shall only be a special land use on second and third floors of buildings in which the first floor is occupied by commercial uses that are permitted or special land uses in the B-B zoning district.
11. Alternative financial establishments.
12. Day labor agencies.
13. Restaurants with drive through facilities.
14. Motels and hotels.
15. Automobile filling and/or repair stations which may also provide retail sales of prepackaged food products for consumption off premises, and other small consumer convenience items.

(Ord. No. 00-831, 11-8-2000; Ord. No. 08-1195, 12-15-2008; Ord. No. 09-1243, 9-30-2009; Ord. No. 10-1284, 7-19-2010; Ord. No. 15-1480, 9-22-2015; Ord. No. 15-1493, 10-20-2015; Ord. No. 15-1498, 11-24-2015; Ord. No. 15-1503, 11-24-2015; Ord. No. 17-1592, 9-12-2017; Ord. No. 19-1645, 2-26-2019)

Sec. 15.03. - Development standards.

A. **Required conditions.** Unless otherwise noted, buildings and uses in the B-B Community Business District shall comply with the following requirements:

1. All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.

4. Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

5. All sites shall be maintained in compliance with the open space and landscaping requirements of Section 5.03.

6. External security gates, bars, steel barriers, hurricane curtains, and other security devices are prohibited. If they are located inside a building, security devices must be retractable so as not to be visible from the sidewalk or public right-of-way during business hours, must be equipped with an emergency release device, and must be permitted and inspected by the fire marshal and the economic and community development department commercial services division.

B. Site Plan Review. Site Plan Review and approval by the City Planner is required for all uses in the B-B Community Business District in accordance with Article 32.00.

C. Area, height, bulk, and placement requirements. Buildings and uses in the B-B Community Business District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. Planned Unit Development Mixed Use. Planned Unit Development Mixed Use may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 23.00.

E. General development standards. Buildings and uses in the Community Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000; Ord. No. 11-1318, 4-4-2011)

ARTICLE 16.00 - B-C, GENERAL BUSINESS DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 16.00 in its entirety to read as herein set out. The former Article 16.00 derived from Ord. No. 93-553, 16.01—16.03, adopted Feb. 2, 1993; and Ord. No. 93-570, adopted July 6, 1993.

Sec. 16.01. - Statement of purpose.

The intent of the B-C, General Business District is to provide for intensive commercial development. B-C Districts typically exhibit one (1) or more of the following characteristics:

— Permitted businesses offering a broad range of goods and services, including both comparison and convenience goods and services.

— The market for businesses in the B-C District may include the general City population, residents in surrounding communities, and the people in transit.

— Permitted businesses are frequently auto-oriented, rather than pedestrian-oriented.

— Because of the impacts commonly generated by B-C uses, these districts are not generally appropriate adjacent to residential uses unless ample buffering is provided.

Because of the variety of business types permitted in the B-C District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, spacing of uses, and coordination of site features between adjoining sites. Accordingly, General Business District developments should be directly served by a major thoroughfare.

(Ord. No. 00-831, 11-8-2000)

Sec. 16.02. - Permitted uses and structures.

A. Principal uses and structures. In all areas zoned B-C, General Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. All uses permitted in a B-B District.
2. Service establishments including, but not limited to, a workshop maintained by electricians, plumbers, painters, upholsterers, printers, when in conjunction with retail establishments that offer merchandise of a related nature.
3. Greenhouses or nurseries.
4. Motels or hotels.
5. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, and water and sewage pumping stations.
6. Automobile dealerships selling new and used automobiles.
7. Fast food and carry-out restaurants.
8. Other uses not specifically listed in this ordinance, after determination by the director of building and safety that such use is similar to other permitted uses in this district.
9. Accessory structures and uses customarily incidental to the above permitted use.
10. Automobile filling and/or repair stations which may also provide retail sales of prepackaged food products for consumption off premises, and other small consumer convenience items.
11. Arcades and pool or billiard halls.
12. Hospitals.

B. Special land uses. The following uses may be permitted, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

1. All special land uses permitted in the B-B Community Business District as stated in Section 15.02B.
2. Multiple-family dwellings to include rental apartments and condominium units.
3. Sale of used automobiles only.
4. Car wash establishments.
5. Bus terminals, cab stands, and other transit facilities.
6. Drive-in movie establishments.
7. Indoor motion picture theaters and rental halls.
8. Open air businesses.
9. Recreation facilities, indoor and outdoor.
10. Alternative financial establishments.
11. Day laborer agencies.
12. Regulated uses as set forth in Section 7.05.

(Ord. No. 00-831, 11-8-2000; Ord. No. 15-1481, 9-22-2015; Ord. No. 15-1484, 9-22-2015; Ord. No. 15-1499, 11-24-2015; Ord. No. 15-1504, 11-24-2015; Ord. No. 16-1548, 10-4-2016; Ord. No. 17-1593, 9-12-2017; Ord. No. 18-1611, 5-15-2018)

Sec. 16.03. - Development standards.

A. Required conditions. Unless otherwise noted, buildings and uses in the B-C, General Business District shall comply with the following requirements:

1. All permitted retail or services establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use,
4. Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off at the site on a regular basis,

5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

6. All sites shall be maintained in compliance with the open space and landscaping requirements of Section 5.03.

7. External security gates, bars, steel barriers, hurricane curtains, and other security devices are prohibited. If they are located inside a building, security devices must be retractable so as not to be visible from the sidewalk or public right-of-way during business hours, must be equipped with an emergency release device, and must be permitted and inspected by the fire marshal and the economic and community development department commercial services division.

B. **Site Plan Review.** Site Plan Review and approval by the city planner is required for all uses in the B-C, General Business District in accordance with Article 32.00.

C. **Area, height, bulk, and placement requirements.** Buildings and uses in the B-C, General Business District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. **Planned Unit Development Mixed Use.** Planned Unit Development Mixed Use may be permitted as a means to achieve the basic intent of this District, in accordance with the guidelines in Article 23.00.

E. **General development standards.** Buildings and uses in the B-C, General Business District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000; Ord. No. 11-1318, 4-4-2011)

ARTICLE 17.00 - B-D, DOWNTOWN BUSINESS DISTRICT

Sec. 17.01. - Statement of purpose.

The intent of creating the B-D, Downtown Business District in the City is to provide for a list of land uses and a set of standards to guide the future growth and development of these areas. It is not the intent of this Article to change the existing zoning of any property within the boundaries of the B-D, Downtown Business District. Each parcel of land within the B-D, Downtown Business District shall adhere to the land uses permitted within its existing zoning classification. This ordinance does not eliminate the need for other permits or approvals required by other applicable laws, ordinances, or code provisions. However, properties within the boundaries of the B-D, Downtown Business District shall be subject to an overlay of principles and standards that are set forth in this Article in order to promote and enhance economic development. The following set of principles would be applied to designated B-D, Downtown Business Districts:

1. Protect, enhance and reinforce the adjacent residential.
2. Support existing merchants, business owners and property owners.
3. Create a pedestrian-friendly downtown district, with unified landscaping, paving, lighting and signage, which connects to the adjacent residential neighborhoods.
4. Provide traffic calming on major avenues while retaining their arterial function.
5. Provide ample, visible and accessible parking.
6. Provide flexible sites for new mixed-use development including retail, entertainment, cultural, office and residential uses.
7. Preserve the historic heritage of downtown and Dearborn.
8. Connect downtown to nearby visitor attractions and employment centers.
9. Create landmark gateway entrances to downtown along major avenues and along other arterial streets.

(Ord. No. 93-553, § 17.01, 2-2-1993)

Sec. 17.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas designated as B-D, Downtown Business Districts, no building shall be erected, used, or structurally altered, nor shall land or premises be used in whole or in part, except for one (1) or more principal permitted uses in a B-A, Local Business District; B-B, Community Business District; and B-C, General Business District; O-S, Business Office District; and R-C, R-D, and R-E, Multiple Family Residential Districts.

B. Special Land Uses. In all areas designated as B-D, Downtown Business Districts, Special Land Uses may be permitted as specified in the B-A, Local Business District; B-B, Community Business District; B-C, General Business District and O-S, Business Office District, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

(Ord. No. 93-553, § 17.02, 2-2-1993; Ord. No. 04-996, 2-17-2004)

Sec. 17.03. - Development standards.

A. Required conditions. Unless otherwise noted, buildings and uses in the B-D, Downtown Business District shall comply with the following requirements:

1. All permitted retail or services establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.
4. Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.
6. All sites shall be maintained in compliance with the open space and landscaping requirements of Section 5.03.

B. Site plan review. Site plan review and approval by the city planner is required for all uses in the B-D, Downtown Business District in accordance with Article 32.00.

C. Area, height, bulk, and placement requirements. Buildings and uses in the B-D, Downtown Business District are subject to the area, height, bulk, and placement requirements in Article 29.00, Schedule of Regulations.

D. Planned Unit Development Mixed Use. Planned Unit Development Mixed Use may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 23.00.

E. General development standards. Buildings and uses in the B-A, Local Business District; B-B, Community Business District; and B-C, General Business District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 29.00	Schedule of Regulations

(F) Off-street parking requirements.

•	Office	3.0	Parking Spaces/1,000 square feet
•	Retail	1.0	Parking Spaces/1,000 square feet
•	Restaurant	9.0	Parking Spaces/1,000 square feet
•	Medical	4.0	Parking Spaces/1,000 square feet
•	Community	.5	Parking Spaces/1,000 square feet
•	Fraternal Lodges	.5	Parking Spaces/1,000 square feet
•	Motel	1.0	Parking Spaces/1,000 square feet
•	Residential Apts.	1.0	Parking Spaces/1,000 square feet

These requirements reflect amounts based on gross square footage. In this district, the gross square footage shall not be reduced to eighty percent (80%) for purposes of this calculation. If a building has multiple uses then the appropriate parking requirement would be applied to that square footage of the building.

(Ord. No. 93-553, § 17.03, 2-2-1993)

Sec. 17.04. - B-D, Downtown Business District boundaries.

Boundaries of the East Dearborn Downtown Business District

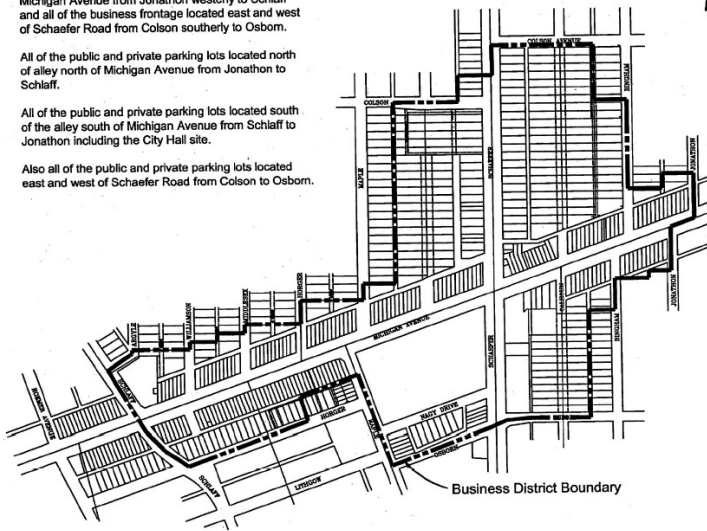
B. Boundaries of the East Dearborn Downtown Business District

All of the business frontage located north and south of Michigan Avenue from Jonathon westerly to Schliaff and all of the business frontage located east and west of Schaefer Road from Colson southerly to Osborn.

All of the public and private parking lots located north of alley north of Michigan Avenue from Jonathon to Schliaff.

All of the public and private parking lots located south of the alley south of Michigan Avenue from Schliaff to Jonathon including the City Hall site.

Also all of the public and private parking lots located east and west of Schaefer Road from Colson to Osborn.



(Ord. No. 93-553, § 17.04, 2-2-1993; Ord. 19-1635, - -2019)

Sec. 17.05. - Development standards for B-D, Downtown Business Districts.

A. Construction of language and definitions.

1. Rules of construction. The following rules of construction apply to the text of the Ordinance.

- (a) The provisions of this section shall have precedence over any conflicting section contained in any other code or ordinance. The particular shall control the general.
- (b) In the case of any difference of meaning or implication between the text of the ordinance and any caption, preamble or illustration, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- (d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (g) The word "person" includes an individual, firm, a corporation, company, co-partnership, partnership, an incorporated association, club, joint venture, estate, trust, or any other similar entity, group, or combination acting as a unit.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunctions "and," "or," "either ... or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, or provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items, conditions, or provisions or events shall apply singly but not in combination.
- (i) Terms not herein defined shall have the meaning customarily assigned to them, unless defined in any City ordinance.

B. Definitions.

Appearance. The outward aspect visible to the public.

Appropriate. Sympathetic, or fitting, to the context of the site and the whole community.

Appurtenances. The visible, functional objects accessory to and part of buildings.

Architectural concept. The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, which produces the architectural character.

Architectural feature. A prominent or significant part or element of a building, structure, or site.

Architectural style. The characteristic form and detail, as of buildings of a particular historic period.

Attractive. Having qualities that are compatible and harmonious in design, construction, and color scheme with the surrounding buildings.

Awning. A roof-like covering of canvas, or similar material, over a door or window to provide protection against the sun, wind or, rain.

Berm. A raised form of earth to provide screening or to improve the aesthetic character.

Character. The combination of traits which, when considered together, distinguish specified land and/or development from other specified land and/or development. In assessing character, the following may be considered, along with any other expressly identified factors:

1. Percentage of a lot(s) covered by structures and other impervious improvements.
2. Type of structure(s).
3. Type, extent, location and use of natural landscape.
4. Topography and soil.
5. Traffic flow and pattern, and the relationship of traffic to pedestrian and vehicular thoroughfares.
6. Density of land uses.
7. Intensity of uses.
8. Type and location of utilities and other infrastructure improvement.
9. Natural areas.
10. Natural features.
11. Architectural concepts, features, and/or style.

Cohesiveness. Unity of composition between design elements of a building or a group of buildings, and the landscape development.

Compatibility. Harmony in the appearance of two or more external design features in the same vicinity.

Conservation. The protection and care, which prevent destruction or deterioration of significant structures, buildings, or natural resources.

Exterior building component. An essential and visible part of the exterior of a building.

External design feature. The general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color, and texture of the materials of such portion and types of roof, windows, doors, lights, attached or grounded signs or other fixtures appurtenant to such portions, as will be open to public view from any street, place or way.

Graphic element. A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

Harmony. A quality which represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Landscape. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Light cutoff angle. An angle from vertical extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

Logic of design. Accepted principles and criteria of validity in the solution of the problem of design.

Mechanical equipment. Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Miscellaneous structures. Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences and walls, transformers, drive-up facilities, benches, trash receptacles, fountains, etc.

Mullion system. Decorative moldings/trim surrounding or separating (and often supporting) windows, doors, or panels set in a series, including but not limited to the mullion cover.

Plant materials. Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Proportion. Balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Scale. Proportional relationship of the size of parts to one another and to the human figure.

Screening. Structure of planting which conceals from view from public ways the area behind such structure or planting.

Shrub. A multistemmed woody plant other than a tree.

Site break. A structural or landscape device to interrupt long vistas and create visual interest in a site development.

Street hardware. Man-made objects other than buildings, which are part of the streetscape. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

Streetscape. The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

Utilitarian structure. A structure or enclosure relating to mechanical or electrical services to a building or development.

Utility hardware. Devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or project.

Utility service. Any device, including wire, pipe, and conduit which carries gas, water, electricity, oil, and communications into a building or development.

C. Area, height, bulk, placement standards, and landscaping.

1. **Front yard setbacks.** The regulations for each zoning district shall apply, except as follows: Front yard setback for commercial uses on Michigan Avenue shall be a minimum of ten (10) feet from the front lot line of the business.

2. **Landscaping.** From April 1 to October 31, an owner/occupant/tenant may install moveable container landscaping, which may encroach up to thirty (30) inches onto sidewalks provided a five (5) foot pedestrian walkway is maintained. Owner/occupant/tenant does so at his/her own risk and shall be liable for injuries and damages arising there from.

D. Architectural standards. All buildings shall be subject to the following physical requirements:

1. At least ninety percent (90%) of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, face brick, aluminum/vinyl trim. Coarsely textured stucco, wood, and E.F.I.S. (exterior finish insulation system) shall be allowed on the second floor or above.

2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, although the trim may be of a contrasting color.

3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

4. All buildings fronting a public walkway shall be directly accessible and have an entrance for the public. Each storefront must have transparent areas, equal to seventy percent (70%) of its portion of the facade, between one (1) and eight (8) feet from the ground. Window coverings during business hours and visible storage are prohibited.

5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.

6. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.

7. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.

8. Sliding doors and sliding windows are prohibited along frontage lines.

9. Flat roofs shall be enclosed by parapets of sufficient height to conceal roof-mounted equipment and constructed with material compatible with the building exterior.

10. Roof-mounted fixture screening, roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view obscuring screening so as not to be visible from off the site from any angle. If such appliances or equipment are placed on the ground, the above screening requirements shall still apply.

11. Cantilevered mansard roofs are prohibited.

12. Balconies, railings, and porch structures shall be brick, metal, wood, cast concrete, stone, or stone composite.

13. Facades may be supplemented by awnings, which shall be straight sheds with or without side flaps, not cubed or curved, or backlit. Awnings shall be between eight (8) and twelve (12) feet above sidewalk grade at the lower drip edge. Awnings must avoid street trees and be set back at least two (2) feet from the road curb.

14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited. Approval from the zoning board of appeals is also required.

15. All building corners and terminal ends shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.

16. All buildings that become vacant shall immediately remove all business signage and cover all windows during the vacancy with an approved opaque material.

17. External security gates and bars are prohibited.

(Ord. No. 93-553, § 17.05, 2-2-1993; Ord. No. 04-996, 2-17-2004)

Sec. 17.06. - Signs.

A. New and replacement signs. All new and replacement signs shall conform to the requirements of this ordinance. Plans, details, elevations and samples must be submitted for administrative review and approved by the following officials:

1. **Plan Reviewer:** reviews submittals for compliance with the Building Code and sign regulations in the Code of Ordinances, decisions of this official may be appealed to the Building Board of Appeals.

2. **Zoning Administrator:** reviews submittals for compliance with the specific requirements of the Zoning Ordinance, decisions of this official may be appealed to the Zoning Board of Appeals.

3. **Director of Economic and Community Development or their designee:** review of submittals for compatibility with the building and its surroundings per the standards of this article, decisions of this official may be appealed to the Design Review Committee.

B. Face changes or relocations. Face changes or relocations of existing signs on the same building or site are permitted subject to permitting and administrative approval by the Director of Economic and Community Development or their designee on the basis that the sign is in safe and serviceable condition and the new sign face is consistent with the intent and requirements of this Article to the extent feasible. A denial under this provision may be appealed to the Design Review Committee.

C. General requirements.

1. All signs in the B-D district shall also comply with the requirements of the general sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs).

2. All signs and sign-lighting fixtures shall exhibit ornamental features consistent with the examples shown in the design review manual.

3. Every sign shall be part of the architectural concept. Size, color, lettering, location, materials, and arrangement shall be harmonious with the building design and its surroundings, and shall be compatible with signs of adjoining buildings.

4. All signs shall be constructed of durable material capable of resisting the deleterious effects of weather exposure. Plywood, fiberboard, plastic sheeting or similar materials are prohibited.

5. Colors shall be used harmoniously and with restraint. Fluorescent, brilliant, or optical colors are prohibited.

6. Address numbers shall be a maximum of eight (8) inches in vertical dimension and should be separate from the main signage. Phone numbers and other secondary text such as "dine-in or carry-out" are prohibited in most cases as they serve limited useful communication purposes and unnecessarily contribute to visual clutter in the district.

7. The vertical drip of an awning may be stenciled with signage a maximum of eight (8) inches in vertical dimension by any horizontal length.

8. Lighting: Signs may be internally or externally lit. Sign lighting shall be considered part of the design of the sign and evaluated per the standards in this Article. Sign lighting shall be decorative or hidden from view. Signs with exposed luminaries of any type (including neon, LEDs, and similar) are prohibited.

9. Businesses located in corner buildings are permitted one (1) sign for each street frontage.

10. Businesses with service entrances may identify these with one (1) sign not exceeding two (2) square feet.

11. Permanent window or door signs/graphics (stenciled, etched, silk screened, hand painted, vinyl letters/images, or similar) are permitted provided the following standards are met:

(a) The seventy (70) percent transparency requirement in the architectural standards of this Article shall still be met; otherwise such signs shall not be permitted.

(b) Approval by the Design Review Committee as permanent signage or façade treatment.

12. Temporary banners and window signs shall be regulated per the provisions of the sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs) and shall not require approval by the Design Review Committee.

13. Art installations: Installation of art pieces (sculpture, murals, posters, or paintings) on the exterior of building or on the grounds of such a building may be allowed at the discretion of the Design Review Committee. If such an installation is primarily for the purpose of advertising a particular brand or business, then it shall be treated as commercial signage and subject to the requirements of this section governing such.

D. Wall signs.

1. **Prohibited wall signs.** Box or cabinet signs and signs painted directly onto any exterior wall or surface are prohibited.

2. **Sign bands.** A single external sign band or zone may be applied to the façade of a building between the first and second floors, provided that it shall be a maximum of one and one-half (1½) feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building.

3. **Board signs.** Board-type signs shall be defined as signs consisting of opaque letters permanently applied to an opaque background, anchored as a single unit to a building façade. Board signs shall meet the following requirements:

(a) Text shall be raised or routed from the background by not less than three-quarter (¾) inch, nor more than two (2) inches.

(b) Text shall be of a contrasting color from the background (painted on text is prohibited).

- (c) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.
- (d) The background shall be framed by a finished edge.
- (e) Logos, graphics, and features other than text are encouraged and may be painted directly on the background.

4. **Halo illuminated letter signs.** Halo illuminated letter signs shall be defined as individual, internally illuminated letters with opaque face and sides. Halo illuminated letters are characterized by indirect illumination, with all illumination projecting from the rear of each letter onto the background surrounding the letters. Halo illuminated letter signs shall meet the following requirements:

- (a) The face and sides of letters shall be opaque.
- (b) Sides of letters shall not be greater than three (3) inches.
- (c) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.
- (d) All lights, transformers, fasteners, and connections shall be concealed from view.

5. **Internally illuminated letter signs.** Internally illuminated letter signs shall be defined as individual, internally illuminated letters with a translucent face and opaque sides. Internally illuminated letter signs shall meet the following requirements:

- (a) The face of the letters shall be translucent, transparent faces are prohibited (the light element should not be visible).
- (b) The sides of the letters shall be opaque.
- (c) Sides of letters shall not be greater than three (3) inches.
- (d) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.
- (e) All lights, transformers, fasteners, and connections shall be concealed from view.

6. **Dimensional letter signs.** Dimensional letter signs shall be defined as individual letters with opaque face and sides, pin mounted to the building façade. Dimensional letter signs shall meet the following requirements:

- (a) The face and sides of letters shall be opaque.
- (b) Sides of letters shall not be greater than three (3) inches.
- (c) Text shall be three (3) inches minimum height, and thirty-six (36) inches maximum height.
- (d) Letters shall be fabricated of metal or acrylic (wood is prohibited) designed to resist the deleterious effects of weather exposure.
- (e) Letters shall be mounted to the building façade using stainless steel anchors to prevent staining.

7. **Electronic signs.** Electronic signs shall be permitted in the B-D District as secondary signage to serve a message board function; they are not to serve as the primary signage for a commercial or institutional use. Electronic signs shall be defined and regulated per the requirements of Section 5-1342.1 of the Code of Ordinances, except that the following additional requirements shall apply:

- (a) The electronic sign shall be part of or accessory to a primary permitted sign identifying the business or institution.
- (b) Color: single color/monochrome only.
- (c) Resolution (minimum pixel pitch/spacing): Seventeen (17) millimeters.
- (d) Prohibited electronic signs:

(1) Projecting signs.

(2) Wall signs mounted on the front of a building perpendicular to a public road, as these signs serve limited useful communication purposes and unnecessarily contribute to visual and lighting clutter in the district. This does not apply to signs mounted facing a street on the side of a building on a corner lot.

E. **Ground signs.** Ground signs shall be any freestanding sign supported by and anchored directly to the ground on privately owned property. Ground signs shall include pole and monument signs. Ground signs shall meet the following requirements:

1. Ground signs shall meet the requirements for one of the approved types of wall signs described above.

2. Cabinet style ground signs may be approved at the discretion of the Design Review Committee if they comply with the general sign ordinance, meet the general requirements for downtown signs and are designed to mimic one of the approved types of wall signs described above. Simple geometric shape cabinet signs (squares, rectangles, circles, ovals, etc.) are prohibited.

3. Kiosk signs. Kiosk signs shall be defined as small ground signs placed on public or private property for the purposes of providing directions or other information regarding the location, nature, or schedule of activities conducted within a specific property or district. Kiosk signs may be approved by the Design Review Committee if they meet the requirements of the sign ordinance, general requirements for downtown signs and are determined to be necessary to aid the public in navigation and use of the property or district in question.

F. **Projecting signs.** Signs which project outward from the face of the building shall meet the following requirements:

1. **Pedestrian level projecting signs.**

- (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
- (b) Shall be located entirely between twelve (12) and eight (8) feet above the pedestrian walkway. Shall not project above the roof line.
- (c) Shall be securely mounted using ornamental brackets attached to either the building façade or from permanent overhanging canopies (chain or hinge mounting is prohibited). If wall mounted, the sign shall be located a maximum of six (6) inches from the wall.
- (d) Shall not exceed two (2) feet in width or two (2) feet in height.
- (e) Shall be double sided, having text on two (2) sides.
- (f) Text shall be raised or routed from the background by not less than three-quarter ($\frac{3}{4}$) inch, nor more than two (2) inches.
- (g) Text shall be of a contrasting color from the background (painted on text is prohibited).
- (h) The background shall be framed by a finished edge.
- (i) Logos, graphics, and features other than text are encouraged and may be painted directly on the background. Icon-style signs are allowed.
- (j) Shall not be internally illuminated or electronic signs.

2. Upper level projecting signs.

- (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
- (b) Shall be located entirely between twelve (12) and the uppermost point of the building façade. Shall not project above the roof line.
- (c) Shall be securely mounted to the building façade.
- (d) Shall be double sided, having text on two (2) sides.
- (e) Shall be located a maximum of one (1) foot from the wall.
- (f) Shall not exceed three (3) feet in width or four (4) feet in height.
- (g) Shall not be internally illuminated or electronic signs.

(Ord. No. 93-553, § 17.06, 2-2-1993; Ord. No. 13-1393, 4-30-2013)

Sec. 17.07. - Miscellaneous structures and street hardware.

- A. Miscellaneous structures include any structures, other than buildings, visible to view from any public way or ways. Street hardware includes all objects not commonly referred to as structures and located in streets and public ways and outside of buildings.
- B. Miscellaneous structures and street hardware located on private property shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be proportional, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- C. Miscellaneous structures and street hardware located in public ways and other public property shall be harmonious with design of adjacent buildings and other structures and City landscape.
- D. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to size, landscaping, buildings, and signs.
- E. The provisions of the City Zoning Ordinance regarding area and bulk regulations and standards, and of those portions of the Dearborn Building Code which directly affect appearance, incorporated in reference thereto.

(Ord. No. 93-553, § 17.07, 2-2-1993)

Sec. 17.08. - Residential uses.

Residential uses are encouraged in the B-D, Downtown Business Districts.

(Ord. No. 93-553, § 17.08, 2-2-1993)

Sec. 17.09. - Appeals.

All appeals under this section shall be to the design review committee and then to the zoning board of appeals.

Sec. 17.10. - Design Review Committee.

- A. **Creation and purpose.** The design review committee (DRC) is hereby created and established for the City for the purpose of assisting the city plan department and the building and safety department to preserve, protect and enhance the aesthetic appeal of the City, protect property values through application of good design principles. The purpose of the DRC is to implement the B-D zoning development and design standards and, to promote revitalization and re-establishment of the character and identity of the Downtown Business Districts (B-D).

B. Membership. The DRC shall consist of five (5) regular members, to include the city planner, director of economic and community development, director of property maintenance and development services, an architect appointed by the mayor, and two (2) persons appointed by the mayor from the East Dearborn Downtown Development Authority (EDDDA). Terms of office for the appointed architect shall be two (2) years. The DRC, as it determines necessary or appropriate, shall utilize the assistance of planning, architectural and other consultants. Three (3) members shall constitute a quorum. A majority vote of those present shall be necessary for approval.

C. Powers of the Committee. Except for one-family detached dwellings, no permit required under the Ordinances of the City for a sign or for the erection, construction, alteration or repair of any building or structure which involves an exterior design feature shall be issued by the City in a B-D District, except upon granting of a Certificate of Recommended Design by the DRC as provided in this ordinance. The DRC may determine that no exterior design feature is involved in the work for which the permit is sought, in which case no Certificate of Recommended Design shall be required.

The DRC shall restrict its consideration to a reasonable and professional review of the proposal and plans. In its endeavor to improve quality of a design, the DRC shall consider costs. However, cost considerations shall not override the other objectives of this ordinance.

D. Open meetings. The business which the DRC may perform shall be conducted twice monthly at a public meeting of the DRC held in compliance with the State's Open Meetings Act (Act No. 267 of the Public Acts of 1976, as amended). Public notice of the time, date and place of the meetings shall be given in the manner required by the Open Meetings Act.

E. Administration.

Application. Application shall be made to the department of building and safety on a form prescribed for this purpose by the City and no less than fourteen (14) days prior to a DRC meeting in order to be considered at such meeting.

Drawings and plans shall be submitted at a scale of not smaller than one (1) inch equals twenty (20) feet and in sufficient detail to illustrate clearly the design for which a Certificate of Approved Design is sought. To avoid undue delay and cost, preliminary sketches of the design may be submitted for preliminary review. Such plans shall show the following:

(a) Existing conditions, topography, trees (both public and private) and natural features, all structures and uses, improvements, public streets, rights-of-way, sidewalks, zoning, public and private easements and restrictions, and the official grade of public rights-of-way, as established by the City civil engineer or the Wayne County Road Committee, for the subject site and all property within two hundred (200) feet of the site.

(b) Site plan in accordance with the requirements of the City Zoning Ordinance containing the identical information as prescribed by the rules of Article 32.00.

(c) Architectural elevations of all exterior building elevations, colors of exterior walls, trims, and roofs, lighting materials, ornamental, pictorial or decorative material to be used in on/about the exterior of the structure. Samples of building materials and colors shall be submitted.

(d) Such other information as may be required by the DRC to permit reasonable consideration of the application.

F. Design review standards. In carrying out its responsibilities and functions, the DRC shall consider the following principles:

1. Professional critique on the overall design;
2. The character of the proposed development in relation to its surroundings;
3. Siting of the building and total site development, including landscaping, parking, access, elevations, safety, and preservation of natural amenities;
4. Quality of building construction with regard to materials;
5. Building quality and design with reference to human needs, including entrances, size, location, corridors, stairs, view, privacy, security, and noise;
6. Outdoor lighting and signage;
7. Community plans, policies, and design guidelines;
8. The development standards, Section 7.06, for Article 17.00, B-D, Downtown Business District;

Design review manual and pattern books for signage and/or exteriors.

G. Committee action.

1. No later than forty-five (45) days from the date of the meeting at which an application for design review first appeared on the DRC's agenda, the DRC shall approve, conditionally approve, or disapprove the application, unless an extension of time is not objected to by the applicant or it is found necessary by the DRC in order to receive reports from other agencies or departments. Upon its final determination, the DRC shall issue a Certificate of Approved Design showing the date such approval or denial was obtained and any other pertinent information. Such Certificate shall be issued on a standard form prepared for such purpose to be reviewed and approved by the director of building and safety or his designee.

2. If the activity permitted by DRC approval has not been commenced within one (1) year from the date of DRC approval, the approval shall be null and void unless extended by the DRC.

3. Any applicant who wishes to appeal the determination or recommendation of the DRC shall file an appeal to the zoning board of appeals. Upon a positive vote of the zoning board of appeals, a Certificate of Approved Design shall be granted and

issued to a successful applicant. Such Certificate shall be issued on a standard form prepared for such purpose.

(Ord. No. 93-553, § 17.10, 2-2-1993; Ord. No. 19-1635, - -2019)

Sec. 17.11. - Appeals.

Appeals from determinations by the DRC shall be heard by the zoning board of appeals (ZBA), upon written request, made within twenty-eight (28) days of the DRC's determination, for a hearing before said board. In the absence of such request being filed within twenty-eight (28) days after determination by the DRC, its recommendation shall be final. Failure to timely file an appeal with the ZBA shall prohibit an appeal to the circuit court.

(Ord. No. 93-553, § 17.11, 2-2-1993)

Sec. 17.12. - Enforcement.

A. Upon the granting of a Certificate of Approved Design or amendments thereto, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which Certificate or amendment was granted shall be turned over to the building and safety department, whose responsibility it shall be to determine, from time to time as the project is in progress and finally upon its completion, that there have been no substantial deviations there from.

B. It shall be the duty of the person, firm or corporation to whom a Certificate of Approved Design has been granted to comply with the requirements of the Certificate and to obtain such inspections as may be necessary in order to assure compliance. The building and safety director will notify such person of any deficiencies found to exist. Failure to correct any deficiencies within ten (10) days after notification of such deficiency will constitute a violation of this ordinance.

C. Before any use may be made of improvements constructed under the provisions of the Design Review Ordinance, a final inspection of the premises must be obtained from the building and safety director who will consider his or her findings in matters under the jurisdiction of the DRC together with other codes in the issuance of an occupancy permit. An occupancy permit will not be issued unless a DRC inspection has been made and the DRC has approved the completed work in writing and under which the Certificate of Approved Design was issued.

(Ord. No. 93-553, § 17.12, 2-2-1993)

ARTICLE 18.00 - I-A, LIGHT INDUSTRIAL DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 18.00 in its entirety and enacted similar provisions as set out herein. The former Article 18.00 derived from Ord. No. 93-553, 18.01—18.03, adopted Feb. 2, 1993; and Ord. No. 94-609, adopted Oct. 18, 1994.

Sec. 18.01. - Statement of purpose.

The intent of the I-A, Light Industrial District is to provide locations for planned industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts not to include normal traffic impacts or similar operational aspects. Permitted uses should be compatible with nearby residential or commercial uses.

Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well-designed building on landscaped sites, with adequate off-street parking and loading areas provided in accordance with the standards of this ordinance.

(Ord. No. 00-831, 11-8-2000)

Sec. 18.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas zoned I-A, Light Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

2. Any use as permitted and regulated in the T-R, Technology and Research District and O-S, Business Office District as long as it primarily services the employees of the principal I-A use.

3. Research and office uses related to permitted industrial operations.

4. Any of the following uses when conducted wholly within a completely enclosed building:

(a) Warehousing and wholesale establishments, tool, die, gauge and machine shops.

(b) The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceutical, toiletries, food products, hardware and household supplies.

(c) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and nonferrous metals (excluding large castings and fabrications), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yams.

(d) The manufacture of pottery and figures or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

(e) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products (not including pneumatic tires).

(f) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

(g) Laboratories—Experimental, film or testing.

(h) Mini-warehouses subject to the provisions in Section 7.02K.

(i) Labs.

(j) Data processing.

5. Warehouse, storage and transfer uses and electric and gas service buildings, public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations, provided that outside storage is not permitted for any of these uses.

6. The parking of trucks and truck trailers incidental to any of the above permitted uses, not to exceed seven (7) continuous days.

7. Commercial kennels subject to the provisions in Section 7.02J.

8. Uses and structures accessory to the above, subject to the provisions in Section 2.03. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in Section 7.04.

9. Regional newspaper distribution centers, provided that loading and unloading area is provided on the site.

10. Tree trimming services.

B. Uses prohibited. Manufacturing development which creates unusual danger from fire, explosions, toxic and noxious matter, radiation and other hazards and which cause noxious, offensive, unhealthful and harmful odors, fumes, dust, smoke, light, waste, noise or vibration is prohibited.

C. Special land uses. The following uses may be permitted subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00.

1. Automobile repair garages, including minor and major repair, subject to the provisions in Section 7.02B., and provided that all operations are carried on within a completely enclosed building.

2. Radio and television transmitting and receiving towers, subject to the provisions in Section 7.02P.

3. Metal plating, buffing, and polishing operations.

4. Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions:

(a) Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the plan commission, provided that such structures are enclosed on three (3) sides and have a roof.

(b) Storage yards shall be screened from any abutting public or private road in accordance with Section 5.02E.

5. Contractor's storage yards, provided that such yards are completely enclosed within an eight (8) foot masonry wall or screening, in accordance with Section 5.02(E).

6. Millwork, lumber, and planing mills when completely enclosed and located on the interior of the district so that no property line forms the exterior boundary of the I-A District.

7. Retail sales, gun ranges, commercial service, storage, or repair of any firearms, handguns, long guns, rifles, shotguns, ammunition, gun powder, explosives or blasting agents as partial or sole use of an individual structure or building subject to not being located closer than a seven-hundred-(700)-foot radius distance to the nearest residential zoning district, residential land use, church or place of worship, and public or private school.

8. Day laborer agencies.

9. Accessory retail or service uses that are intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than five percent (5%) of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:

(a) Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.

(b) Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.

(c) Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.

(d) Financial institutions, including banks, credit unions, and savings and loan associations.

(Ord. No. 00-831, 11-8-2000; Ord. No. 15-1485, 9-22-2015; Ord. No. 16-1524, 3-15-2016)

Sec. 18.03. - Development standards.

A. **Required conditions.** Except as otherwise noted, building and uses in the Light Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in Article 8.00.

2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

3. There shall be no outside storage of any goods, inventory, or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements in Section 5.02. Use of trailers for storage is prohibited.

4. Where applicable, machinery shall comply with the standards in Section 7.02S.

B. **Site Plan Review.** Site Plan Review and approval is required by the city planner for all uses in the Light Industrial District in accordance with Article 32.00.

C. **Area, height, bulk, and placement requirements.** Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. **General development standards.** Buildings and uses in the Light Industrial District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 8.00	Performance Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000)

ARTICLE 19.00 - I-B, MEDIUM INDUSTRIAL DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 19.00 in its entirety and enacted similar provisions as set out herein. The former Article 19.00 derived from Ord. No. 93-553, 19.01—19.03, adopted Feb. 2, 1993.

Sec. 19.01. - Statement of purpose.

The intent of the I-B, Medium Industrial District is to provide locations for industrial, high technology, research and development and other knowledge based businesses, including development within planned industrial park subdivisions and technology and knowledge-based campus environments and on independent parcels. It is intended that permitted activities or operations produce limited external impacts that may be detrimental to other uses in the district or to properties in adjoining districts.

(Ord. No. 00-831, 11-8-2000; Ord. No. 1525, 3-15-2016)

Sec. 19.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas zoned I-B, Medium Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Any use as permitted and regulated in the I-A, Light Industrial District.

2. The manufacture of sheet metal products, including heating and ventilating equipment, cornices, eaves, and similar products.

3. Metal polishing and buffing, but not including metal plating.

4. Printing, lithography, blueprinting, and similar uses.
 5. Warehousing and wholesale activities with accessory outside storage.
 6. Greenhouses and plant nurseries with outside sales.
 7. Tool, die, gauge, and machine shops.
 8. Lumber yards or building material sales establishments which have storage in partially open structures, subject to the following conditions:
 - (a) The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
 - (b) Open storage structures shall be enclosed on three (3) sides and shall have a roof.
 - (c) The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence or masonry wall, constructed in accordance with Article 6.00.
 - (d) A landscaped greenbelt with a minimum width of twenty (20) feet shall be required adjacent to any street, in conformance with Section 5.02(0).
 9. Central dry cleaning plants and laundries, provided that such plants do not deal directly with the customer at retail.
 10. Other research, laboratory, testing, high technology or light manufacturing uses similar to the above.
 11. Public or private utility or municipal service buildings, including electric or gas service buildings and yards, telephone exchange buildings, electric transformer stations, gas-regulator stations, water treatment plants and reservoirs, and sewage treatment plants, provided that any open storage shall require Special Land Use approval.
 12. Recycling collection stations and centers.
 13. Essential services, subject to the provisions in Section 2.16.
 14. Parking decks and parking structures whether stand alone or connected to another structure, intended to serve one (1) or multiple existing or proposed structures or uses within the applicable development.
 15. Uses and structures accessory or incidental to the above, including retail, food, food service, banking, fitness, child care and medical facilities principally serving occupants and patrons of the principal use or visitors to the development in which the principal use is a part of, subject to the provisions in Section 2.03.
 16. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in Section 7.04.
 17. The uses permitted herein may be combined into one (1) or more single, mixed use buildings and structures.
- B. Special land uses.** The following uses may be permitted subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00.
1. Automobile repair garages, truck repair garages, including minor and major repair, subject to the provisions in Section 7.02B., and provided that all operations are carried on within a completely enclosed building.
 2. Radio and television transmitting and receiving towers, subject to the provisions in Section 7.02P.
 3. Metal plating, buffing, and polishing operations.
 4. Mini-warehouses, subject to the provisions in Section 7.02K.
 5. Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions:
 - (a) Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the plan commission, provided that such structures are enclosed on three (3) sides and have a roof.
 - (b) Storage yards shall be screened from any abutting public or private road in accordance with Section 5.02E.
 6. Contractor's storage yards, provided that such yards are completely enclosed within an eight (8) foot masonry wall or screening, in accordance with Section 5.02E.
 7. Millwork, lumber, and planing mills when completely enclosed and located on the interior of the district so that no property line forms the exterior boundary of the I-B District and any residential district.
 8. Truck and trailer rentals.
 9. Accessory retail or service uses that are intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use.
 10. Terminal and transfer facilities to include truck storage, material storage, shippers' containers, repair and service facilities.
 11. Recreational vehicle storage facility.

Sec. 19.03. - Development standards.

A. **Required conditions.** Except as otherwise noted, building and uses in the Medium Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in Article 8.00.
2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
3. There shall be no outside storage of any goods, inventory, or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements in Section 5.02. Use of trailers for storage is prohibited.
4. Where applicable, machinery shall comply with the standards in Section 7.02S.

B. **Site Plan Review.** Site Plan Review and approval is required by the city planner for all uses in the Medium Industrial District in accordance with Article 32.00.

C. **Area height, bulk, and placement requirements.** Buildings and uses in the Medium Industrial District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. **General development standards.** Buildings and uses in the Medium Industrial District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 8.00	Performance Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000; Ord. No. 16-1525, 3-15-2016)

ARTICLE 20.00 - I-C, INTENSIVE INDUSTRIAL DISTRICT^[1]

Footnotes:

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Editor’s note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 20.00 in its entirety and enacted similar provisions as set out herein. The former Article 20.00 derived from Ord. No. 93-553, 20.01—20.03, adopted Feb. 2, 1993.

Sec. 20.01. - Statement of purpose.

The intent of the I-C, Intensive Industrial District is to provide locations for industrial development. It is intended that permitted activities or operations may produce adverse external impacts that are detrimental to other uses in the district or to properties in adjoining districts.

Accordingly, permitted manufacturing, distribution, warehousing, and industrial uses permitted in this district should be fully contained within their site with adequate off-street parking and loading areas.

(Ord. No. 00-831, 11-8-2000)

Sec. 20.02. - Permitted uses and structures.

A. **Principal uses and structures.** In all areas zoned I-C, Intensive Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Any use as permitted and regulated in the I-A and I-B Industrial Districts.
2. Automobile repair garages, truck repair garages, including minor and major repair, subject to the provisions in Section 7.02B. and provided that all operations are carried on within a completely enclosed building.
3. Radio and television transmitting and receiving towers, subject to the provisions in Section 7.02P.
4. Metal plating, buffing, stamping, and polishing operations.
5. Mini-warehouses, subject to the provisions in Section 7.02K.

6. Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions:

(a) Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the plan commission, provided that such structures are enclosed on three (3) sides and have a roof.

(b) Storage yards shall be screened from any abutting public or private road in accordance with Section 5.02E.

7. Contractor's storage yards, provided that such yards are completely enclosed within an eight (8) foot masonry wall or screening, in accordance with Section 5.02E.

8. Millwork, lumber, and planing mills when completely enclosed and located on the interior of the district so that no property line forms the exterior boundary of the I-C District and any residential district.

9. Accessory retail or service uses that are intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use.

10. Terminal and transfer facilities to include truck storage, material storage, shippers' containers, repair and service facilities.

11. Day labor agencies.

12. Recreational vehicle storage facility.

13. Uses and structures accessory to the above, subject to the provisions in Article [Section] 2.03. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in Section 7.04.

B. Special land uses. The following uses may be permitted subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00.

1. Cement, lime, gypsum, or plaster of Paris manufacturing.

2. Petroleum refining.

3. Rubber manufacturing from crude or scrap materials.

4. Scrap iron and junk storage, auto wrecking and scrap iron processing, scrap paper and rag storage or baling, If enclosed within a substantial fence or wall.

5. Sewage, refuse or garbage disposal plants, or refuse dumps.

6. Slaughtering of animals and incineration of garbage.

7. Smelting of copper, tin, zinc or iron ores.

8. Storage of explosives.

9. Tar distillation.

10. Correctional or detention facilities.

(Ord. No. 00-831, 11-8-2000; Ord. No. 15-1487, 9-22-2015; Ord. No. 15-1507, 9-20-2016)

Sec. 20.03. - Development standards.

A. Required conditions. Except as otherwise noted, buildings and uses in the Intensive Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in Article 8.00.

2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

3. There shall not be outside storage of any goods, inventory or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements in Section 5.02.

B. Site Plan Review. Site Plan Review and approval is required by the city planner for all uses in the Intensive Industrial District in accordance with Article 32.00.

C. Area, height, bulk, and placement requirements. Buildings and uses in the Intensive Industrial District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

D. General development standards. Buildings and uses in the Intensive Industrial District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading

Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 8.00	Performance Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000; Ord. No. 11-1306, 1-4-2011)

ARTICLE 21.00 - I-D, GENERAL INDUSTRIAL DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 21.00 in its entirety and enacted similar provisions as set out herein. The former Article 21.00 derived from Ord. No. 93-553, 21.01—21.03, adopted Feb. 2, 1993.

Sec. 21.01. - Statement of purpose.

The intent of the I-D, General Industrial District is to provide locations for any industrial development or industrial related land use.

(Ord. No. 00-831, 11-8-2000)

Sec. 21.02. - Permitted uses and structures.

A. Principal uses and structures.

1. All uses not expressly prohibited by this ordinance shall be permitted in a General Industrial (I-D) zone, provided, however, that certain uses enumerated below shall be permitted by the plan commission only as a special land use as hereinafter provided.

2. Uses and structures accessory to the above, subject to the provisions in Article [Section] 2.03. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in Section 7.04.

B. Special land uses. The following uses may be permitted subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 32.00.

(Ord. No. 00-831, 11-8-2000)

Sec. 21.03. - Development standards.

A. Site Plan Review. Site Plan Review and approval is required by the city planner for all uses in the General Industrial District in accordance with Article 32.00.

B. Area, height, bulk, and placement requirements. Buildings and uses in the General Industrial District are subject to the area, height, bulk, and placement requirements in Article 29.00—Schedule of Regulations.

C. General development standards. Buildings and uses in the General Industrial District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking and Loading
Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 8.00	Performance Standards
Article 29.00	Schedule of Regulations

(Ord. No. 00-831, 11-8-2000)

ARTICLE 22.00 - T-R, TECHNOLOGY AND RESEARCH DISTRICT^[1]

Footnotes:

Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 22.00 in its entirety and enacted similar provisions as set out herein. The former Article 22.00 derived from Ord. No. 93-553, 22.01—22.03, adopted Feb. 2, 1993.

Sec. 22.01. - Statement of purpose.

Advances in industry and technology have created uses which are related to industry and office uses, but may not be appropriate or function adequately in a typical industrial or office zoning district. These uses have been identified as "high-tech" uses. The purpose of the T-R, Technology and Research District (T-R District) is to provide an environment where high-tech uses and functions such as engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype development and limited manufacturing, biotechnology lasers, medical research, food and materials testing, telecommunications, and related storage, warehousing and limited assembly operations associated with principal permitted uses can be located. The T-R District will be located in a campus-type environment and so situated that uses will be developed without being negatively impacted by elements and conditions which are commonly found in a traditional industrial district and without negatively impacting uses found in an Office Service District.

(Ord. No. 00-831, 11-8-2000)

Sec. 22.02. - Permitted uses and structures.

A. Principal uses and structures. In all areas zoned T-R, Technology and Research District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Any use charged with the principal function of basic research, research and development design, and prototype or experimental product development.
2. Any use charged with the principal function of technical training.
3. Office buildings, providing for uses such as corporate offices in accordance with the purpose of this district, including any of the following occupations: executive; administrative, professional; accounting; engineering; architecture; drafting; writing; clerical; stenographic; and sales provided that no display shall be visible from the exterior of the building, and that the total area devoted to product display, including both the objects displayed and the floor space set aside for the persons observing the displayed objects, shall not exceed fifteen percent (15%) of the usable floor area of the establishment.
4. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
5. Any use charged with the principal function of research in the areas of photonics/optics, robotics, and electronic equipment.
6. A high-technology service activity which has as its principal function the providing of services including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, or testing services.
7. A high-technology industrial activity which has as its principal function limited manufacture for the purposes of one-time prototype production robotics, biological or pharmaceutical research, or technology oriented or emerging industrial or business activity not involving any heavy manufacturing.
8. A business activity which has as its primary function developing, improving, or creating new or existing products.
9. Limited assembly and machining operations, when adjunct to research and development activities occurring at the same locations, and subject to the following conditions:
 - (a) Assembly activities shall be limited to assembly of premanufactured finished objects or components, and shall include only small-volume, nonroutine production of innovative products or equipment.
 - (b) Machining shall be permitted on a limited basis and only for research and development activities, repair, demonstration and/or training.
 - (c) Assembly operations shall be located within a building so that floor area used for this purpose will at no point be within three hundred (300) feet of residentially zoned land. This requirement may be waived by the plan commission, if it is determined that there are natural features or characteristics of the property or adjacent property that would provide a natural separation between limited assembly operations in a building and adjacent residentially zoned land.

B. Special land uses. The following uses may be permitted, subject to the conditions specified for each use, review and approval of the site plan, any special conditions imposed during the course of review, and the provisions set forth in Article 7.00 and Article 32.00.

1. Medical or dental clinics and offices.

(Ord. No. 00-831, 11-8-2000; Ord. No. 19-1647, 5-7-2019)

Sec. 22.03. - Specific development standards.

A. Required conditions. Except as otherwise noted, buildings and uses in the T-R, Technology and Research District shall comply with the following requirements:

1. Site Plan Review and approval by the city planner for all uses as specified in Article 32.00 of this ordinance.

2. Off-street parking for all uses as specified in Article 4.00 of this ordinance.
3. Off-street loading and unloading for all uses as specified in Article 4.00 of this ordinance.
4. Screening and land use buffers for all uses as specified in Article 5.00 of this ordinance.
5. Signs for all uses as regulated by the City Ordinance, Chapter 5, Article XII.
6. Height, area, lot coverage and yard regulations as specified in Article 29.00 of this ordinance.
7. The following specific requirements shall apply within T-R, Technology and Research District:

(a) **Machines permitted.** All machines are permitted when installed and operated so as to not allow noise, odor, fumes, dust, smoke, glare or radioactive material exceeding the limits set forth in Performance Standards, Article 8.00.

(b) **Performance standards.** Compliance with the Performance Standards in Article 8.00 is required for all uses.

(c) **Fire safety requirements.** The use of flammable gas, enameling and paint spraying operations shall be permitted when incidental to the principal operation and when such operations are contained within a masonry building of four-hour fire construction.

(d) **Source of power.** Power for any manufacturing or heating process or activity shall be derived only from electrical energy, smokeless fuels, such as gas or oil, smokeless solid fuels containing less than twenty percent (20%) of the volatile content on a dry basis, and bituminous coal fired by mechanical equipment.

(e) **Yard grading and drainage.** All yards in T-R, Technology and Research District shall be graded in a manner which shall avoid the ponding of stormwater unless said conditions have been designed to occur as part of a storm[water] detention plan which has been approved by the City of Dearborn and such grading shall comply with the engineering design standards for the City of Dearborn. A detailed grading plan shall be submitted by the builder and shall be approved by the City of Dearborn prior to issuance of a permit.

(f) **Emergency access.** All buildings shall be readily accessible by fire and emergency vehicles and shall comply with the current Michigan Fire Prevention Code.

(g) **Outdoor lighting.** Lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrian at night.

(h) **Trash removal.** The method of trash removal shall be presented to the plan commission for approval, if dumpsters or compactors are proposed, they shall be located within the building.

(i) **Fencing and screen walls.** Fences and screen walls shall require review and approval by the plan commission as a part of the site plan approval.

(Ord. No. 00-831, 11-8-2000)

ARTICLE 23.00 - PUD, PLANNED UNIT DEVELOPMENT MIXED USE DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 00-831, adopted Nov. 8, 2000, amended Article 23.00 in its entirety and enacted similar provisions as set out herein. The former Article 23.00 derived from Ord. No. 93-553, 23.01—23.07, adopted Feb. 2, 1993.

Sec. 23.01. - Statement of purpose.

It is the intent of these regulations to permit Planned Unit Development Mixed Use District for the purposes of:

- Encouraging innovation in land use planning and development.
- Achieving a higher quality of development than would otherwise be achieved.
- Encouraging assembly of lots and redevelopment of outdated commercial corridors.
- Encouraging in-fill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, or other features of the site.
- Providing enhanced housing, employment, and shopping opportunities.
- Providing a development of framework that promotes appropriate business activity that significantly improves the economic viability of the City.
- Ensuring compatibility of design and function between neighboring properties.
- Encouraging development that is consistent with the City's Master Plan.

These Planned Unit Development Mixed Use regulations are not intended as a device for ignoring the more specific standards in the Zoning Ordinance, or the planning upon which the standards are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general standards to assure a superior quality of development.

(Ord. No. 00-831, 11-8-2000)

Sec. 23.02. - Eligibility criteria.

To be eligible for Planned Unit Development Mixed Use approval, the applicant must demonstrate that the following criteria will be met:

- A. **Recognizable and substantial benefit.** The Planned Unit Development Mixed Use shall result in a recognizable and substantial benefit to the ultimate users of the project.
- B. **Minimum frontage and size.** The Planned Unit Development Mixed Use shall have minimum frontage of two hundred (200) feet along a public street or road. The minimum size of a parcel that is developed as a Planned Unit Development Mixed Use shall be thirty thousand (30,000) square feet.
- C. **Availability and capacity of public services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities.
- D. **Compatibility with the Master Plan.** The proposed development shall not have an adverse impact on the Master Plan of the City.
- E. **Compatibility with the Planned Unit Development Mixed Use intent.** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 23.01.
- F. **Unified control of property.** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the Planned Unit Development Mixed Use regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the city clerk.

(Ord. No. 00-831, 11-8-2000)

Sec. 23.03. - Project design standards.

Proposed Planned Unit Development Mixed Use shall comply with the following project design standards:

- A. **Location.** A Planned Unit Development Mixed Use may be approved in any location in the City, subject to review and approval as provided herein.
- B. **Permitted uses.** Any land use authorized in this ordinance, except for industrial uses, may be included in a Planned Unit Development Mixed Use as a principal or accessory use, provided that public health, safety, and welfare are not impaired.
- C. **Applicable base regulations.** Unless waived or modified (in accordance with subsection D., the yard and bulk, parking, loading, landscaping, lighting, and other standards for the districts listed below shall generally be applicable for uses proposed as a part of a Planned Unit Development Mixed Use:
 1. Single-family residential uses shall comply with the regulations applicable in the S-A and R-B, One Family Residential Districts, Article 10.00
 2. Multiple-family residential uses shall comply with the regulations applicable in the R-C, R-D and R-E Multiple Family Residential Districts, Article 12.00.
 3. Retail commercial uses shall comply with the regulations applicable in the B-C, General Business District, Article 16.00.
 4. Office uses shall comply with the regulations applicable in the O-S, Office, Article 13.00.
 5. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
- D. **Regulatory flexibility.** To encourage flexibility and creativity consistent with the Planned Unit Development Mixed Use concept, departures from the regulations in subsection C.1. above, may be permitted, subject to review and approval by the plan commission and city council. For example, such departures may include modifications to: lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.
- E. **Residential density.** Modifications to the density of residential development may be permitted upon determination that the desired density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.
- F. **Permitted mix of uses.** Where the existing underlying zoning district is residential, nonresidential uses shall be permitted as part of a Planned Unit Development Mixed Use which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The plan commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and, building area allocated to each use.
- G. **Open space requirements.** Planned Unit Development Mixed Uses containing a residential component shall provide and maintain usable open space at the ratio of three hundred fifty (350) square feet of open space per dwelling unit, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space. Any previous land area within the boundaries of the site may be included as required open space, except for the land contained in public or private street rights-

of-way.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan. Such conveyance shall:

1. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
2. Provide maintenance standards and a maintenance schedule.
3. Provide for assessment of the private property owners by the City of Dearborn for the cost of maintenance or the open space in the event that it is inadequately maintained and becomes a public nuisance.

H. **Frontage and access.** Planned Unit Development Mixed Uses shall front onto a primary major thoroughfare, secondary major thoroughfare, or collector street, as specified in the adopted Master Plan of the City, except where the Planned Unit Development Mixed Use involves reuse or redevelopment of an existing structure which fronts onto a local street.

The nearest edge of any entrance or exit drive shall be located no closer than one hundred (100) feet from any street or road intersection (measured from the nearest intersection right-of-way line).

I. **Utilities.** All utilities serving a Planned Unit Development Mixed Use, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

J. **Privacy for dwelling units.** The design of a Planned Unit Development Mixed Use shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

K. **Emergency access.** The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access.

L. **Pedestrian and vehicular circulation.** A pedestrian circulation system shall be provided that is insulated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets sidewalks, and bicycle pathways in the vicinity of the site.

(Ord. No. 00-831, 11-8-2000)

Sec. 23.04. - Procedures and requirements.

Amendment required. The approval of a Planned Unit Development Mixed Use proposal shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "Planned Unit Development Mixed Use." Approval of a Planned Unit Development Mixed Use proposal, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

Planned Unit Development Mixed Use applications shall be submitted in accordance with the procedures and requirements set forth in Article 32.00. Section 32.04 calls for a two-step approval process as follows:

1. The applicant shall first submit a Planned Unit Development Mixed Use Plan which shall be reviewed in accordance with zoning amendment procedures. The plan commission shall review the Planned Unit Development Mixed Use Plan, hold a public hearing, and make a recommendation to the City Council. The City Council shall have the final authority to act on a Planned Unit Development Mixed Use Plan and grant the requested Planned Unit Development Mixed Use Zoning.
2. Following approval of the Planned Unit Development Mixed Use Plan and rezoning to Planned Unit Development Mixed Use (PUD), the applicant shall submit a final site plan for review by the plan commission in accordance with normal site plan review procedures.

(Ord. No. 00-831, 11-8-2000)

Sec. 23.05. - Standards and requirements with respect to review and approval.

In considering any application for approval of a Planned Unit Development Mixed Use proposal, the plan commission and city council shall make their determinations on the basis of standards set forth for Site Plan Review in Section 23.01, as well as the following standards and requirements:

A. **Conformance with the Planned Unit Development Mixed Use concept.** The overall design and all uses proposed in connection with a Planned Unit Development Mixed Use shall be consistent with and promote the intent of the Planned Unit Development Mixed Use concept as described in Section 23.01, as well as with the specific project design standards set forth herein.

B. **Compatibility with adjacent uses.** The proposed Planned Unit Development Mixed Use shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:

1. The bulk, placement, and materials of construction of proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to

surrounding development.

4. The hours of operation of the proposed uses.
5. The provision of landscaping and other site amenities.

C. **Public services.** The proposed Planned Unit Development Mixed Use shall not exceed the capacity of existing and available public services, including, but not necessarily limited to, utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Planned Unit Development Mixed Use is completed.

D. **Impact of traffic.** The Planned Unit Development Mixed Use shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to the issues required in the traffic impact analysis in Section 32.04(C).

E. **Accommodations for pedestrian traffic.** The Planned Unit Development Mixed Use shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.

F. **Compatibility with the Master Plan.** The proposed Planned Unit Development Mixed Use shall be consistent with the general principles and objectives of the adopted Dearborn Master Plan.

G. **Compliance with applicable regulations.** The proposed Planned Unit Development Mixed Use shall be in compliance with all applicable federal, state, and local laws and ordinances.

(Ord. No. 00-831, 11-8-2000)

Sec. 23.06. - Phasing and commencement of construction.

A. **Integrity of each phase.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the Planned Unit Development Mixed Use and residents of the community.

B. Rate of completion of residential and non-residential components.

1. **Purpose.** The purpose of the following provisions is to ensure that Planned Unit Development Mixed Uses are constructed in an orderly manner and, further, to ensure that the Planned Unit Development Mixed Use approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use.

2. **General standards.** In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least thirty-five percent (35%) of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least seventy-five percent (75%) of all proposed residential construction concurrent with the second phase of nonresidential construction; and completion of one hundred percent (100%) of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined by the plan commission and city planner, based on the floor area and land area allocated to each use.

3. **Modifications to general standards.** Such percentages may be modified should the plan commission and city planner determine that the applicant has presented adequate assurance that the residential component or components of the project will be completed within the specified time period.

4. **Completion of each phase.** Construction of any facility may commence at any time following site plan approval per Section 32.02, provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the schedule set forth on the approved plan for the planned development. However, the applicant may submit a revised phasing plan for review and approval by the plan commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan not achievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or delayed, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the City may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

(Ord. No. 00-831, 11-8-2000)

Sec. 23.07. - Development standards.

A. **Area, height, bulk, and placement requirements.** Buildings and uses in the Planned Unit Development Mixed Use District are subject to the area, bulk, and placement requirements specified in Section 29.00.

B. **General development standards.** Buildings and uses in the Planned Unit Development Mixed Use District are subject to all applicable requirements set forth in this Ordinance, as specified below:

Article	Topic
Article 1.00	Definitions
Article 2.00	General Provisions
Article 4.00	Off-Street Parking

Article 5.00	Landscaping
Article 6.00	Walls
Article 7.00	Site Development Standards
Article 8.00	Performance Standards

(Ord. No. 00-831, 11-8-2000)

ARTICLE 24.00 - FP, FLOODPLAIN DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 01-866, adopted Dec. 4, 2001, amended Article 24 in its entirety and enacted similar provisions as set out herein. The former Article 24 derived from Ord. No. 93-553, 24.01—24.08, adopted Feb. 2, 1993; and Ord. No. 06-681, adopted July 5, 1995.

Sec. 24.01. - Statement of purpose.

A. **Intent.** It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Dearborn, and to enhance the value to the community of the natural wildlife and vegetation dependent upon the floodplain.

B. **Objectives.** The objectives of this Article include:

1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial and industrial area;
3. The prevention of private and public economic loss and social disruptions as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding;
6. To preserve the entire floodplain to accommodate present flood flows and future base floods, since the dangers of floods are ever increasing with the continued development of upstream areas; and
7. To preserve and protect the natural resources and enhance aesthetic, recreational, and educational values of the floodplain.

(Ord. No. 96-681, 8-7-1996; Ord. No. 01-866, 12-4-2001)

Sec. 24.02. - Delineation of the F-P, Floodplain Zoning District.

The boundaries of the F-P, Floodplain Zoning District shall coincide with the boundaries of the areas as described and set forth in the assessor's code number in relation to each area of the River Rouge. The assessor's code numbers utilized by the City of Dearborn assessor's office as of July 1, 1996, and said numbers are on file in the Dearborn assessor's office, shall be included in the F-P, Floodplain Zoning District:

1. **Lower Branch River Rouge Floodplain.** Land located north and south of the Lower Branch River Rouge, between Brady and Gully Road, and further described as Assessor's code numbers:

(a) **Brady to Military.**

The north 139.15 feet of the east 210 feet of 82-09-221-02-078
82-09-221-02-167

(b) **Military to Outer Drive.**

82-09-212-13-135

(c) **Outer Drive to Telegraph Road.**

82-09-213-01-110

(d) **Telegraph Road to Gully Road.**

82-09-204-05-054
82-09-204-05-093

2. **River Rouge and Lower Branch River Rouge Floodplain.** Land located east and west of the River Rouge, and land located north and south and east and west of the Lower Branch River Rouge, between Ford Road and Michigan Avenue, and further described as assessor's code numbers:

82-09-154-01-002

82-09-222-01-039

(Ord. No. 96-681, 8-7-1996; Ord. No. 01-866, 12-4-2001; Ord. No. 12-1370, 11-13-2012)

Sec. 24.03. - Disputes.

Where there are disputes as to the location of an F-P, Floodplain Zoning District boundary, the zoning board of appeals shall resolve the dispute in accord with Section 33.04 of this Ordinance.

(Ord. No. 01-866, 12-4-2001)

Sec. 24.04. - Required compliance.

Compliance with the requirements of this Article shall be necessary for all development occurring within the F-P, Floodplain Zoning District. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirements shall be applied.

(Ord. No. 01-866, 12-4-2001)

Sec. 24.05. - Permitted uses and structures.

A. Principal uses and structures.

1. Within the F-P, Floodplain Zoning District, no land shall be used except for one or more of the following uses:
 - (a) Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, bridle paths, nature paths and trails;
 - (b) Wildlife preserves; and
 - (c) Required open space or lot area for structural uses that are landward of the F-P, Floodplain Zoning District.

B. Accessory structures and uses.

The following accessory structures and uses are permitted:

Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boat hoists, utility lines, pump houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances; provided each of the following requirements are met:

- (1) The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain;
- (2) All equipment and structures shall be anchored to prevent flotation and lateral movement; and
- (3) Compliance with these requirements is certified by an engineering finding by a registered engineer.

(Ord. No. 01-866, 12-4-2001)

Sec. 24.06. - Filling and dumping.

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless, through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including, but not limited to, approvals pursuant to: P.A. 288 of 1967 (MCL 560.101 et seq.); P.A. 347 of 1972, as amended, (MCL 282.101, et seq.); P.A. 346 of 1972, as amended, (MCL 281.951, et seq.); and P.A. 231 of 1970 (MCL 281.761, et seq.).

(Ord. No. 01-866, 12-4-2001)

Sec. 24.07. - General standards for flood hazard reduction.

A. No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in an F-P, Floodplain District unless a Zoning Compliance Permit, or variance from the zoning board of appeals, is obtained, which approval shall not be granted until a permit from the Department of Natural Resources under authority of P.A. 288 of 1967 (MCL 560.101 et seq.) has been obtained. Where a development permit cannot be issued prior to the issuance of a Zoning Compliance Permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

B. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

C. The city planner and the director of building and safety shall review development proposals to determine compliance with the standards in this section, and other applicable ordinances, and shall approve or deny the request.

D. Land shall not be divided in a manner creating parcels or lots, which cannot be used in conformance with the requirements of this Article.

E. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.

F. Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other resources.

(Ord. No. 01-866, 12-4-2001)

Sec. 24.08. - Disclaimer of liability.

A. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.

B. This ordinance does not imply that areas outside the floodplain area will be free from flood damage. This ordinance does not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 01-866, 12-4-2001)

ARTICLE 25.00 - VP, VEHICULAR PARKING DISTRICT^[1]

Footnotes:

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Editor's note— Ord. No. 01-867, adopted Dec. 4, 2001, amended Article 25.00 in its entirety to read as set out herein. The former Article 25.00 derived from Ord. No. 93-553, 25.01—25.03, adopted Feb. 2, 1993.

Sec. 25.01. - Statement of purpose.

The intent of the VP, Vehicular Parking District is to provide areas to be used solely for off-street parking as an incidental use to an abutting commercial, office, or industrial use. More specifically, the VP, Vehicular Parking District is intended to accommodate the parking needs of businesses which may have developed without adequate parking, or which have the need for additional parking due to business growth, or which have inadequate parking because of shallow lot depth.

(Ord. No. 01-867, 12-4-2001)

Sec. 25.02. - Permitted uses and structures.

Principal uses and structures. In all areas zoned VP, Vehicular Parking District, the land or premises shall be used only for off-street parking, and shall be developed and maintained in accordance with the regulations set forth herein.

(Ord. No. 01-867, 12-4-2001)

Sec. 25.03. - Development standards.

A. **Required conditions.** Except as otherwise noted, buildings and uses in the VP, Vehicular Parking District shall comply with the following requirements:

1. **Construction and maintenance.** Permitted off-street parking shall be constructed and maintained in accordance with the provisions of Article 4.00.

2. **Uses.** Off-street parking in the VP, Vehicular Parking District shall be accessory to, and for use in connection with one or more business, office, or industrial uses, located in an adjoining commercial, office or industrial district.

3. **Location.** Permitted off-street parking shall abut a nonresidential zoning district. There may be a private driveway or public alley between the off-street parking and the abutting nonresidential district.

4. **Purposes.** Permitted off-street parking shall be used solely for parking of passenger vehicles for periods of less than one (1) day.

5. **Restrictions.** Permitted off-street areas shall not be used for off-street loading, outside storage or display, or vehicular repair.

6. **Signs.** No signs shall be permitted except for signs designating entrances, exits, and conditions of use of the off-street parking area.

7. **Buildings.** No building shall be erected on the premises, except for a shelter for parking attendants, provided the shelter does not exceed ten (10) feet in height.

8. **Screening.** Notwithstanding the landscaping requirements in Article 5.00, off-street parking in the VP, Vehicular Parking District need not be screened from the business it is intended to serve.

9. **Side and rear yard screening.** A masonry screen wall shall be constructed along any side or rear yard of a VP, Vehicular Parking District which abuts a residentially zoned district, in accordance with Article 6.00 in addition, a six (6) foot setback shall be provided between the side or rear property line and the edge of the parking lot.

10. **Front yard requirements.** Where a VP Vehicular Parking District is contiguous to a residentially zoned district, which

has common frontage on the same road, the minimum front yard setback shall be equal to the required front yard setback for the residential district. A landscaped berm shall be required to screen the parking from view of the road, in accordance with Section 5.03C.

B. **Site Plan Review.** Site Plan Review and approval by the city planner is required for all uses in the Vehicular Parking District in accordance with Article 32.00.

C. **General development standards.** Buildings and uses in the VP Vehicular Parking District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article 2.00	General Provisions
Article 4.00	Off-Street Parking
Article 5.00	Landscaping, Screening, and Walls
Article 29.00	Schedule of Regulations

(Ord. No. 01-867, 12-4-2001)

ARTICLE 26.00 - VPD, VEHICULAR PARKING DISTRICT—CLASS A AUTO DEALER

Sec. 26.01. - Statement of purpose.

The intent of the VPD, Vehicular Parking—Class A Auto Dealer District is to provide areas to be used solely for off-street parking as an incidental use to an abutting Class A Auto Dealer. More specifically, the VPD District is intended to accommodate storage of new and good-condition used vehicles for sale, but not to allow any activities that negatively impact adjacent residential property.

(Ord. No. 05-1029, 3-7-2005)

Sec. 26.02. - Permitted uses and structures.

Principal uses and structures. In all areas zoned VPD, Vehicular Parking—Class A Auto Dealer District, the land or premises shall be used only for off-street parking and storage of new and good-condition used vehicles for sale, and shall be developed and maintained in accordance with the regulations set forth herein.

(Ord. No. 05-1029, 3-7-2005)

Sec. 26.03. - Development standards.

A. **Required conditions.** Except as otherwise noted, buildings and uses in the VPD, Vehicular Parking—Class A Auto Dealer District shall comply with the following requirements:

1. Permitted off-street parking shall be constructed and maintained in accordance with the provisions of Article 4.00, with the exception of Sections 4.01B.4., D.2. and D.3.
2. Off-street parking in the VPD District shall be accessory to and for use solely in connection with an adjacent Class A Auto Dealer located in an adjoining commercial district.
3. Permitted off-street parking shall abut a nonresidential zoning district. There may be a private driveway or public alley between the off-street and the abutting nonresidential district.
4. Permitted off-street parking shall be used solely for parking new and good condition used vehicles for sale by Class A Auto Dealers. A Class A (new vehicle dealer) is defined by the Michigan Association of Auto Dealers as a dealer that buys and sells new vehicles under a franchise agreement or a contract with a new vehicle manufacturer. The following conditions shall apply to storage of passenger vehicles by Class A Auto Dealers:
 - (a) Servicing and repair of vehicles is prohibited, except for cleaning.
 - (b) Parking of vehicles with obvious damage is prohibited.
 - (c) The requirements contained in Article 4.00, Off-Street Parking and Loading Requirements, Sections 4.01B.4., D.2 and D.3. shall not apply to the storage of passenger vehicles in this district by Class A Auto Dealers.
5. Permitted off-street parking areas shall not be used for off-street loading, outside storage or display, vehicular repair, except that Class A Auto Dealers may load and unload vehicles from 7:00 a.m. to 10:00 p.m., Monday through Friday.
6. No signs shall be permitted except for signs designating entrances, exits and conditions of use of the off-street parking area.
7. No building shall be erected on the premises.
8. Notwithstanding the landscaping requirements in Article 5.00, off-street parking in the VPD, Vehicular Parking—Class A Auto Dealer District need not be screened from the business it is intended to serve.

9. **Side and rear yard screening.** A masonry screen wall be constructed along any side or rear yard of a VPD District which abuts a residentially-zoned district, in accordance with Article 6.00. In addition, a ten (10) foot setback landscaped such that it provides additional screening shall be provided between the side or rear property line and the edge of the parking lot.

10. **Front yard requirements.** Where a VPD, Vehicular Parking—Class A Auto Dealer District is contiguous to a residentially-zoned district which has a common frontage on the same road, the minimum front yard setback shall be equal to the required front yard setback for the residential district. A landscaped berm shall be required to screen the parking from view of the road, in accordance with Section 5.03(C)

11. **Lighting.** All lighting in the VPD District shall be placed and shielded in accordance with Section 2.12.

B. **Site Plan Review.** Site Plan Review and approval by the city planner is required for all uses in the VPD, Vehicular Parking—Class A Auto Dealer District in accordance with Article 32.00.

C. **General development standards.** Buildings and uses in the VPD, Vehicular Parking—Class A Auto Dealer District shall be subject to all applicable standards and requirements set forth in the Ordinance, except as otherwise provided in this Ordinance including the following:

Article	Topic
Article 2.00	General Provisions
Article 4.00	Off-Street Parking
Article 5.00	Landscaping, Screening, and Walls
Article 29.00	Schedule of Regulations

ARTICLE 27.00 - WEST DOWNTOWN DISTRICT

Sec. 27.01. - West Downtown District, in general.

A. **Purpose.** The purpose of the West Downtown District form-based code is to implement the Master Plan Vision:

1. Set the stage for the long-term redevelopment of the District in a walkable, traditional pattern and form.
2. Provide community stakeholders a reasonable expectation of how the District will look and function in the future.
3. Create a District that respects the character of Dearborn's historic downtown while providing a transition to the more automobile-oriented parts of the community.
4. Develop a setting for a true mixture of uses that recognize the West Downtown District as an urban town center of retail, office, residential, entertainment and dining for the City of Dearborn.

B. **Goals.** The West Downtown Form-Based District provides specific standards to achieve the following:

1. Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings that contain retail, residential, and office uses.
2. Create a synergy of uses within the West Downtown District to support economic development and redevelopment in accordance with the recommendations of the Master Plan.
3. Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.
5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.
6. Emphasize placemaking - physical form and character - with a secondary focus on land uses.

C. **Applicability.**

1. The West Downtown District is hereby established on the Official Zoning Map, as amended.
2. All provisions of the Zoning Ordinance not addressed by the provisions of the West Downtown District shall be applicable.
3. The provisions of the West Downtown District, when in conflict with the other articles of the Zoning Ordinance, shall take precedence.

D. **Triggers for compliance.** For properties located in the West Downtown District, as designated on the Zoning Map, compliance with each component of the district shall apply based on the following table:

Applicability Levels	Height	Siting	Architectural Elements - Fenestration	Architectural Elements - Dooryard and Private Open Space	Architectural Elements - Materials	Uses	Parking - Design	Parking - Location
Applicability Levels	Height	Siting	Architectural Elements - Fenestration	Architectural Elements - Dooryard and Private Open Space	Architectural Elements - Materials	Uses	Parking - Design	Parking - Location
New Construction	X	X	X	X	X	X	X	X
Expansion of Building Area:								
Minor: 0%-38% of building area	X		X		X	X	X	
Major: 39% or more of building area	X	X	X	X	X	X	X	X
Changes in Use:								
Does not require additional parking or building additions						X		
Requires additional parking or expand the parking lot by more than 10% from the approved site plan ¹			X	X	X	X	X	X
Expansion of Parking Area:								
Surface Parking							X	X
Parking Structure	X	X	X	X	X		X	X
Façade Changes			X		X			

Footnotes:

1. Not applicable to Public Parking Sector.

Improvements to nonconforming sites, structures and uses are also subject to review according to Article 3.00 of the Dearborn Zoning Ordinance entitled Nonconformities.

E. Regulating map in relation to zoning map.

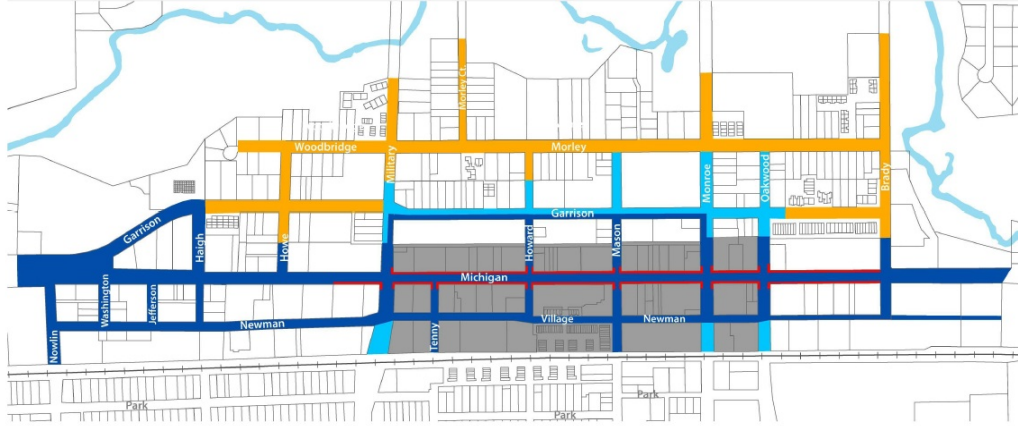
1. The intent of the regulating plan is to identify the desired physical character by sub-district in the downtown through the use of frontage types.

2. The West Downtown District Regulating Map, which is hereby adopted, and related regulations of this sections shall control land development within the West Downtown District.

3. The Regulating Map divides the West Downtown District into the following Frontage Types:

- (a) Urban General.
- (b) Urban Mixed-Use.
- (c) Mixed Residential.

Regulating Plan: West Downtown District



Frontage Types

- Urban General
- Mixed Residential
- Urban Mixed-Use
- Required Storefront
- Bonus Height Eligibility Area

0 250 500 1,000 Feet

F. Code components.

1. For the frontage types designated on the Regulating Map:

(a) Building and site development shall comply with the General Provisions of Section 27.03 and Frontage Type standards of Section 27.04;

(b) Uses shall comply with the use standards of Section 27.05;

(c) Signs shall comply with the standards of Section 27.06; and

(d) Parking shall comply with the standards of Section 27.07.

(Ord. No. 19-1634, - -2019; Ord. No. 20-1681, 9-22-2020)

Sec. 27.02. - Administration.

A. Plan review.

1. Site plan and concept plan reviews and approvals shall be required for the activities or uses listed in Table 27.01.

2. Development requiring Site Plan Review shall follow the Site Plan Review process set forth in Article 32.00.

3. Approvals are obtained from the Planning Commission, City Council, or Administrative (City Planner, or his or her designee), depending upon the nature of the proposed construction or use. Where the Ordinance allows the City to grant modifications to a specific requirement, the approval authority shall be the body with the authority to grant the associated modification or waiver, based upon the standards provided in that section. Variances may only be granted by the Zoning Board of Appeals (ZBA) per Article 32.00.

4. A site plan shall be submitted for the following activities:

Table 27.01: Review Process Approvals	Administrative		Planning Commission	City Council
	Concept Plan	Full Site Plan		
Table 27.01: Review Process Approvals	Administrative			
Table 27.01: Review Process Approvals	Concept Plan	Full Site Plan	Planning Commission	City Council
Site Plan Review				
New development		X		
Major Expansion		X		
Minor Expansion	X			
Accessory structures	X			
Change in use that requires additional parking or expand the parking lot by more than 10% from the approved site plan	X			

Provide more parking spaces than permitted (must meet special land use criteria)			X	
Special Land Use			X	
Rezoning			X	X

5. The City Planner may require additional site plan information related to the proposed project area and existing site areas that do not meet current standards. The City Planner, or his or her designee, retains the option to require a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the reasons shall be provided in writing to the applicant and the Planning Commission, and the City Planner shall inform the applicant to submit a set of plans in accordance with Article 32.00 within fourteen (14) days of receipt of the application.

6. Concept Plan Review:

Minor Expansions, accessory structures, or changes in use to existing sites are permitted to provide less detailed information than a full-scale site plan review. The level of information is intended to be proportionate to the extent of the change and yet ensure adequate review for compliance with applicable standards.

- (a) Application form;
- (b) Conceptual review fee;
- (c) The name and address of the owner and any designated representative of the owner;
- (d) Written description of the proposed use;
- (e) Conceptual site plan, illustrating existing site features such as lot dimensions, general footprints of buildings and parking, and provides more detail on the areas of the site proposed to be changed. The level of information required shall be established by the Director of Economic and Community Development Department to be sufficient to ensure the modification complies with this and other applicable City codes.
- (f) A location map.

B. Deviations from approved Site Plan. Minor changes to the approved final site plan may be approved by the City Planner, or his or her designee, without requiring a resubmittal to the Planning Commission or City Council, as applicable, provided that the applicant or property owner notifies the City Planner of any proposed amendment to such approved site plan prior to making said change on the site and the City Planner determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. Where the modifications are not determined to be minor, then the site plan shall require resubmittal to the Planning Commission, as applicable, for approval as a site plan amendment. For purposes of interpretation, the following shall be considered minor changes only if the changes continue to comply with the design requirements:

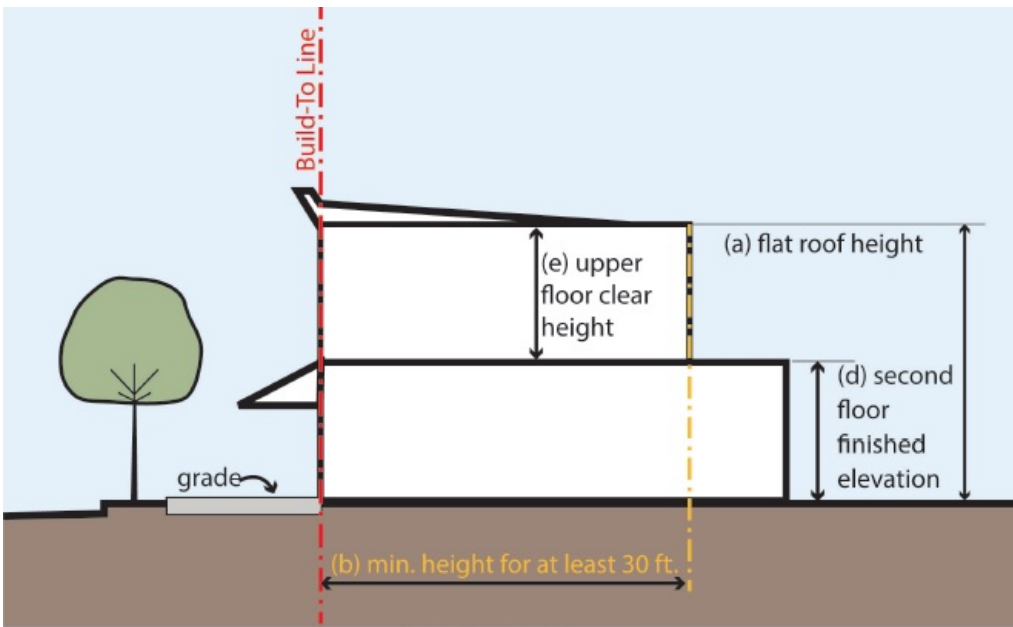
- 1. Height:
 - (a) Minimum and maximum height - up to five percent for any cumulative increase or decrease in building height.
 - (b) Finished floor elevation - up to five percent.
- 2. Siting:
 - (a) Build-to line-up to 5 feet forward or backward.
 - (b) Minimum percentage built-to - reduction of up to five percent of required length.
 - (c) Parking setback line - move forward up to 5 feet.
- 3. Architectural Elements:
 - (a) Entrances (maximum average spacing) - up to ten percent increase in spacing.
 - (b) Fenestration (minimum and maximum percent) - up to five percent.
 - (c) Projections - up to five percent.
- 4. Storefront - up to ten percent.

(Ord. 19-1634, - -2019)

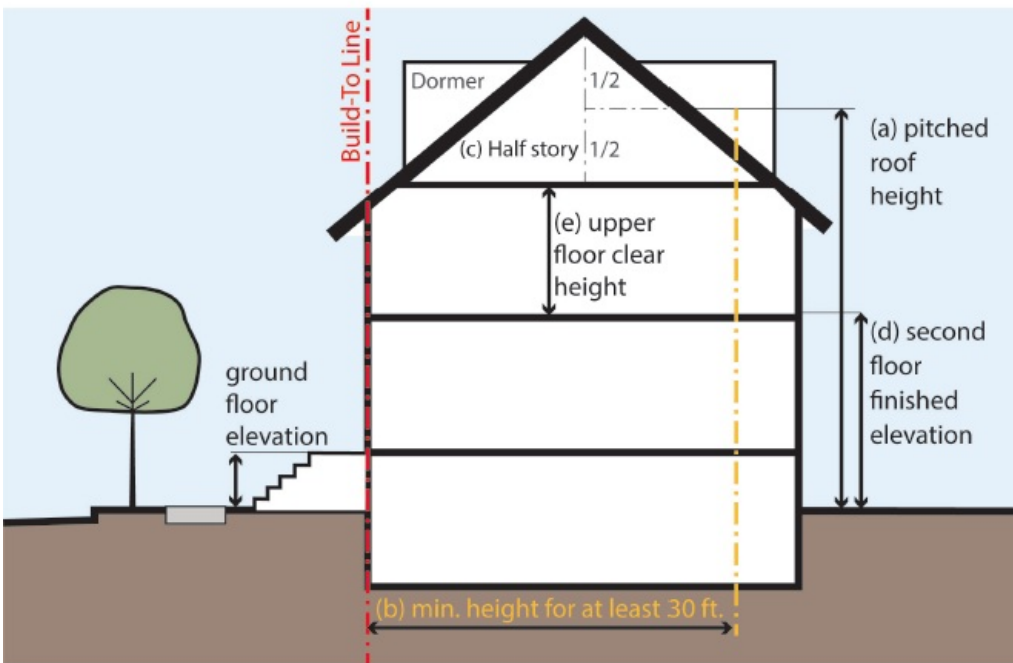
Sec. 27.03. - General provisions.

A. Height.

- 1. Measuring height:



Flat Roof Height Measurements



Pitched Roof Height Measurements

(a) The minimum and maximum building heights are measured from the average fronting sidewalk to the halfway point of a pitched roof or to the top of a wall plate for flat roofs.

(b) The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet.

(c) A building height maximum of a half story, labeled as ".5", indicates an attic story with dormers in a pitched roof. Dormers in a half story shall be less than 15 feet wide and their collective width may not be more than 60 percent of the building elevation length.

(d) Second floor finished elevation shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.

(e) Upper floor clear height is measured from finished floor elevation to finished ceiling elevation.

2. Permitted roof types:

(a) Pitched: between 4:12 and 12:12 slope.

(b) Flat roof: with cornice and parapet.

3. Height exceptions:

(a) The following structures may be erected above the height limits of this chapter, subject the additional requirements below: screened mechanical equipment; roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; skylights; towers; steeples; stage lofts and screens; flagpoles;

chimneys; water tanks; solar or wind energy devices; or similar structures.

(b) None of the structures described above may be erected to exceed the building height by more than 15 feet. The aggregate area of all such structures, including parapet walls, shall not be greater than ten percent of the roof area of the building and shall be setback 6 feet along the perimeter of the roof, except that skylights may occupy 25 percent of the gross roof area and solar panels may occupy 85 percent of the gross roof area.

(c) None of the structures described above shall be used for any residential, commercial or industrial purpose other than a use incidental to the principal use of the building.

4. Bonus Height: Development in the area designated as "Bonus Height Area" on the Regulating plan is eligible for additional height beyond the listed maximum height. Developments shall incorporate the following elements to earn points as indicated in the table below.

(a) Compliance with the standards and value of points will be determined by the City Planner, or his or her designee.

(b) Elements and points can be combined for a sum of points that relates to the number of additional stories permitted as defined below.

- i. One point is equal to one half story. The half story shall be 50 percent of the buildable square footage of the top story.
- ii. Two points is equal to one story.

(c) The number of additional stories shall not exceed the Ultimate Building Height as indicated in the frontage standards.

Building Height Incentives	
Element	Points
Building Height Incentives	
Element	Points
Transit and Pedestrian Amenities On-site, off-site, or pay-in-lieu of the provision of public transit and pedestrian amenities, including sheltered seating or substantial rehabilitation or improvement of the streetscape.	2
Rehabilitation of Historic Structure Significant rehabilitation of on-site historic structure(s) at least 50 years old, including the maintenance of a historic façade.	2
Outdoor Public Art Incorporation of substantial public art on-site.	1
Sustainable Design On-site provision of sustainable design elements that incorporate energy-efficiency and/or green design into construction practices, building design and/or site design.	1-4
LEED Certified	1
LEED Silver	2
LEED Gold	3
LEED Platinum	4

B. Siting.

1. Build-to and dooryard:

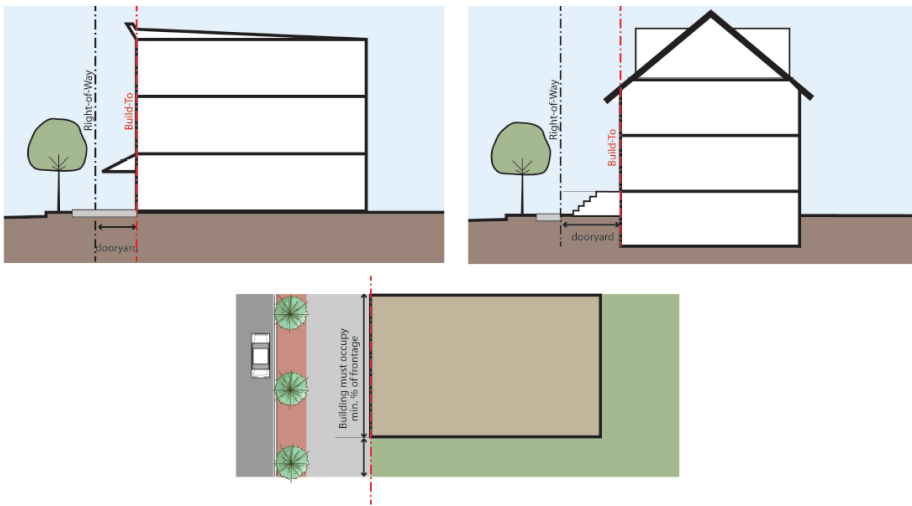
(a) The required build-to line is 10 feet from the right-of-way line, unless otherwise specified in the district regulations.

(b) The area between the right-of-way and the build-to line is the dooryard and is intended as a transitional area between the public and private realms for pedestrian-oriented amenities.

(c) The dooryard shall accommodate entrances, outdoor seating, and projections such as awnings, balconies, bay windows, stoops and porches.

(d) The dooryard may contain urban-style landscape (concrete pavement, planters, street furniture) including bicycle parking. Lawns are only permitted in the dooryard of residential buildings and are not permitted in the Urban General district.

(e) The frontage build-to is the percentage of the front build-to line occupied with a building.



2. Permitted articulations of architectural features.

(a) Architectural features utilized for building wall articulation that are within 2 feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to.

(b) Recessed entries at a maximum depth of 15 feet, measured perpendicular to the build-to, and a maximum width of 15 feet, measured parallel to the build-to may be utilized in the length of applicable building wall meeting the build-to.

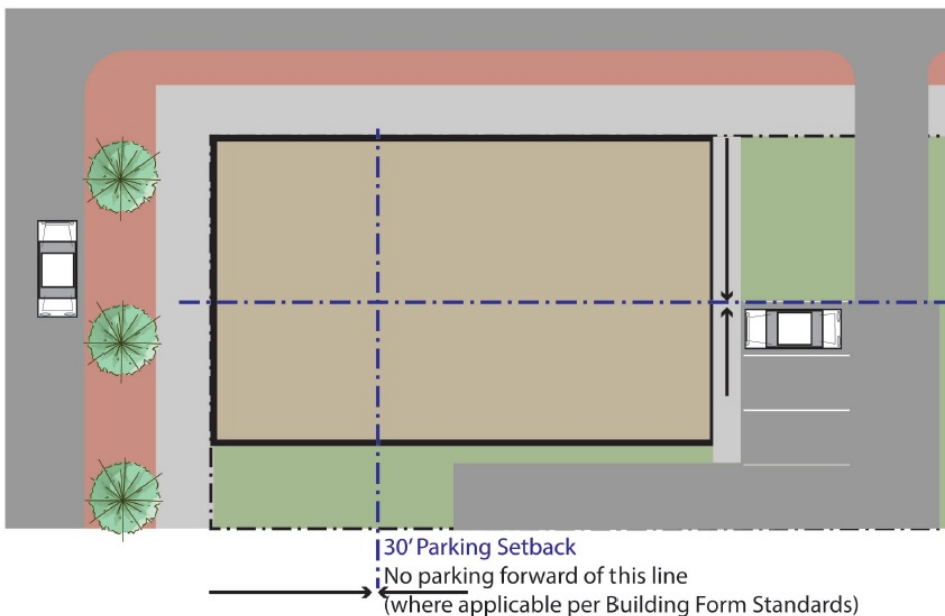
3. Corner lots. For corner lots, the building must meet the build-to line of both frontages at the corner. A building form with a chamfered corner is permitted only on corner lots and only if a corner entry is provided. A 10' x 10' unobstructed sight triangle shall be provided to accommodate a chamfered corner with entry.

4. Front yard build-to exception. The Zoning Administrator or his/her designee may grant a build-to exception to allow a greater amount of the building to be setback when the dooryard is used for providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.

5. Parking setback:

(a) Where regulated in the Frontage Standards, vehicle parking shall be located behind the parking setback line that is 30 feet behind the build-to line and extends vertically as a plane from the first-floor level.

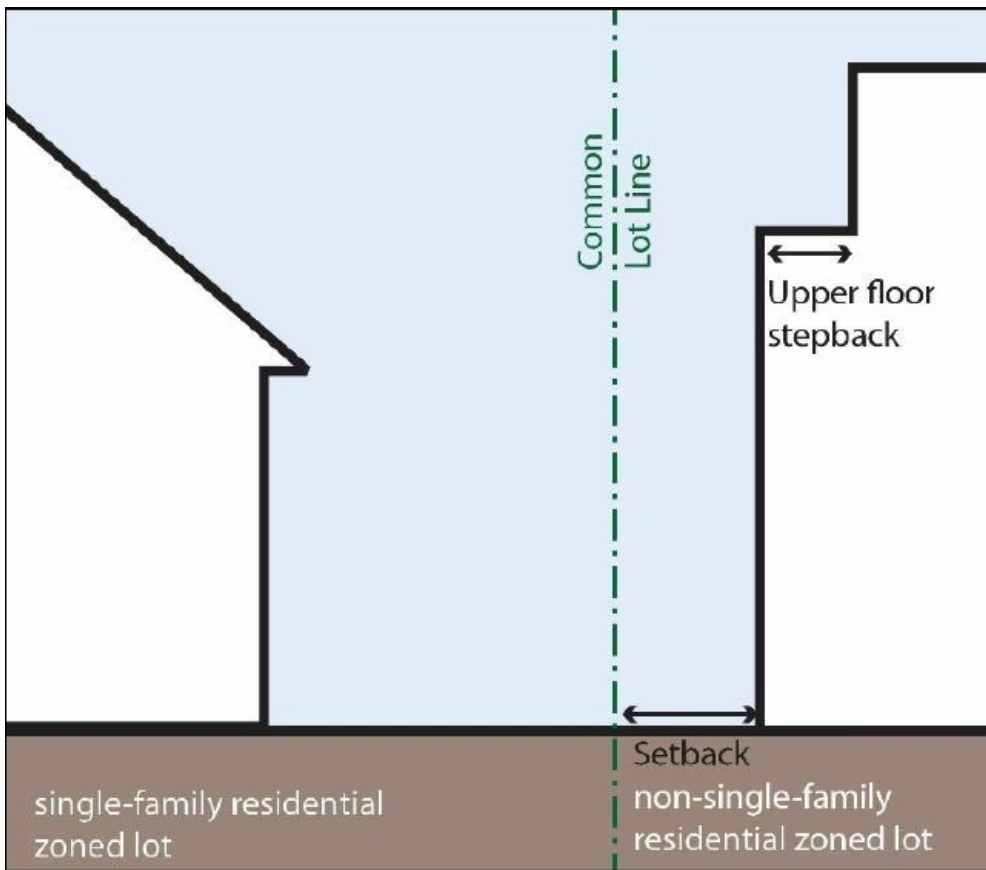
(b) Surface parking is not allowed directly between a building façade and a street frontage.



6. Adjacent to residential setback. For Urban General and Urban Mixed-Use districts that share a common lot line with a single-family detached lot:

(a) There shall be a 20-foot setback from the common lot line. Parking and landscaping are permitted within this setback, but there shall be no structures within this area.

(b) An upper floor step back for any story above the second story shall be set back an additional 10'.



C. Architectural elements.

1. Doors and windows.

(a) Fenestration is defined as the openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than 2 inches are considered part of the opening.

(b) Fenestration shall be measured as a percentage of openings per total wall area.

(c) Blank walls exceeding 25 linear feet are prohibited on all facades below their fourth story.

(d) At least one functioning entrance shall be provided along each ground floor façade at intervals not greater than 50 feet, unless otherwise specified in this district.

(e) Upper level windows shall be oriented vertically.

(f) Heavily-tinted (darker than 70% V.L.T.) and mirrored glass windows are prohibited.

2. Projections.

(a) Balconies.

i. Balconies shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way without prior approval from MDOT (Michigan Avenue) or the City of Dearborn.

ii. Balconies may be a single level or multiple balconies stacked vertically for multiple stories.

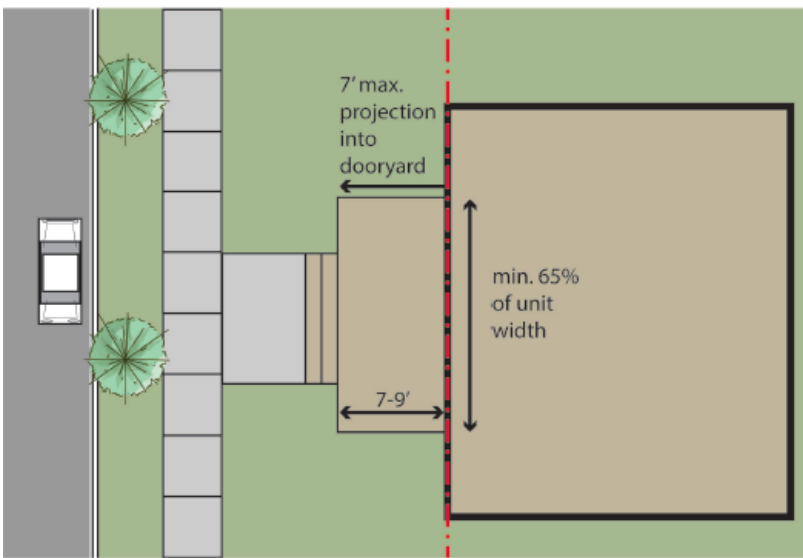
iii. Where balconies are used as a method for achieving the required private open area, the balcony shall be enclosed by balustrades, railings, or other means.

iv. Integrated design. The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

v. False balconies. False balconies are not permitted on any storefront frontage facade. False balconies consist of a rail and door, and any outdoor platform less than eighteen inches in depth and are sometimes referred to as Juliet balconies or balconets.



Stoop



Porch

(b) Awnings.

- i. Awnings may project over a sidewalk; however, there must be a minimum of 8 foot clearance provided from the sidewalk.
- ii. Awnings shall be positioned immediately above ground floor windows and have a straight shed that projects from the building at a straight angle.
- iii. Awnings shall be constructed of durable materials such as canvas or metal that will not fade or tear easily. Plasticized, rigid, cubed or curved awnings or mansard style canopies are prohibited.
- iv. Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.
- v. Awnings shall not interfere with street trees.

(c) Stoop or front porch.

- i. Each residential unit with a separate entrance shall include a stoop or porch.
- ii. A stoop shall have a maximum depth of 5 feet deep and maximum width of 6 feet (not including steps or ramp).
- iii. A porch shall be between 7 feet and 9 feet deep that projects no more than 7 feet into the dooryard and with a width of not less than 65% of each unit with a separate entrance.
- iv. Where the first floor is occupied by a lobby, office, or common space and no dwelling are located on the first floor along the front of the building, then a stoop or porch is not required.

(d) Signage. Projecting blade signs are permitted but must be a minimum of 8-foot clearance from the sidewalk. See Section 27.06 for more on signs.

(e) Bay window. Bay windows shall project no more than 36 inches outside the building envelope but may not project into the right-of-way.

(f) ADA ramps. Ramps to improve accessibility to front porches and stoops are permitted to encroach into the dooryard and shall be built to ADA specifications.

3. Building materials.

(a) All buildings shall contain quality building materials that are in keeping with the character of traditional downtown buildings in Dearborn. Permitted materials for exterior walls (exclusive of windows and doors) that are clearly visible from the street and public or private open space shall be limited to the following:

Building material P=Permitted	Primary building material - Urban General	Primary building material - Urban Mixed-Use and Mixed Residential	Secondary building material	Trim material and Accents
Brick or tile masonry (modular, include veneer)	P	P	P	P
Native stone (or synthetic equivalent)	P	P	P	P
Wood lap siding		P	P	P
Fiber cement siding		P	P	P
Stucco (cementitious finish) only above ground floor		P	P	P
Split-faced block (only for piers, foundation walls and chimneys)			P	P
Gypsum Reinforced Fiber Concrete (GFRC-for trim elements only)				P
Metal		P	P	P
Molded polyurethane trim (such as Fypon)				P
EIFS (above first floor only)				P

Wall materials visible from Streets	Primary Building Material (min.)	Secondary Building Material and Trim
First and Second Floor Elevations	75%	25%
Above second floor	50%	50%

(b) Wall area calculations are exclusive of windows and doors.

(c) Wall materials including panel brick, tilt-up brick textured paneling, plain, smooth-face, or scored concrete masonry units, exterior insulation and finish system (EIFS), corrugated metal paneling and fiberglass sheeting are permitted for walls that are not visible from streets or public or private open space.

(d) Glass areas on front facades shall be clear or lightly tinted (lighter than 70% V.L.T.).

4. Private Open Area. Private open area is defined as an unenclosed occupiable area within the buildable area, which is accessible only to occupants of the particular development. A private or semi-private usable open area is required on every lot, defined as a percentage of the total buildable area. This requirement may be satisfied in a variety of configurations, at or above grade. A minimum private open area, within, and equal to a percentage of, the total buildable area, is prescribed in the districts. The parameters are as follows:

(a) Where located at grade, such private open area shall not include any required side or rear setbacks.

(b) At least 20% of the private open area shall be in no more than two contiguous areas.

(c) Up to 80% of the required private open area may be satisfied through the balconies of individual units.

(d) Any development on a lot that is exclusively reusing existing structures (without external expansion) is exempt from the private open area requirement.

D. Services.

1. Services and utility hookups shall not be visible from the primary street frontage, and when possible located in the rear yard.

2. Dumpster enclosures, where not provided by the City and excluding residential zoned properties, shall comply with

Section 2.14, entitled Trash Removal and Collection.

3. All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment view from the ground, and the screening shall be integrated into the architectural design of the building.

E. Parking structure design.

1. **Intent.** To minimize the visual impact of structured parking decks on the public realm, mitigate nuisances including noise and light, and design decks to be visually compatible with the surrounding character and development.

2. Design standards.

(a) Spandrel panels or opaque architectural wall systems, a minimum of 42" high, shall be required to screen the view of parking cars and car headlights from the opposite side of the street.

(b) For all exposed, above-grade parking structures on Side Streets and alleys, at least 50 percent of the ground floor level must be covered by an architectural screen.

(c) Parking decks exposed to view shall be subject to the same standards as buildings in terms of massing, form, and building character.

(d) The 30-foot parking setback area shall apply in the Required Storefront frontages and is required to be lined by non-parking uses.

(Ord. No. 19-1634, - -2019)

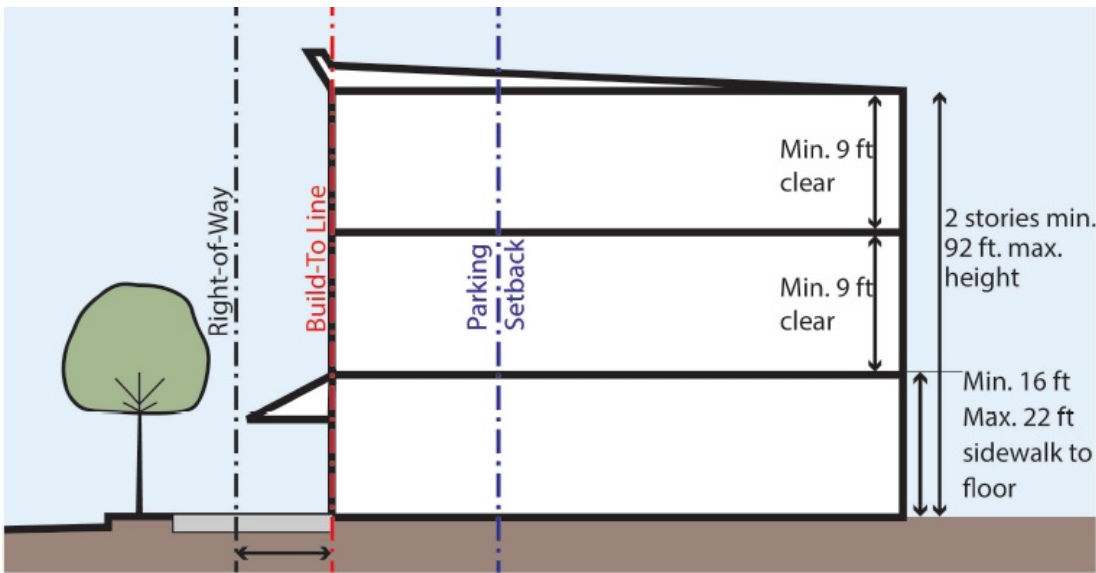
Sec. 27.04. - Frontage types.

A. Urban general.

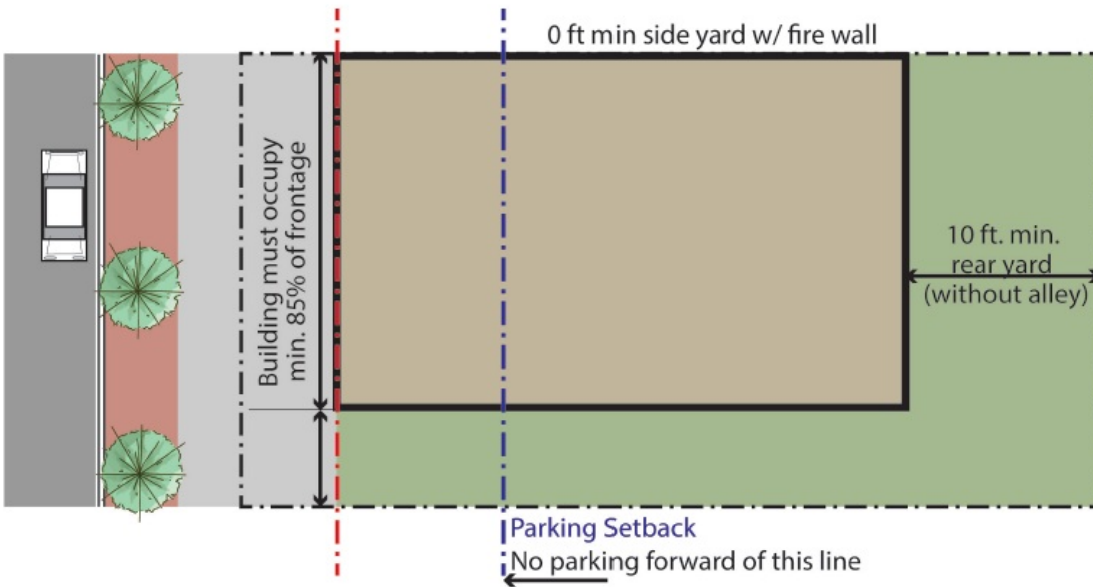
1. **Intent.** The intent of the Urban General frontage type is to create a pedestrian-friendly, compact, mixed-use district. This frontage type is intended for the most density in Dearborn, in the East and West Downtowns and along primary corridors.



Illustrative example of the intent of this district.



10 ft. door yard



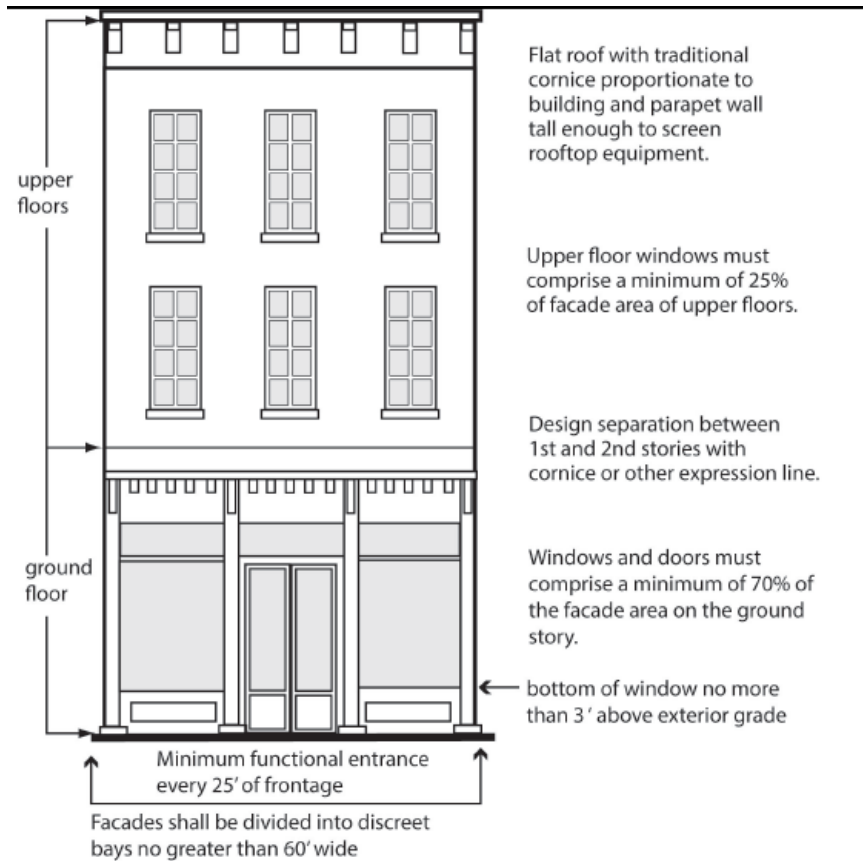
Height		
Minimum	2 stories	32 ft.
Maximum	6 stories	92 ft.
Ultimate Building Height (with building height incentive)	10 stories	125 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
Siting		
Build-To/Dooryard		10 ft.
Frontage Build-To (min.)		85%
Parking Setback		30 ft.
Side Setbacks (min.)		0 ft.
Rear Setback (min.)	With alley	3 ft.
	Without alley	10 ft.
Adjacent single-family residential setback (side and rear)		20 ft.
Architectural Elements		
Ground Floor Fenestration		40 to 90%
Upper Story Fenestration		25 to 90%
Private Open Area (min.)		15%

B. Storefront.

1. **Intent.** This additional designation in Urban General District requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the Urban General Frontage, except as provided herein:

(a) Fenestration.

- i. Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.
- ii. Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
- iii. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

(b) Horizontal articulation.

- i. Horizontal articulation is the arrangement and proportion of façade materials and elements (windows, doors, columns, pilasters, and bays) into discreet bays.
- ii. For each block frontage, facades shall be divided into discreet horizontally articulated bays at no greater than 60 feet each.
- iii. Adjacent façades shall contain different wall materials and rhythm of bays to distinguish each storefront in the horizontal plane.
- iv. There shall be a minimum of one functional entrance every full 25 feet of frontage.

(c) Ground floor articulation.

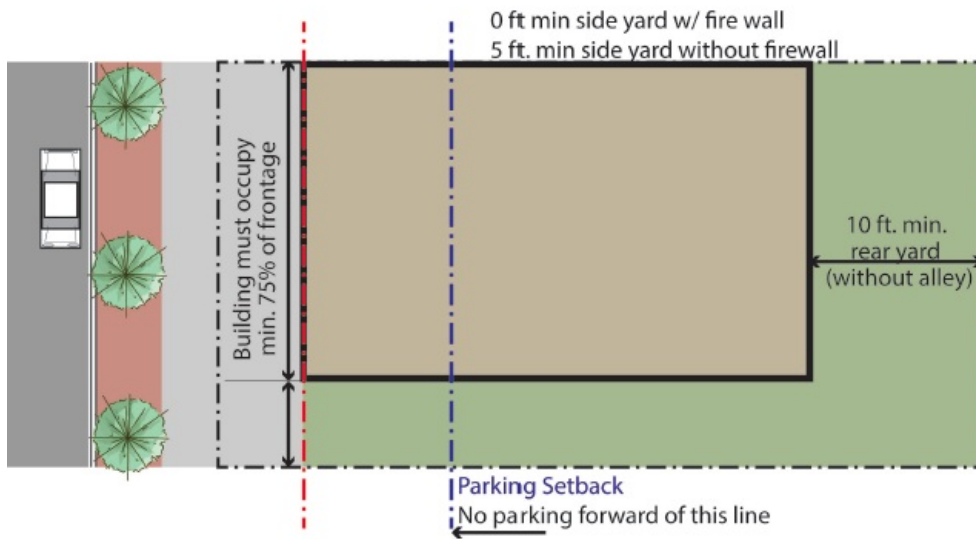
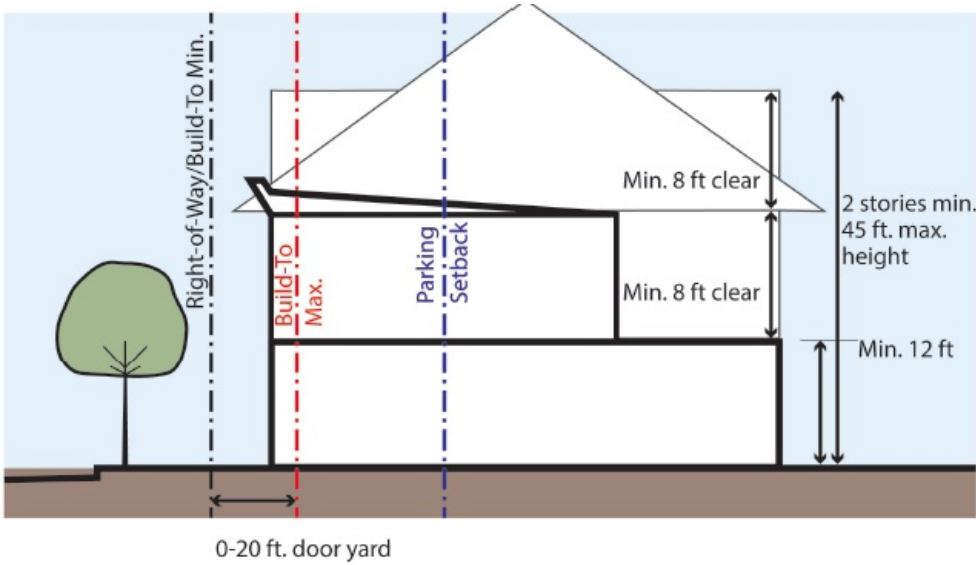
- i. Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

C. Urban mixed-use.

1. **Intent.** The intent of the Urban Mixed-Use frontage type is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed-uses; and serve as a transition from the denser Urban General frontage types to surrounding residential neighborhoods.



Illustrative example of the intent of this district.



Height		
Minimum	2 stories	32 ft.
Maximum	3 stories	45 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.
Second Floor Finished Elevation (min.)		12 ft.
Upper Stories Clear Height (min.)		8 ft.
Siting		
Build-To/Dooryard		0-20 ft.

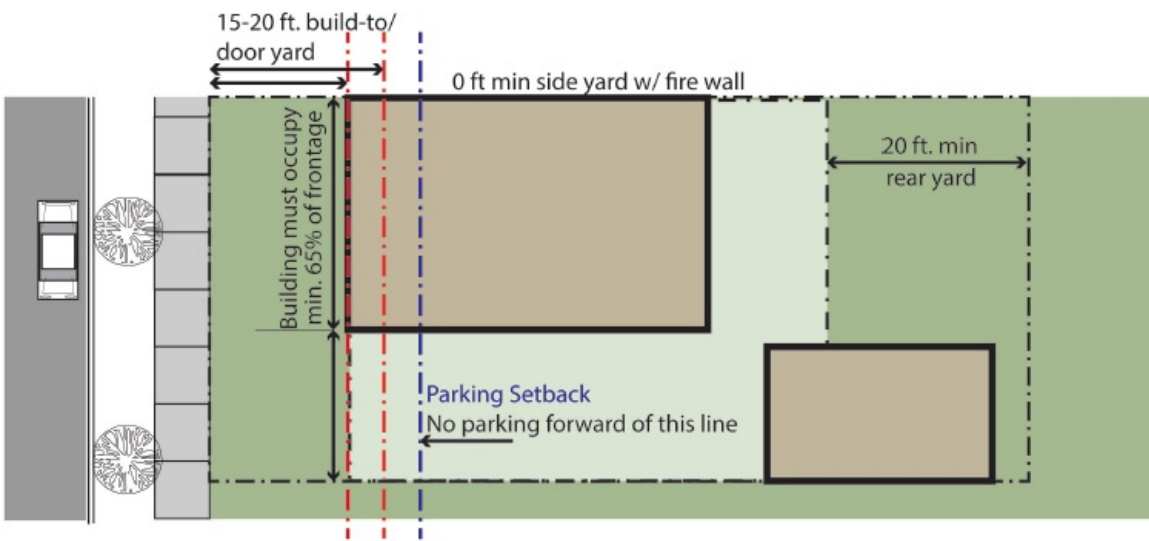
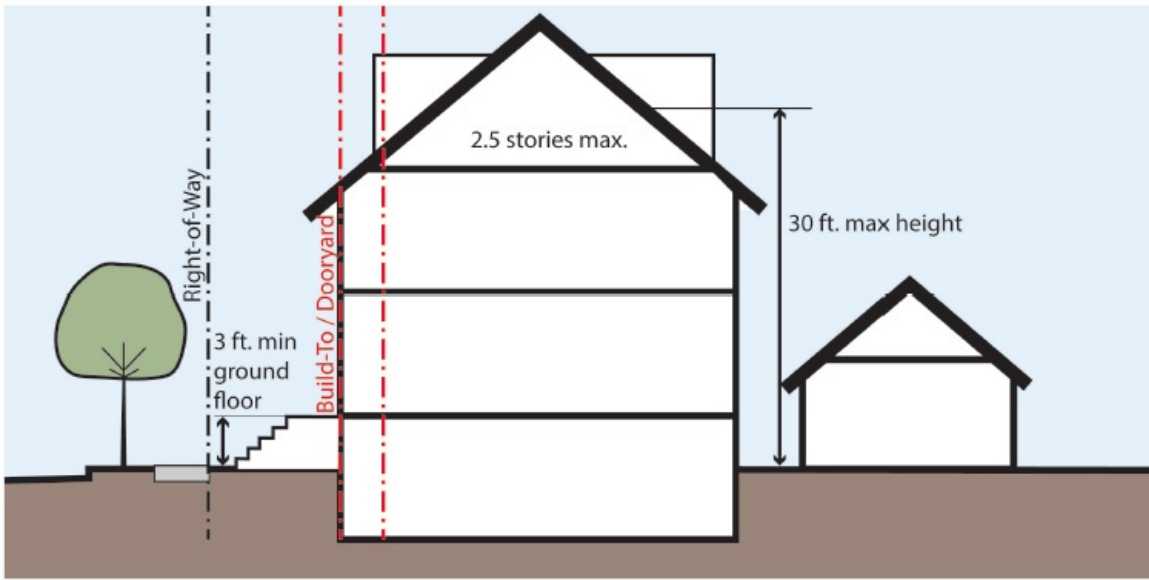
Frontage Build-To (min.)		75%
Parking Setback (ground floor)		30 ft.
Side Setbacks (min.)		0 ft.
	Without firewall	5 ft.
Rear Setback (min.)	With alley	3 ft.
	Without alley	10 ft.
Adjacent single-family residential setback (side and rear)		20 ft.
Architectural Elements		
Ground Floor Fenestration		25 to 90%
Upper Story Fenestration		25 to 70%
Private Open Area (min.)		10%

D. Mixed Residential.

1. **Intent.** The Mixed residential frontage type is intended to accommodate a mixture of housing types. Historically, these areas were single-family neighborhoods that have transitioned over time to include a mixture of housing types. Historic single-family houses should be retained where possible for their character and infill housing should respect the established scale and massing.



Illustrative example of the intent of this district.



Height		
Minimum	2 stories	24 ft.
Maximum	2.5 stories	30 ft.
Ground Floor Elevation (min.)		3 ft.
Upper Stories Clear Height (min.)		8 ft.
Siting		
Build-To/Dooryard		15-20 ft.
Frontage Build-To (min.)		65%
Parking Setback		30 ft.
Side Setbacks (min. with firewall)		0 ft.
Side Setbacks (min. without firewall)		5 ft.
Rear Setback (min.)		20 ft.
Building footprint per unit (max.)		1,500 sq. ft.
Facade width per unit (max. per unit)		50 ft.
Facade width total (max.)		120 ft.
Architectural Elements		
Ground Floor Fenestration		25 to 70%
Upper Story Fenestration		25 to 70%
Private Open Area (min.)		10%

(Ord. 19-1634, - -2019)

Sec. 27.05. - Uses.

Uses are allowed in the West Downtown District in accordance with the following table.

P=Permitted Use S=Special Land Use	Urban General		Urban General - Storefront		Urban Mixed-Use		Mixed Residential
	Ground Floor	Upper Story	Ground Floor ^{1, 5}	Upper Story	Ground Floor	Upper Story	All Stories
P=Permitted Use S=Special Land Use	Urban General		Urban General - Storefront		Urban Mixed-Use		Mixed Residential
	Ground Floor	Upper Story	Ground Floor ^{1, 5}	Upper Story	Ground Floor	Upper Story	All Stories
Residential							
Single-family detached					P	P	P
Multiple-family	P	P	p ²	P	P	P	P
Group/Foster Homes					S	S	S
Non-Residential							
Clinic	P	P		P	P	P	
Child Care Center	P	P		P	S	S	S
Libraries/museums	P	P	S	P	P	P	
Lodging	P	P	p ²	P	S	S	
Bed and Breakfast				P	P	P	P
Office	P	P	s ⁶	P	P	P	
Parking Structure ³	S	S		S	S	S	
Places of Assembly	S	S	S	S	S	S	S
Research and Development	S	P		S		S	
Restaurant	P	P	P	P	s ⁴		
Bar/Lounge/Smoke Lounge	P	P	P	P			
Retail sales and service	P	P	P	P	P		
Studio	P	P	S	P	P	P	
Veterinary Clinic	P	P		P	P		
Civic Uses	P	P	P	P	P	P	P

¹ For storefront, only active ground floor uses are permitted for the first 30 feet of building depth. Past the first 30 feet of building depth, the Urban General permitted ground floor uses apply.

² Only support functions such as lobbies, rental offices, and club rooms may be located on the first floor.

³ Parking Structure Design Standards See Section 27.03 (M).

⁴ Outdoor areas to accommodate waiting, dining, etc. in the rear yard are not permitted.

⁵ For Storefront Special Land Uses, in addition to the standards in Section 32.03, the Planning Commission shall evaluate the proposal relative to the requirement under footnote 1 above. In particular, characteristics providing visual and physical interaction with, and activation of, the adjacent public space through the storefront (including days and hours of operation) shall be evaluated.

⁶ For Office uses within the required storefront, the following standards also apply:

- Office use cannot occupy more than 20' or 25% of linear frontage along Michigan Avenue per parcel (whichever is greater).
- Offices are not permitted within the first 30' of frontage from corners measured along both Michigan and side streets.
- Public waiting rooms or lobbies must be located within the frontage to a minimum depth of 12 feet. In addition, conference

rooms may be permitted in the frontage if the office exceeds 20 linear feet. These areas must remain fully visible through the windows.

- An office use cannot exceed 2,000 sq. ft. within the Required Storefront area within the front 30' of depth of the space.
- Primary public entrance must be located along the Required Storefront.

(Ord. No. 19-1634, - -2019; Ord. No. 20-1681, 9-22-2020; Ord. No. 21-1696, 2-9-2021)

Sec. 27.06. - Signs.

A. New and replacement signs. All new and replacement signs shall conform to the requirements of this ordinance. Plans, details, elevations and samples must be submitted for administrative review and approved by the following officials:

1. Plan Reviewer: reviews submittals for compliance with the Building Code and sign regulations in the Code of Ordinances, decisions of this official may be appealed to the Building Board of Appeals.
2. Zoning Administrator: reviews submittals for compliance with the specific requirements of the Zoning Ordinance, decisions of this official may be appealed to the Zoning Board of Appeals.
3. Director of Economic and Community Development or their designee: review of submittals for compatibility with the building and its surroundings per the standards of this article, decisions of this official may be appealed to the Zoning Board of Appeals.

B. Face changes or relocations. Face changes or relocations of existing signs on the same building or site are allowed subject to permitting and administrative approval by the Director of Economic and Community Development or their designee on the basis that the sign is in safe and serviceable condition and the new sign face is consistent with the intent and requirements of this Article to the extent feasible. A denial under this provision may be appealed to the Zoning Board of Appeals.

C. General requirements.

1. All signs in the district shall also comply with the general sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs).
2. All signs and sign-lighting fixtures shall exhibit ornamental features consistent with the examples shown in the design review manual.
3. Every sign shall be part of the architectural concept. Size, color, lettering, logo, graphics, location, materials, and arrangement shall be harmonious with the building design and its surroundings, and shall be compatible with signs of adjoining buildings.
4. All signs shall be constructed of durable materials capable of resisting the deleterious effects of weather exposure. Plywood, fiberboard, plastic sheeting, EFIS or similar materials are prohibited.
5. Colors shall be used harmoniously and with restraint. Fluorescent, brilliant, or optical colors are prohibited.
6. Address numbers shall be a maximum of eight (8) inches in vertical dimension and should be separate from the main signage. Phone numbers and other secondary text such as "dine-in or carry-out" are discouraged as they serve limited useful communication purposes and unnecessarily contribute to visual clutter in the district.
7. The vertical drip of an awning may be stenciled with signage a maximum of eight (8) inches in vertical dimension by any horizontal length. No signage shall be permitted on the shed portion.
8. Lighting: Signs may be internally or externally lit. Sign lighting shall be considered part of the design of the sign and evaluated per the standards in this Article. Sign lighting shall be decorative or hidden from view. Signs with exposed luminaries of any type (including neon, LEDs, and similar) are prohibited.
9. Businesses are permitted one (1) sign for each frontage facing a street or parking lot.
10. Businesses with service entrances may identify these with one (1) sign not exceeding two (2) square feet.
11. Permanent window or door signs/graphics (stenciled, etched, silk screened, hand painted, vinyl letters/images, or similar) are permitted provided the following standards are met:
 - (a) Such signs shall comply with the seventy (70) percent transparency requirement in the architectural standards of this Article.
 - (b) Approval by the ECD Director as permanent signage or façade treatment.
12. Temporary banners and window signs shall be regulated per the provisions of the sign requirements in the Code of Ordinances of the City of Dearborn (Chapter 5, Article XII - Signs).
13. Art installations: Installation of art pieces (sculpture, murals, posters, or paintings) on the exterior of a building or on the grounds of such a building may be allowed at the discretion of the ECD Director. Discretion is based on the goal of permitting such art installations to beautify the district and community with a wide variety of high-quality art projects. The presence of artwork in developments creates a competitive edge by attracting people who are curious about the artwork. Residents and visitors may pause to enjoy the artwork's surprising and esthetic delights and may return to experience it again while shopping or conducting business. However, if such an installation is primarily for the purpose of advertising a particular brand or business and not in the common good and public interest, then it shall be treated as commercial signage and subject to the requirements of this section governing such.

D. Wall signs.

1. Prohibited wall signs. Box or cabinet signs and signs painted directly onto any exterior wall or surface are prohibited. The latter shall not include art installations permitted by Paragraph C.13. above.

2. Sign bands. A single external sign band or zone may be applied to the façade of a building between the first and second floors, provided that it shall be a maximum of two and one-half (2½) feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building.

3. Board signs. Signs consisting of opaque letters permanently applied to an opaque background, anchored as a single unit to a building façade. Board signs shall meet the following requirements:

(a) Text shall be raised or routed from the background by not less than three-quarter (¾) inch, nor more than two (2) inches.

(b) Text shall be of a contrasting color from the background (painted on text is prohibited).

(c) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.

(d) The background shall be framed by a finished edge.

(e) Logos, graphics, and features other than text are encouraged and may be painted directly on the background.

4. Halo illuminated letter signs. Signs consisting of individual, internally illuminated letters with opaque face and sides. Halo illuminated letters are characterized by indirect illumination, with all illumination projecting from the rear of each letter onto the background surrounding the letters. Halo illuminated letter signs shall meet the following requirements:

(a) The face and sides of letters shall be opaque.

(b) Sides of letters shall not be greater than three (3) inches.

(c) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.

(d) All lights, transformers, fasteners, spikes, zappers and connections shall be concealed from view.

(e) Raceways shall have a maximum depth of four (4) inches.

5. Internally illuminated letter signs. Internally illuminated letter signs shall be defined as individual, internally illuminated letters with a translucent face and opaque sides. Internally illuminated letter signs shall meet the following requirements:

(a) The face of the letters shall be translucent (transparent faces are prohibited and the light element shall not be visible).

(b) The sides of the letters shall be opaque.

(c) Sides of letters shall not be greater than three (3) inches.

(d) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.

(e) All lights, transformers, fasteners, spikes, zappers, connections or other similar devices shall be concealed from view.

(f) Raceways shall have a maximum depth of four (4) inches.

6. Dimensional letter signs. Dimensional letter signs shall be defined as individual letters with opaque face and sides, pin mounted to the building façade. Dimensional letter signs shall meet the following requirements:

(a) The face and sides of letters shall be opaque.

(b) Sides of letters shall not be greater than three (3) inches.

(c) Text shall be six (6) inches minimum height, and twenty-four (24) inches maximum height.

(d) Letters shall be fabricated of metal or acrylic (wood is prohibited) designed to resist the deleterious effects of weather exposure.

(e) Letters shall be mounted to the building façade using stainless steel anchors to prevent staining.

7. Electronic signs. Electronic signs shall be permitted in the as secondary signage to serve a message board function; they are not to serve as the primary signage for a commercial or institutional use. Electronic signs shall be defined and regulated per the requirements of Section 5-1337 of the Code of Ordinances, except that the following additional requirements shall apply:

(a) The electronic sign shall be part of or accessory to a primary permitted sign identifying the business or institution.

(b) Color: single color/monochrome only.

(c) Resolution (minimum pixel pitch/spacing): Seventeen (17) millimeters.

(d) Shall not exceed twelve (12) square feet in area.

(e) Prohibited electronic signs:

i. Projecting signs.

ii. Wall signs mounted on the front of a building perpendicular to a public road, as these signs serve limited useful communication purposes and unnecessarily contribute to visual and lighting clutter in the district. This does not apply to signs

mounted facing a street on the side of a building on a corner lot.

E. Ground signs. Ground signs shall be any freestanding sign supported by and anchored directly to the ground on privately owned property. Ground signs shall include pole and monument signs. Ground signs shall meet the following requirements:

1. Ground signs shall meet the requirements for one of the approved types of wall signs described above.
2. Cabinet style ground signs may be approved at the discretion of the ECD Director if they comply with the general sign ordinance, meet the general requirements for downtown signs and are designed to mimic one of the approved types of wall signs described above.
3. Kiosk signs. Kiosk signs shall be defined as ground signs (maximum twelve (12) square feet) placed on public or private property for the purposes of providing directions or other information regarding the location, nature, or schedule of activities conducted within a specific property or district. Kiosk signs may be approved by the ECD Director if they meet the requirements of the sign ordinance, general requirements for downtown signs and are determined to be necessary to aid the public in navigation and use of the property or district in question.

F. Projecting signs. Signs which project outward from the face of the building shall meet the following requirements:

1. Pedestrian level projecting signs.
 - (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
 - (b) Shall be located entirely between twelve (12) and eight (8) feet above the pedestrian walkway. Shall not project above the roof line.
 - (c) Shall be securely mounted using ornamental brackets attached to either the building façade or from permanent overhanging canopies (chain or hinge mounting is prohibited). If wall mounted, the sign shall be located a maximum of six (6) inches from the wall.
 - (d) Shall not exceed six (6) square feet per side not including the brackets.
 - (e) Shall be double sided, having text or images on two (2) sides.
 - (f) Text shall be raised or routed from the background by not less than three-quarter ($\frac{3}{4}$) inch, nor more than two (2) inches.
 - (g) Text shall be of a contrasting color from the background (painted on text is prohibited).
 - (h) The background shall be framed by a finished edge.
 - (i) Logos, graphics, and features other than text are encouraged and may be painted directly on the background. Icon-style signs are allowed.
 - (j) Shall not be an electronic sign.
2. Upper level projecting signs.
 - (a) Shall be mounted perpendicular (ninety (90) degrees) to the building façade.
 - (b) Shall be located entirely between twelve (12) and the uppermost point of the building façade. Shall not project above the roof line.
 - (c) Shall be securely mounted to the building façade.
 - (d) Shall be double sided, having text on two (2) sides.
 - (e) Shall be located a maximum of one (1) foot from the wall.
 - (f) Shall not exceed three (3) feet in width or four (4) feet in height.
 - (g) Shall not be an electronic sign.

(Ord. 19-1634, - -2019)

Sec. 27.07. - Parking.

A. Intent. Parking supply and demand in West Downtown Dearborn warrants standards that are tailored to the unique character and transportation choices in a downtown urban area. The convenience of multiple forms of alternate transportation, including the ability to traverse the area as a pedestrian, decrease the parking demand for many urban land uses.

B. Parking requirements.

1. The table below establishes the minimum parking requirements for specific uses within West Downtown:

Use	Parking spaces per 1,000 square feet
Office	3.0
Retail	1.0

Restaurant	9.0
Medical	4.0
Community	.5
Fraternal Lodges	.5
Lodging	1.0
Residential	1.0

2. Parking requirement considerations:

(a) Shared parking: The parking requirement may be satisfied through shared parking with an adjacent owner who has excess parking. All uses must be located within 600 feet of the shared parking with a copy of an executed easement that provides for continued use and maintenance of the parking is filed with the Wayne County Register of Deeds and a copy is submitted to the City. Both the grantor and the grantee of the easement are required to comply with the parking requirements of this section.

(b) Mixed-use: In a mixed-use project, parking may be shared by the different uses therefore reduced as follows:

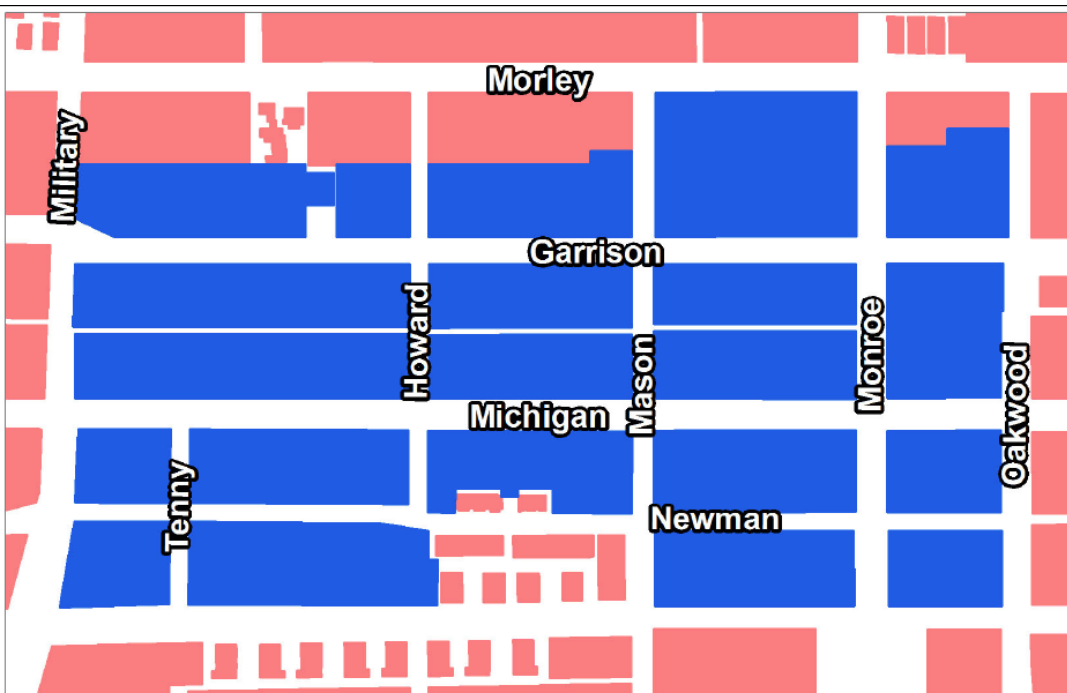
- A mixed-use project composed of residential and retail uses may reduce the total vehicle parking up to 30 percent of the total required parking.
- A mixed-use project composed of residential and office or institutional uses may reduce the total vehicle parking up to 40 percent of the total required parking.
- A mixed-use project composed of office or institutional uses and retail uses may reduce the total vehicle parking up to 20 percent of the total required parking.

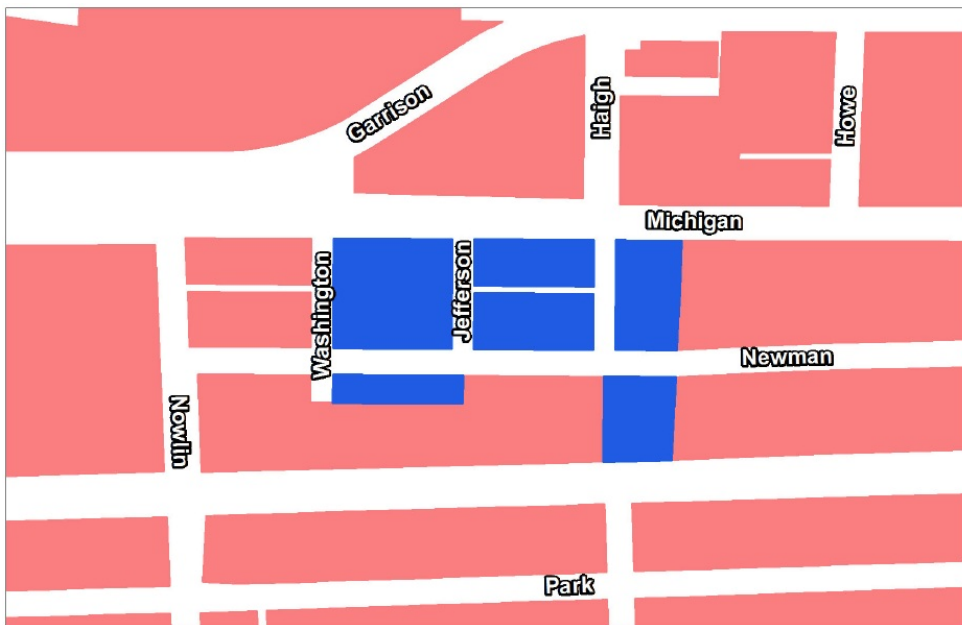
The reduction in parking for mixed-use developments may be below the noted percentage but may not exceed. The Zoning Administrator or his/her designee, shall determine the reduction by taking into consideration the proposed land use, peak parking usage periods, and Institute of Transportation Engineers (ITE) parking generation rates manual.

(c) On-street parking: Public on-street parking that is located along the developments frontage shall be counted towards the number of spaces required for the commercial component, but not for the residential component, within the development.

(d) Reductions: Through site plan review, the Planning Commission may reduce the parking requirement when the applicant can demonstrate, based on supporting documentation provided by the applicant, the parking need for that particular use is less than required by this Ordinance or valet service to a satellite parking lot will be provided.

C. **Parking exemption.** The standards described above do not apply within the Public Parking Sector identified in blue in the map below. While no parking is specifically required for residential developments within the Public Parking Sector, new projects are encouraged to supply parking if feasible for their anticipated demand.





D. Parking lot screening.

1. For parking lots along public rights-of-way, the following screening shall be:

- (a) Minimum 5-foot landscaped buffer zone
- (b) Plantings: 8 Shrubs and 1 tree per 25 linear feet;

(c) Screen wall: Minimum 32" decorative screen wall, located behind the plantings, located 2 feet from rear edge of the buffer zone to protect from vehicle overhang.

(Ord. No. 19-1634, - -2019)

Sec. 27.08. - Definitions.

Awning. A roof-like covering cantilevered, projected or suspended from a building, usually of canvas, metal, or similar material and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. It is distinguished from a canopy because it is not permanent, nor a structural portion or architectural feature of the building and does not support substantial weight.

Balcony. An exterior platform attached to the upper floors of a building elevation.

Bay window. A U-shaped (or similarly shaped) enclosure including a window, extending the interior space of the building outward from a building elevation.

Build-to line. The building line to which a building must be constructed. Similar to setback, a build-to line runs parallel to the right-of-way and is established to create a generally consistent building line along a street. The build-to line designates the specific location or range within which the front building line must be located.

Building envelope. The buildable area defined by the build-to line and setbacks, setting the limits of the building footprint now and in the future.

Canopy. A bracketed or suspended cover projecting from the building over the sidewalk, or a roof-like covering placed over the sidewalk, windows, or doors, to provide protection from sun and rain and, unlike an awning, it is a permanent, durable, structural portion of the building as opposed to a light covering of canvas, metal or other similar material.

Clear height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

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

Common lot line. Lot lines shared by adjacent private lots.

Daycare/childcare.

A. **Child care facility.** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.

B. **Child care centers, nursery schools, and day nurseries.** A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of

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

C. Family day care home (six or fewer children less than 24 hours per day). A private home in which not more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

D. Group day care home (seven to 12 children less than 24 hours per day). A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Dooryard. The area between the build-to line and the right-of-way.

Dormer. A projecting architectural feature with a vertical window built out from a pitched roof.

Elevation. The exterior face of a building.

Expression line. A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection on such as a molding, balcony or canopy.

Façade. The building elevation built along the build-to line on the Primary Frontage.

Fenestration. Openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than 1 inch are considered part of the opening.

Front porch. A front porch is applicable to lower density residential buildings and designed to provide covered, outdoor seating space for residents. Porches can project beyond the setback line towards the right-of-way and/or can wrap around the side of the building.

Grade. The lowest point of elevation within the area between the exterior surface of the structure and the property line. If the property line is more than five feet from the exterior surface of the structure, "grade" means the lowest point of elevation between the exterior surface of the structure and a line five feet from the exterior surface of the structure.

Ground floor. The first story of a building with an entrance at street level.

Group/foster homes.

A. Foster family group home. A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

B. Foster family home. A private home in which one but not more than six minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Lodging. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and/or in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service.

Office. A use where a person transacts his or her business or carries on his or her stated occupation, including but not limited to finance, real estate, insurance, travel agency, architecture, or similar professional occupations.

Places of assembly. Any structure wherein persons regularly gather for religious activity, entertainment, or political purposes including, but not limited to, places of worship, theaters, fraternal organizations, and trade union halls. A place of worship is a structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

Private open area. An area within the buildable area of a lot, accessible only to occupants of the particular building, building and primarily open to the sky.

Research and development. Research and development activities that lead to the development of a new product or a new manufacturing and assembly process. Products developed, manufactured or assembled here are not intended to be mass-produced for sale at this location.

Restaurant/bar/lounge.

A. Restaurants with outdoor seating. A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk.

B. Carry-out restaurant. A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry out restaurant differs from a drive-through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.

C. Drive-in restaurant. A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle

while parked on the premise.

D. **Drive-through restaurant.** A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.

E. **Standard restaurant.** A standard restaurant is a use that involves either of the following:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

F. **Bar/lounge/tavern.** A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

Retail sales and service. Establishments providing the sale of goods sold on the premises and services to the general public, including, but not limited to, drug store, hardware store, laundry or cleaners pick up, jewelry store, florist, gift shop, book store, clothing store, photographer, bakery, shoe repair, tailoring, salons and barbershops

Stoop. A stoop is a small elevated landing space above the sidewalk level which provides entry into the building. Stoops may be covered or uncovered and may project beyond the building setback line towards the right-of-way.

Storefront. A frontage type appropriate for the ground floor of commercial/retail buildings. Storefronts provide large windows with transparent views into the building interior.

Story. That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above.

Studio. A place of instruction for dance, music, health, or art.

Upper stories. Any story above the ground floor.

(Ord. No. 19-1634, - -2019)

ARTICLE 29.00 - SCHEDULE OF REGULATIONS

Sec. 29.01. - Intent and scope of requirements.

The purpose of this Article is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this Article with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

(Ord. No. 93-553, § 29.01, 2-2-1993)

Sec. 29.02. - Schedule of regulations.

All buildings, uses, and parcels of land shall comply with the regulations set forth in the following schedule of regulations and footnotes thereto.

Section 29.02–SCHEDULE OF REGULATIONS

	Lot Minimum		Maximum Height of Structures		Maximum Coverage of Lot by All Buildings	Minimum Setback Requirement (in Feet) ^C .				Minimum Usable Floor Area Per Unit (Sq. Ft.)	Maximum Density Units/ Acre	
	Area (Sq. Ft.)	Width (Feet)	In Stories	In Feet		Front Yard	One Side Yard	Other Side Yard	Rear Yard			
<i>District</i>												
	Lot Minimum		Maximum Height of Structures		Maximum Coverage of Lot by All Buildings	Minimum Setback Requirement (in Feet) ^C .				Minimum Usable Floor Area Per Unit (Sq. Ft.)	Maximum Density Units/ Acre	

<i>District</i>	<i>Area (Sq. Ft.)</i>	<i>Width (Feet)</i>	<i>In Stories</i>	<i>In Feet</i>		<i>Front Yard</i>	<i>One Side Yard</i>	<i>Other Side Yard</i>	<i>Rear Yard</i>		
R-A One Family	7,500 ^g .	60'	a.	a.	m.	25m.	a.	a.	a.	1,200	5.8
R-B One Family	6,000 ^g .	50'	a.	a.	m.	25m.	a.	a.	a.	1,000	7.26
R-P Residential Preservation											
R-B Duplex	3,500/ unit	70'	a.	a.		25m.	a.	a.	a.	1,000	6.23
R-C Multiple Family Low Density	5,000/ unit	—	2	30'	40%	25'	10'	10'	20'	j.	8.71
R-D Multiple Family Medium Density	3,600/ unit	—	3	40'	50%	35'	20'	20'	30'	j.	12.1
R-E Multiple Family High Density	2,100/ unit	—	4	50'	60%	45'	30'	30'	30'	j.	20.7
R-E Housing for the Elderly	1,500/ unit ^k .	—	4 ^d .	50' ^d .	30%	25'	30'	30'	30'	350	29.04 ^d .
R-E Condominium Stacked Units	1,400/ unit	—	4	45'	50%	15'	9'	9'	30'	j.	31
O-S Business Office	—	—	3	35'	25%	10'	7' ^e . h.	e. h.	20'	—	—
B-A Local Business	—	—	2	30'	30%	50' ^f .	7' ^h .	e. h.	20'	—	—
B-B Community Business	—	—	3	40'	40%	50' ^f .	7' ^h .	e. h.	20'	—	—
B-C General Business	—	—	4	50'	50%	50' ^f .	7' ^h .	e. h.	20'	—	—
B-D Downtown Business											
I-A Light Industrial	—	—	2	35'	60%	20'	20'	20'	20'	—	—
I-B Medium Industrial	—	—	5 ^o	85' ^o	60%	20'	20' ^p	20' ^p	20'	—	—
I-C Intensive Industrial	—	—	—	—	—	20'	20' ^p	20' ^p	20'	—	—
I-D General Industrial	—	—	—	—	—	20'	20' ^p	20' ^p	20'	—	—
T-R Technology & Research	1 acre	100'	3	40'	—	20'	20'	20'	20'	—	—
PUD Planned Unit Development	Refer to District Provisions—Article 23.00						—	—	—	—	—
F-P Floodplain	Refer to District Provisions—Article 24.00						—	—	—	—	—
V-P Vehicular Parking	—	35'	No Buildings Permitted		—	—	10'	10'	10'	—	—

Footnotes to Section 29.02—Schedule of regulations:

a. In a one-family residential district the minimum required side and rear setbacks and maximum permitted building height shall be based upon the width of the lot per the table below:

	<i>Side Yard Setbacks</i>		<i>Rear Setback</i>	<i>Height</i>		
<i>Lot Width</i>	<i>Minimum Single Side Yard Setback (feet)</i>	<i>Minimum Total Side Yards Setbacks (feet)</i>	<i>Minimum Rear Yard Setback (feet)</i>	<i>Maximum Eave Height for second story (feet)</i>	<i>Maximum Midpoint of the Roof Height (feet)</i>	<i>Maximum Stories</i>
	<i>Side Yard Setbacks</i>		<i>Rear Setback</i>	<i>Height</i>		
<i>Lot Width</i>	<i>Minimum Single Side Yard Setback (feet)</i>	<i>Minimum Total Side Yards Setbacks (feet)</i>	<i>Minimum Rear Yard Setback (feet)</i>	<i>Maximum Eave Height for second story (feet)</i>	<i>Maximum Midpoint of the Roof Height (feet)</i>	<i>Maximum Stories</i>
Less than 46 feet	3	12	20	20	24	2
46 - 50 feet	3	13	21	20	24	2
51 - 55 feet	4	14	22	20	25	2
56 - 60 feet	5	15	23	20	25	2
61 - 65 feet	6	16	24	21	26	2
66 - 70 feet	7	17	25	21	26	2
71 - 75 feet	8	18	26	21	26	2
76 - 80 feet	9	19	27	22	27	2
81 - 90 feet	10	20% of total width	28	22	27	2
91 - 100 feet	10	20% of total width	29	22	27	2
101 - 110 feet	10	20% of total width	30	22	28	2.5
111 - 120 feet	10	20% of total width	30	22	28	2.5
121 - 130 feet	10	20% of total width	30	23	29	2.5
131 - 140 feet	10	20% of total width	30	23	29	2.5
141 - 150 feet	10	20% of total width	30	23	29	2.5
151 - 160 feet	12	20% of total width	30	24	30	2.5
161 - 170 feet	14	20% of total width	30	24	30	2.5
171 - 180 feet	16	20% of total width	30	24	30	2.5
Greater than 180 feet	18	20% of total width	30	25	31	2.5

b. Reserved.

c. Where buildings are abutting, all yard measurements shall be cumulative.

d. All existing senior citizen housing developments are exempt from height and density requirements.

e. No setback is required on interior lots but shall be subject to the requirements of the Building Code.

f. Setback shall be measured from the centerline of the abutting street.

g. A one-(1)-family dwelling comprising the principal occupancy of a freestanding building may be located on a lot not less than six thousand (6,000) square feet in area, having minimum width of at least fifty (50) feet per lot; provided, however that in case of lots which are in a plat, recorded with the Wayne County Register of Deeds Office on the effective date of this ordinance, each of which lots has an area of at least three thousand five hundred (3,500) square feet, such lots may each have erected thereon a one-(1)-family dwelling, provide the requirements for rear and side yards, as specified in the Zoning Ordinance, are complied with, and provided further, that no lot in a recorded plat in the city, which, on the effective date of this ordinance, is less than six thousand (6,000) square feet, shall be divided to permit a single dwelling to be erected on an area less than the whole area of such lot.

- h. Minimum corner lot setback on exterior side yard required.
- i. Reserved.
- j. Minimum floor area per unit shall be determined in accordance with the following schedule:

Number of Bedrooms	Minimum Floor Area/Unit
1-Bedroom	800 sq. ft.
2-Bedroom	1,000 sq. ft.
3-Bedroom	1,100 sq. ft.
4-Bedroom	1,200 sq. ft.

k. Refer to Section 7.03A. regarding housing for the elderly.

l. For new homes on isolated vacant lots in established neighborhoods, the setback requirement of twenty-five-(25)-foot homes may be adjusted to meet the existing setback for the homes that are in the area.

m. In a one-(1)-family residential district the maximum permitted lot coverage for structures, pavement and total impervious surface shall be based upon the size of the lot and garage configuration per the table below:

			Maximum Lot Coverages (%)			
Lot Size	Garage Type	Floor Area Ratio (FFA/Lot Area) ²	Principal Structure ³	Total Structure (Including all accessory structures)	Front Yard Pavement	Total Impervious Surface
			Maximum Lot Coverages (%)			
Lot Size	Garage Type	Floor Area Ratio (FFA/Lot Area) ²	Principal Structure ³	Total Structure (Including all accessory structures)	Front Yard Pavement	Total Impervious Surface
Less than 5,000 s.f.	Detached	0.5	25	35	35	60
	Attached ¹	0.5	30	35	45	45
5,001 - 7,500 s.f.	Detached	0.5	25	35	30	55
	Attached	0.5	30	35	40	45
7,501 - 10,000 s.f.	Detached	0.5	25	35	25	50
	Attached	0.5	30	35	35	40
Greater than 10,000 s.f.	Detached	0.5	25	35	25	50
	Attached	0.5	30	35	30	40

1. See limitations on attached garages on narrow lots in section 2.05 of this ordinance.
2. FFA - Finished Floor Area does not include the area of attached garages or unenclosed/unheated porches/patios/breezeways.
3. Principal structure coverage includes only the footprint of the home and any attached garage.

n. Reserved.

o. The permitted height of buildings in the I-B District that are at least four hundred (400) feet from the nearest property which is residentially-zoned and used as a dwelling, school, park, or religious institution, regardless of jurisdiction, shall be six (6) stories and one hundred two (102) feet. Such permitted height shall increase by an additional story (up to a maximum of ten (10) stories) and an additional seventeen (17) feet (up to a maximum of one hundred seventy (170) feet) for each additional fifty (50) feet as measured from the building wall to the nearest residentially-zoned property which is used as a dwelling, school, park, or religious institution.

p. The side yard setback may be reduced as part of site plan approval for multiple buildings constructed as part of a campus-like or multiple building projects on a single parcel or adjacent parcels under common ownership or control.

1 See Section G. in Article 4.00 if the property is located in a Downtown Business District as defined in Article 17.00.

(Ord. No. 93-553, § 29.02, 2-2-1993; Ord. No. 95-627, 3-7-1995; Ord. No. 97-701, 5-6-1997; Ord. No. 03-968, 7-1-2003; Ord. No. 04-996, 2-17-2004; Ord. No. 09-1217, 3-16-2009; Ord. No. 16-1526, 3-15-2016; Ord. No. 16-1563, 12-13-2016; Ord. No. 18-1627, 9-24-2019; Ord. No. 20-1675, 8-25-2020; Ord. No. 21-1723, 1-11-2022)

ARTICLE 32.00 - GENERAL PROCEDURES AND RELATED STANDARDS

Sec. 32.01. - Purpose.

It is the purpose of this Article to provide procedures and related standards for the review and regulation of land uses and uses of structures within the City.

(Ord. No. 93-553, § 32.01, 2-2-1993)

Sec. 32.02. - Site plan review procedures and standards.

A. Site plan review.

1. **Site plan required.** Except as provided in subsection (2), the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations, and all other building or development activities shall require site plan approval prior to construction and/or occupancy pursuant to this Article. The city plan commission shall have jurisdiction regarding site plans for use of land for Multiple Family Development, Cluster Residential Development, and in the OS, Business-Office District. All other land uses and zoning districts where site plans are required shall be submitted for review and approval to the city planner. For example, site plan review is required for any of the following activities:

- (a) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family dwelling.
- (b) Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as a single-family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single-family dwellings.
- (c) Development of nonsingle-family residential uses in single-family districts.
- (d) Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.
- (e) The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family dwelling.
- (f) Any use or construction for which submission of a site plan is required by any provision of these regulations.
- (g) Establishment of any regulated use.

2. **Site plan not required.** Notwithstanding the preceding subsection (1), site plan approval is not required for the following activities.

- (a) Construction, moving, relocating or structurally altering a single- or two-family home, including any customarily incidental accessory structures.
- (b) Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single family uses described in this Section for which site plan approval is not required.
- (c) A change in the ownership of land or a structure.
- (d) A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations and that the site maintains full and continuing compliance with these regulations.

B. Site plan applications.

1. **Submission of site plan for review by Plan Commission and/or the City Planner.** In order to initiate formal review by the plan commission and/or the city planner, the applicant is required to submit the following materials to the City Planner:

- (a) Three (3) completed and signed copies of an application for site plan review,
- (b) Fifteen (15) individually folded copies of the site plan,
- (c) Evidence that the plan has been submitted for review to affected county, state, and federal agencies, including but not limited to the Wayne County Department of Roads, Wayne County Drain Commissioner, Wayne County Health Department, and Michigan Department of Transportation, and
- (d) The required review fee.

These materials must be submitted to the city planner in sufficient time to allow review by City staff and consultants prior to the plan commission workshop at which the review will occur. The city planner shall determine what is "sufficient time", based on the scope and complexity of the proposal.

2. **Distribution of plans.** Upon submission of all required application materials and following completion of all items required by the adopted Site Plan Review Manual, the proposed site plan shall be placed on the next open Plan Commission workshop agenda. The site plan and application shall be distributed by the city planner to appropriate city officials for review. If deemed necessary by the city planner, the plans may also be submitted to the city engineer for review.

C. Review and action.

1. **Request for revisions.** Upon review of the site plan proposal, the plan commission or city planner may require the applicant to revise the plans or supply additional information. The applicant shall submit any requested information or revised plans for review prior to formal action being taken. If a traffic study is requested, it shall be prepared by the City's traffic consultant, at the applicant's expense. All review fees must be paid prior to any review. It shall be the applicant's responsibility to consult with City staff and consultants during this revision process. Action on the site plan shall remain tabled until the next regular plan commission meeting following review of a substantially complete plan at a commission workshop.

2. **Public hearing.** A site plan involving use(s) subject to special land use approval or PUD, Planned Unit Development shall require a public hearing. After payment of appropriate fees, the city planner may set the date of the public hearing for a regular or special meeting of the plan commission. No hearing may held before the plan commission has had an opportunity to review the plan at a workshop session.

3. **Submission of plans for final review.** Eighteen (18) individually folded copies of the revised plan shall be submitted for final review at least ten (10) days prior to the plan commission meeting at which review is scheduled. The revised plan shall be distributed to the appropriate reviewing parties by the city planner.

4. **Final action.** The plan commission and/or the city planner is authorized to take the following final action on a site plan, subject to guidelines in the Zoning Ordinance:

- Approval,
- Approval with conditions,
- Denial, or
- Table the site plan.

(a) **Approval.** Upon determination that a site plan is in full compliance with the standards and requirements of these regulations and other applicable City regulations and laws, approval shall be granted.

(b) **Approval with conditions.** Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. Conditions may include the requirement to obtain variances or obtain approvals from other agencies. For example, as a condition of approval, the plan commission may delegate the responsibility for final approval of engineering and other technical issues to the city engineer or other appropriate staff. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating full compliance with the required conditions.

The plan commission and/or the city planner may require that the applicant resubmit the site plan for final approval by the plan commission after conditions have been met. The plan commission may waive its right to review the revised plan, and delegate authority to the city planner to review and approve a revised site plan on the commission's behalf after required conditions have been addressed. The plan commission may require that the city planner secure a favorable recommendation from city engineer prior to final approval of the revised plan.

(c) **Denial.** Upon determination by the plan commission and/or the city planner that a site plan does not comply with the standards and regulations set forth in these regulations, or that the submittal requires extensive revision to comply with standards and regulations, approval of the site plan shall be denied.

(d) **Tabling.** Upon determination by the plan commission and/or the city planner that a site plan is not sufficiently complete for approval or rejection, or upon a request by the applicant, the plan commission may table or the city planner may delay consideration of a site plan until a later meeting and/or until the necessary information is provided by the applicant.

5. **Recording of site plan review action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the plan commission or in the files of the city plan department. The grounds for action taken upon each site plan shall also be recorded.

After the plan commission has taken final action on a site plan, the plan commission secretary shall clearly mark three (3) copies of the application and final site plans APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy will be returned to the applicant and the other two (2) copies will be kept on file by the City. In the case of review and approval by the city planner, a similar procedure shall be followed.

6. **Procedure after site plan approval.**

(a) **Building permit.** Following final approval of the site plan by the plan commission and/or the city planner, the applicant may apply to the City for a building permit. The issuance of a building permit shall be subject to the review of construction plans by the building and safety department, and, if deemed necessary by the building official, the city engineer. It shall be the responsibility of the applicant to obtain all applicable City, county, or state permits prior to issuance of a building permit.

(b) **Approval expiration.** Site plan approval becomes null and void if substantial improvement has not commenced within twelve (12) months following the final approval of the site plan following the issuance of a building permit. In such a case, the applicant shall file a new application. Review by the plan commission and/or the city planner of the new application and site plan shall be required.

(c) **Approval extensions.** Upon written request of the applicant, prior to the expiration of a previously granted approval, the city planner may review the circumstances surrounding a failure to meet the required deadlines. The city planner may grant an extension of up to twelve (12) months to an approval, if he finds that the approved site plan continues to adequately represent current conditions on and surrounding the site and that the site plan conforms to the standards of the City regulations in effect at the time of the applicant's request for an extension.

(d) **Application for Certificate of Occupancy.** Following building construction and completion of site work, the applicant may apply to the City for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the building official in accordance with the procedures set forth in Section 32.07. It shall be the applicant's responsibility to obtain the required certificates prior to any occupancy of the property.

(e) **Site maintenance after approval.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until:

- The property is razed,
- New zoning regulations supersede the regulations upon which site plan approval was based, or
- A new site design is approved following City review.

Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the plan commission and/or the city planner according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be subject to the penalties stated in Section 32.09.

7. **Revocation.** An approved site plan may be revoked by the plan commission and/or the city planner if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the site plan shall be placed on the agenda of a plan commission meeting for a public hearing. The city planner shall cause written notice to be provided to the applicant at least ten (10) days prior to the meeting and shall publish notice of said hearing no later than five (5) days prior to the date and time. The notice shall reduce all alleged inconsistencies and violations to writing. The city planner, the building official, the applicant, and other interested persons shall be allowed to present information and testimony to the plan commission at the hearing. If the plan commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the plan commission may revoke the approval of the site plan and order the site returned to its original condition by a date certain. Failure to comply with such an order shall be deemed a violation of the use provisions of these regulations and shall be subject to the penalties stated in Section 32.09.

8. **Modification to approved plan.** A previously approved site plan may be subsequently modified, subject to the following requirements:

(a) **Review of minor modifications.** Minor modifications to an approved site plan may be reviewed and approved by the city planner, provided that the modifications do not involve any one of the following items:

- A request for a Variance,
- A special land use,
- A discretionary decision such as a PUD, Planned Unit Development Mixed Use plan, or

(1) **Minor modification defined.** Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

- An addition to an existing building that does not increase or decrease the floor space by more than twenty-five percent (25%) or three thousand (3,000) square feet, whichever is less.
- Reoccupancy of a building by a similar use permitted by these regulations.
- Changes to building height that do not add an additional floor.
- Additions or alterations to the landscape plan or landscape materials.
- Relocation or resizing utility supply lines or service connections.
- Relocation or screening of the trash receptacle.
- Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.

Construction of a new building or structure, adding or deleting parking spaces, constructing additional stories or the introduction of additional curb cuts onto a public road are examples of modifications that are not considered minor.

(2) **Determination of minor modification.** The city planner shall determine if the proposed modifications are minor in accordance with the guidelines in this Section. In order to make a determination, the city planner may solicit comments and recommendations from the city attorney, city engineer, and public safety officials, as deemed necessary.

(b) **Modifications not deemed "minor."** In the case where a site plan was approved by the plan commission, and modifications are not deemed minor by the city planner, then review and approval of the changes by the plan commission shall be required. Plan commission review shall be required for all site plans that involve:

- A request for a variance,
- A Special Land Use,
- A discretionary decision such as a PUD, Planned Unit Development Mixed Use 32.04 plan, or,

(c) **Recording of action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the city planner. The city planner shall have the authority to require a new site plan for the purposes of clarity. The plan commission shall be advised of all minor site plan modifications approved by the city planner and such modifications shall be noted on the site plan.

D. **Required information on site plans.** The following information shall be included on all site plans, where applicable:

1. **Application form.** The application form shall contain the following information:

- (a) Applicant's name and address.
- (b) Name and address of property owner, if different from applicant.
- (c) Common description of property and complete legal description including the parcel tax identification (Sidwell) number(s).
- (d) Total gross and net acreage of the site.
- (e) Existing zoning.
- (f) Proposed use of land and name of proposed development, if applicable.
- (g) Proposed buildings to be constructed, including square feet of gross floor area.
- (h) Proof of property ownership.
- (i) Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- (j) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

2. **Descriptive and identification data.** Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one (1) inch = twenty (20) feet for property less than one (1) acre, one (1) inch = thirty (30) feet for property larger than one (1) acre but less than three (3) acres, and one (1) inch = fifty (50) feet for property larger than three (3) acres. Sheet size shall be at least twenty-four (24) inches by thirty-six (36) inches. The following descriptive and identification information shall be included on all site plans:

- (a) Applicant's name and address, and telephone number.
- (b) Title block indicating the name of the development.
- (c) Scale.
- (d) North point.
- (e) Dates of submission and revisions (month, day, year).
- (f) General location map drawn to scale with north point.
- (g) Legal and common description of property, including parcel identification (Sidwell) number(s).
- (h) The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
- (i) A schedule for completing the project, including the phasing or timing of all proposed developments, if applicable.
- (j) Identification and seal of an architect, engineer, land surveyor, licensed community planner or landscape architect who prepared plan.
- (k) Written description of proposed land use.
- (l) Zoning classification of applicant's parcel and all abutting parcels.
- (m) Proximity to driveways serving adjacent parcels.
- (n) Proximity to major thoroughfare(s).
- (o) Notation of any variances that have or must be secured.
- (p) Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth (1/10) acre.
- (q) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

3. **Site data.**

- (a) Existing lot lines, building lines, structures, parking areas, and other improvements on the site and on parcels within one hundred (100) feet of the site.
- (b) Front, side, and rear setback dimensioned from minimum location(s).
- (c) Topography on the site and within one hundred (100) feet of the site at two (2) foot contour intervals, referenced to a lake survey datum benchmark.
- (d) Proposed site plan features, including buildings, roadway widths and names, and parking areas.
- (e) Dimensions and centerline of existing and proposed roads and road rights-of-way.
- (f) Acceleration, deceleration, and passing lanes, where required.
- (g) Proposed location of driveway entrances and on-site driveways with dimensioned minimum and maximum widths.

- (h) Typical cross-section of proposed roads and driveways, if applicable.
- (i) Location of existing drainage courses and drains, open or enclosed and with elevations and/or inverts.
- (j) Location of existing or proposed underground improvements such as storage tanks, culverts, and water gates.
- (k) Location of sidewalks within the site and within the right-of-way.
- (l) Exterior lighting locations and method of shielding.
- (m) Trash receptacle locations and method of screening, if applicable.
- (n) Transformer pad location(s) and method of screening, if applicable.
- (o) Parking spaces, including delineated handicap spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
- (p) Information needed to calculate required parking in accordance with Zoning Ordinance standards.
- (q) The location of lawns and landscaped areas, including required landscaped greenbelts. The percentage of the site used for open space.
- (r) Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material. A maintenance plan for landscaping shall be stated on the plan.
- (s) Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot above grade, before and after proposed development.
- (t) Cross-section of proposed berms.
- (u) Location, description, and County Registrar of Deeds filing identification of all easements for public right-of-way, utilities, access, shared access, and drainage.
- (v) Designation of fire lanes.
- (w) Delineation of dedicated loading/unloading area.
- (x) The location of any outdoor storage of materials and the manner by which it will be screened.
- (y) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

4. Building and structure details.

- (a) Location, height, and outside dimensions of all proposed buildings or structures.
- (b) Indication of the number of stores and number of commercial or office units contained in the building.
- (c) Building floor plans.
- (d) Total floor area.
- (e) Proposed usable floor area.
- (f) Location, size, height, and lighting information of all proposed signs.
- (g) Proposed fences and walls, including typical cross-section and height above the ground on both sides.
- (h) Architectural elevations of building facades and walls, drawn to a scale of one-quarter ($\frac{1}{4}$) inch equals one (1) foot, or another scale approved by the city planner and adequate to determine compliance with the requirements of these regulations. Elevations of proposed buildings shall indicate type of building materials, roof design, dimensions of projections and architectural features, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers and related screening. The city planner may permit photographs in lieu of evaluations for existing buildings where minor or no change to the facade is proposed.
- (i) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

5. Information concerning utilities, drainage, and related issues.

- (a) Schematic layout of existing and proposed sanitary sewers connections; water mains, and water service leads; hydrants locations that service the site; and, the location and size or capacity of gas, electric, and telephone lines supply lines and building leads.
- (b) Location and size or capacity of exterior drains, catch basins, retention/detention areas, culverts and other facilities designed to collect store, or transport storm or waste water. The point of discharge for all drains and pipes must be specified on the site plan. Compliance with City discharge standards must be noted.
- (c) Indication of site grading, drainage patterns, and proposed contours.
- (d) Soil erosion and sedimentation control measures.
- (e) Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
- (f) Listing of types and quantities of hazardous substances and polluting materials that will be used or stored on-site at the facility in quantities greater than twenty-five (25) gallons per month.

(g) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.

(h) Location of underground storage tanks.

(i) Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.

(j) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

6. **Information concerning residential development.**

(a) The number, type and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).

(b) Density calculations by type of residential unit (dwelling units per acre).

(c) Lot coverage calculations.

(d) Floor plans of typical buildings with square feet of floor area.

(e) Garage and carport locations and details, if proposed.

(f) Details of the pedestrian circulation system.

(g) Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan must indicate whether proposed roads are intended to be private or dedicated to the public.

(h) Community building location, dimensions, floor plans, and architectural elevations, if applicable.

(i) Swimming pool fencing detail, including height and type of fence, if applicable.

(j) Location and size of recreation open areas.

(k) Indication of type of recreation facilities proposed for recreation area.

(l) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

7. **Additional information.**

(a) **Information related to condominium development.** The following information shall be provided with all site plans that include a development involving condominium ownership:

(1) Condominium documents, including the proposed master deed, condominium by-laws, restrictive covenants, and easements or examples thereof illustrating the intent of the developer for such documents to apply to the proposed development.

(2) Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

(b) **Items not applicable.** If any of the items listed are not applicable to a particular site, the following must be provided on the site plan:

(1) A statement of each item considered not applicable.

(2) The reason(s) why each listed item is not considered applicable.

(c) **Other data that may be required.** Any additional information required by the Site Plan Review Manual adopted by the plan commission must be supplied. Other data may be required if deemed necessary by the plan commission, or city planner to determine compliance with provisions in these regulations. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

E. **Standards for site plan approval.** The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. **Adequacy of information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

2. **Site design characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining land uses, 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 by these regulations.

3. **Appearance.** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

4. **Compliance with district requirements.** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations, Article 29.00, unless otherwise provided in these regulations.

5. **Privacy.** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

6. **Emergency vehicle access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct

emergency vehicle access.

7. **Ingress and egress.** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

8. **Pedestrian circulation.** The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

9. **Vehicular and pedestrian circulation layout.** The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

10. **Drainage.** Appropriate measures shall be taken to insure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the director of public works or the city engineer.

11. **Soil erosion and sedimentation.** The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State (MDNR) Standards and City Code of Ordinances, Sections 5-186 to 203.

12. **Exterior lighting.** Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.

13. **Public services.** Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

14. **Screening.** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.

15. **Danger from hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the City to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the City shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the City.

Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

16. **Health and safety concerns.** Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

17. **Sequence of development.** All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

18. **Relationship to adjacent sites.** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be reviewed with regard to any common relationship with adjacent properties.

(Ord. No. 93-553, § 32.02, 2-2-1993; Ord. No. 98-737, 9-15-1998)

Sec. 32.03. - Special use regulations.

A. **Intent.** The procedures and standards in this section are intended to provide a consistent and uniform method for review of special use proposals. Special uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district.

These review procedures and standards are intended to accomplish the following purposes:

1. Ensure full compliance with the standards contained in this Ordinance and other applicable local law and ordinances, and state and federal laws.
2. Achieve efficient use of the land.
3. Prevent adverse impact on adjoining or nearby properties.
4. Protect natural resources.
5. Facilitate development in accordance with the City's land use objectives.

B. **Procedures and requirements.** Special use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the plan commission. Although a site plan must be submitted with a Special Use Application, approval of the Special Use is required prior to site plan approval.

1. **Applicant eligibility.** The application shall be submitted by the owner of an interest in land for which Special Use Approval is sought, or by the owner's designated agent. The applicant or a designated representative should be present at all scheduled review meetings or consideration of the proposal may be tabled.
2. **Application forms and documentation.** The application for Special Use shall be made on the forms and according to the guidelines in the City's site plan checklist, provided by the building or planning department.
3. **Application data requirements.** A site plan shall be submitted with the Special Use Application. In addition, the applicant shall complete any forms and supply any other data that may be required by the plan commission, or City staff to make the determination required, herein. The applicant shall provide all necessary written or graphic materials to document compliance with the standards set forth in Section 32.03 c.(c), and other regulatory guidelines specified for particular Special Uses elsewhere in this ordinance.
4. **Site plan preparation.** The site plan shall be prepared in the manner specified in Section 32.02, the Site Plan Manual, and on the Special Use Application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.
5. **Submission of a completed plan.** The Special Use Application materials, required fees, and six (6) copies of the completed site plan shall be submitted to the building department for review.
6. **Review by the City Officials.** The city planner shall review the site plan and application materials, solicit other appropriate city officials, and prepare a written review, which shall specify any deficiencies in the site plan and application and make recommendations as appropriate.
7. **Submission of a revised plan and Special Use Application.** The applicant shall revise the site plan and application materials, based on the recommendations set forth in the city planner's review. The applicant shall then submit fifteen (15) copies of the revised plan for further review by staff and the plan commission.
8. **Plan Commission consideration.** After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:
 - (a) **Acceptance for processing.** The application shall be placed on the agenda of the next available scheduled plan commission meeting and a public hearing shall be scheduled.
 - (b) **Public hearing.** Notice of the public hearing shall be prepared by the city planner, published in a newspaper which circulates in the City, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Such notification shall be made in accordance with the provisions in Section 4a3. of the City or Village Zoning Act, Michigan Public Act 207 of 1921, as amended.
 - (c) **Plan Commission review.** Following the public hearing, the Special Use proposal and plan shall be reviewed by the plan commission, based on the standards and regulations in this section.
 - (d) **Plan revision.** If the plan commission determines that revisions are necessary to bring the Special Use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. Following submission of revised application materials, the Special Use proposal shall be placed on the agenda of the next available scheduled meeting of the plan commission for further review and possible action.
9. **Plan Commission determination.** The plan commission shall review the application for Special Use, together with the public hearing findings and reports and recommendations from the city planner, building official, city engineer, public safety officials, and other reviewing agencies. The plan commission shall then make a determination on the Special Use Application, based on the requirements and standards of this ordinance. The plan commission may approve, approve with conditions, or deny a Special Use request as follows:
 - (a) **Approval.** Upon determination by the plan commission that the final plan for Special Use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
 - (b) **Approval with conditions.** The plan commission may impose reasonable conditions with the approval of a Special Use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:
 - Conditions shall be designed to protect natural resources, the 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.
 - Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.
 - (c) **Denial.** Upon determination by the plan commission that a Special Use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the Special Use proposal shall be denied. Any appeal to a decision of the plan commission must be taken to the Wayne County Circuit Court.
10. **Recording of Plan Commission.** Each action taken with respect to a Special Use shall be duly recorded in the minutes of the plan commission, as appropriate. The minutes shall record the findings of fact relative to each Special Use proposal, the

grounds for the action taken, and any conditions imposed in conjunction with approval.

11. **Effect of approval.** Upon approval, a Special Use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located.

12. **Zoning Board of Appeals authority.** The zoning board of appeals shall not have the authority to consider an Appeal of a decision by the plan commission concerning a Special Use proposal.

13. **Application for a building permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:

- (a) Final approval of the Special Use Application.
- (b) Final approval of the site plan.
- (c) Final approval of the engineering plans.
- (c) Acquisition of all other applicable City, county, or state permits.

14. **Expiration of Special Use approval.** If construction has not commenced within twenty-four (24) months of final approval, the approval becomes null and void and a new application for Special Use shall be required. Upon written request from the applicant, a twelve-month extension may be granted by the plan commission, if the plan commission finds that the approved Special Use Application and site plan adequately represent current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for Special Use review will be required.

15. **Revocation of Special Use Approval.** Approval of a Special Use proposal and site plan may be revoked by the plan commission if construction is not in conformance with the approved plans. In such a case, the city planner shall ask that the Special Use proposal be placed on the agenda of the plan commission. Written notice shall be provided to the applicant at least five (5) days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The plan commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

16. **Performance guarantee.** The plan commission may require that a performance guarantee be deposited with the City to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in Section 2.18.

C. **Standards for granting Special Use Approval.** Approval of a Special Use proposal shall be based on the determination that the proposed use will comply with all applicable requirements of this ordinance, including site plan review criteria set forth in Section 32.03, applicable site development standards for specific uses set forth elsewhere in this ordinance, and the following standards:

1. **Compatibility with adjacent uses.** The proposed Special Use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- (a) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- (b) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- (c) The hours of operation of the proposed use. Approval of a Special Use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- (d) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

2. **Compatibility with the Master Plan.** The proposed Special Use shall be consistent with the general principles and objectives of the adopted Dearborn Master Plan.

3. **Compliance with applicable regulations.** The proposed Special Use shall be in compliance with all applicable federal, state, and local laws and ordinances.

4. **Use of adjacent property.** The Special Use shall not interfere with the use and will not adversely affect adjacent property.

5. **Public services.** The proposed Special Use shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Special Use is completed.

6. **Impact of traffic.** The location of the proposed Special Use within the zoning district shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- (a) Proximity and access to major thoroughfares.
- (b) Estimated traffic generated by the proposed use.
- (c) Proximity and relation to intersections.

- (d) Adequacy of driver sight distances.
- (e) Location of and access to off-street parking.
- (f) Required vehicular turning movements.
- (g) Provision of pedestrian traffic.
- (h) If it is determined to be necessary by the plan commission that a detailed traffic study is needed, the cost shall be borne by the applicant.

7. **Enhancement of surrounding environment.** The proposed Special Use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

- (a) The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this ordinance may be required as a condition of approval of a Special Use.
- (b) The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

8. **Impact on public health, safety, and welfare.** The proposed Special Use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

9. **Isolation of existing uses.** The location of the proposed Special Use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed Special Use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.

10. **Need for the proposed use.** The plan commission may find that a need for the proposed use does not exist in the community at the time the Special Use proposal is considered.

(Ord. No. 93-553, § 32.03, 2-2-1993)

Sec. 32.04. - PUD, Planned Unit Development Mixed Use procedures and standards.

A. **Intent.** The procedures and standards in this Section are intended to provide a consistent and uniform method for review of planned development proposals. The PUD, Planned Unit Development Mixed Use regulations are intended to provide design and regulatory flexibility so as to accomplish the objectives of this ordinance, using innovative and effective planning. The review procedures and standards set forth in this section are intended to ensure full compliance with the standards contained in this ordinance, particularly Article 23.00, and other applicable local law and ordinances, and state and federal laws. These regulations are further intended to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant so as to facilitate development in accordance with the City's land use objectives.

B. Procedures and requirements.

1. **Amendment required.** The approval of a PUD, Planned Unit Development Mixed Use application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as PUD, Planned Unit Development. Approval granted under this section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

2. **Review procedures.** Planned unit development applications shall be submitted in accordance with the following procedures and requirements, which provide for detailed review of PUD, Planned Unit Development Mixed Use proposals by the plan commission, followed by review and approval by the city council:

(a) **Applicant eligibility.** The application shall be submitted by the owner of an interest in land for which PUD, Planned Unit Development Mixed Use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled.

(b) **Application forms and documentation.** The application for PUD, Planned Unit Development Mixed Use shall be made on the forms and according to the guidelines specified in the City's site plan checklist, as provided by the city plan department.

(c) **Site plan preparation.** The site plan shall be prepared in the manner specified in this Section, in the City's site plan checklist, and on the PUD, Planned Unit Development Mixed Use application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.

(d) **Submission of a completed plan.** The PUD, Planned Unit Development Mixed Use application materials, required fees, and sufficient copies of the completed site plan shall be submitted to the city plan department for review.

(e) **Review by the City Officials.** The city planner and other appropriate city officials may review the site plan and application materials, and prepare a written review, which shall specify any deficiencies in the site plan and make recommendations as appropriate.

(f) **Submission of a revised plan and PUD, Planned Unit Development Mixed Use application.** The applicant shall revise the site plan and application materials, based on the recommendations set forth in the city planner's review. The applicant shall then submit sufficient copies of the revised plan for further review by staff and the plan commission. Copies of the site plan

and application shall also be transmitted to the city council for information purposes.

(g) **Plan Commission consideration.** After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:

(1) **Acceptance for processing.** The application shall be placed on the agenda of the next available scheduled plan commission meeting and a public hearing shall be scheduled.

(2) **Public hearing.** The public hearing shall be scheduled in the same manner as required for Special Uses in Section 32.03 of this ordinance and Section 4a(3) of the City or Village Zoning Act, Michigan Public Act 207 of 1921, as amended. As stated in Act 207, the public hearing and notice required by this Subsection shall be regarded as fulfilling the public hearing and notice requirements for amendment of the Zoning Ordinance. The plan commission and city council may hold a joint public hearing on a PUD, Planned Unit Development Mixed Use application if they so desire.

(3) **Plan Commission review.** Following the public hearing, the PUD, Planned Unit Development proposal and plan shall be reviewed by the Plan Commission in relation to applicable standards and regulations and consistency with the intent and spirit of the PUD, Planned Unit Development Mixed Use concept.

(4) **Plan revision.** If the Plan Commission determines that revisions are necessary to bring the PUD, Planned Unit Development Mixed Use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the PUD, Planned Unit Development Mixed Use proposal shall be placed on the agenda of the next available scheduled meeting of the plan commission for further review and possible action.

(h) **Plan Commission determination.** The plan commission shall review the application for PUD, Planned Unit Development Mixed Use, together with the public hearing findings and reports and recommendations from the city planner, building official, city engineer, public safety officials, and other reviewing agencies. The plan commission shall then make a recommendation to the city council, based on the requirements and standards of this ordinance. The plan commission may recommend approval, approval with conditions, or denial as follows:

(1) **Approval.** Upon determination by the plan commission that the final plan for PUD, Planned Unit Development Mixed Use is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, the plan commission shall recommend approval.

(2) **Approval with conditions.** The plan commission may recommend that the City Council impose reasonable conditions with the approval of a PUD, Planned Unit Development proposal, to the extent authorized by law, for the following purposes:

— To insure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.

— To protect the natural environment and conserve natural resources and energy.

— To insure compatibility with adjacent uses of land.

— To promote the use of land in a socially and economically desirable manner.

— To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.

— To achieve the intent and purpose of this ordinance.

In the event that the PUD, Planned Unit Development Mixed Use is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.

(3) **Denial.** Upon determination by the plan commission that a PUD, Planned Unit Development Mixed Use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the plan commission shall recommend denial.

The plan commission shall prepare and transmit a report to the city council stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

(i) **Submission of plans for city council review.** After the plan commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for city council review.

(j) **Public hearing.** Upon receipt of a PUD, Planned Unit Development Mixed Use recommendation from the plan commission, the city council may schedule a public hearing, unless a joint public hearing has already occurred, in accordance with subsection g., above. The public hearing shall be scheduled in the same manner as required for Special Uses in Section 32.03 of this Ordinance and Section 4a(3) of the City or Village Zoning Act, Michigan Public Act 207 of 1921, as amended.

(k) **City Council determination.** The city council shall make a determination based on review of the final plan together with the findings of the plan commission, and the reports and recommendation from the city planner, building official, city engineer, public safety officials, and other reviewing agencies. Following completion of its review, the city council shall approve, approve with conditions, or deny a PUD, Planned Unit Development Mixed Use proposal in accordance with the guidelines described previously Subsection (h), above. Upon determination by the plan commission that a Special Use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the Special Use proposal shall be denied. Any appeal to a decision of the plan commission must be taken to the Wayne County Circuit Court.

(l) **Recording of plan commission and city council action.** Each action taken with respect to a PUD, Planned Unit Development Mixed Use shall be duly recorded in the minutes of the plan commission or city council, as appropriate. The grounds for the action taken shall also be recorded in the minutes.

3. **Effect of approval.** Approval of a PUD, Planned Unit Development Mixed Use proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the PUD, Planned Unit Development Mixed Use amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in Section 32.06. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD, Planned Unit Development Mixed Use unless an amendment is adopted by the city council upon request by the applicant or his/her successors.

4. **Zoning Board of Appeals authority.** The zoning board of appeals shall not have the authority to consider an appeal of a decision by the city council or plan commission concerning a PUD, Planned Unit Development Mixed Use proposal.

5. **Application for a building permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:

- (a) Final approval of the site plan and PUD, Planned Unit Development Mixed Use application.
- (b) Final approval of the engineering plans.
- (c) Acquisition of all other applicable city, county, or state permits.

6. **Expiration of PUD, Planned Unit Development approval.** If construction has not commenced within twenty-four (24) months of final approval, the approval becomes null and void and a new application for PUD, Planned Unit Development Mixed Use shall be required. The city council may grant a twelve-month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date. In the event that an approved PUD, Planned Unit Development Mixed Use plan becomes null and void, the City shall initiate proceedings to amend the zoning classification of the site.

7. **Performance guarantee.** The plan commission or city council may require that a performance guarantee be deposited with the City to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in Section 2.18.

8. **Revision to approved plans.**

(a) **General revisions.** An approved PUD, Planned Unit Development Mixed Use proposal and plan may be revised in accordance with the procedures set forth for approval of a new proposal.

(b) **Minor changes.** Notwithstanding subsection a., above, minor changes may be permitted by the city planner following normal site plan review procedures outline in Section 32.02, subject to the city planner finding that:

- (1) The proposed changes will not affect the initial basis on which initial approval was granted.
- (2) The proposed minor changes will not adversely affect the overall PUD, Planned Unit Development Mixed Use in light of the intent and purposes of such development as stated in Section 18.01.
- (3) The proposed changes will not affect the character or intensity of use, the general configuration of buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

Examples of minor changes include, but are not limited to:

- Additions or alteration to the landscape plan or landscape materials.
- Alterations to the internal parking layout of an off-street lot, provided that the total number of spaces does not change.
- Relocation of a trash receptacle.
- An increase in floor area of less than twenty percent (20%) of the initial total floor area up to five thousand (5,000) square feet.

(c) **Application data requirements.** Applications for PUD, Planned Unit Development Mixed Use approval shall include all applicable data required for site plan review as specified in Section 32.02 and the City's site plan checklist. In addition, the application shall include the following:

(1) An overall plan for the planned development. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other nonresidential use; each type of open space; community facilities and public areas; and other types of land use.

(2) A map and written explanation of the relationship of the proposed PUD, Planned Unit Development Mixed Use to the City's Master Plan.

(3) Information concerning traffic generated by the proposed PUD, Planned Unit Development Mixed Use. Sufficient information shall be provided to allow the City to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided: estimates of the volume of traffic generated by each use, the peak hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the

development on the circulation system.

(4) Analysis of the fiscal impact of the proposed PUD, Planned Unit Development Mixed Use on the City and the school district.

(5) Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the plan commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.

(6) Legal documentation of single ownership or control. The documentation shall be in the form of agreements, contracts, covenants, and deed restriction which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.

(7) A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.

(8) A draft of ownership and governance documents. These documents shall include the following:

(a) Deeds of ownership.

(b) Warranties guaranteeing ownership conveyed and described in the deeds.

(c) A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the PUD, Planned Unit Development Mixed Use.

(d) Association by-laws (for example, condominium association by-laws) which describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the PUD, Planned Unit Development Mixed Use; and, the duties of individual shareholders to manage and maintain their own units.

Sec. 32.05. - Variances and Appeals.

A. **Intent.** The purpose of this Article is to provide guidelines and standards to be followed by the zoning board of appeals in considering requests for variances and appeals, where the jurisdiction of the zoning board of appeals has been established by these regulations or by Michigan Public Act 207 of 1921, as amended.

B. Membership.

1. The city council shall appoint a board of appeals consisting of not less than five (5) members, each to be appointed for a term of three (3) years. Appointments of the first members shall be for terms of one (1), two (2), and three (3) years, respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three-year term.

2. Members of the zoning board of appeals shall reside within the City of Dearborn.

3. Members of the zoning board of appeals are nominated by the mayor and confirmed by the city council. Members serve at the discretion of the mayor and may be removed in the sole discretion of the mayor at any time for any reason prior to expiration of his/her term.

C. Purpose of Variances and Appeals.

1. **Appeals.** Generally, an appeal may be taken to the zoning board of appeals by a person, or by any office, department, board, or bureau aggrieved by a decision of any administrative or enforcement official or body charged with enforcement of these regulations.

2. **Variances.** Where there are practical difficulties preventing a property owner from conforming with the strict letter of the Zoning Ordinance, the zoning board of appeals shall have the power to authorize Variances from the standards in these regulations, with such conditions and safeguards as it may determine to be necessary so that the spirit of these regulations is observed, public safety secured, and substantial justice done. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") may be permitted provided the application is reviewed by the city planner with reference to the standards in this ordinance and the Master Plan of the City. In the case of all variances, the zoning board of appeals shall be the body charged with deciding requests for deviation(s) from any provisions in the City's Zoning Ordinance in order to maintain integrity and compatibility within new and existing neighborhoods, structures and land uses in the City. Each member of the zoning board of appeals shall attend a basic training class offered by the Michigan Municipal League within one (1) year of appointment. Current members of the zoning board of appeals must attend the training class within one (1) year from the effective date of this amendment.

When reviewing a variance request, in addition to the criteria set forth in subsection (F), the zoning board of appeals shall determine whether:

(a) Granting a deviation from the provisions of the Zoning Ordinance in a particular case will lead to uneven application of the Zoning Ordinance for all citizens, or

(b) Undermine the value of these laws that are intended to provide orderly and predictable development within the community.

(c) Each request for a variance will be strictly scrutinized, in order to prevent a negative impact on surrounding land uses and structures, and to preserve the citizenry's ability to rely on the provisions of the Zoning Ordinance.

3. The zoning board of appeals shall establish rules and procedures (by-laws) in accordance with the provisions of this ordinance, and the applicable state law.

D. **Stay of proceedings.** An appeal must be filed within ten (10) days of citation of a violation by the director of building and safety. An appeal to the zoning board of appeals shall stay all proceedings in furtherance of the appealed action, unless the director of building and safety certifies to the zoning board of appeals, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Wayne County Circuit Court.

E. **Application and procedures.**

1. **Application to the zoning board of appeals.** Variances and appeals for which zoning board of appeals action is sought shall be commenced by a person filing an application to the zoning board of appeals on forms as specified by the director of building and safety and accompanied by required fees. The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number(s) containing the standards from which a variance is sought and the nature and extent of such variance.

2. **Plot plan requirements.** Applications involving a specific site shall be accompanied by a plot plan drawn to scale that includes the following information, where applicable:

- (a) Applicant's name, address, and telephone number.
- (b) Property identification Sidwell number, scale, north point, and dates of submission and revisions.
- (c) Zoning classification of petitioner's parcel and all abutting parcels.
- (d) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
- (e) For variances requested from any dimensional standard of these regulations, the plot plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
- (f) Any additional information required by the city planner or the zoning board of appeals to make the determination requested herein.

Where an application to the zoning board of appeals involves a variance sought in conjunction with a site plan review by the plan commission and/or the city planner, the application data requirements for site plan review as set forth in Section 32.02 shall be followed.

3. **Review by the Zoning Board of Appeals.** The building official shall forward the application, along with any supporting materials and plans, to the zoning board of appeals in accordance with subsection 32.05C.2.

The director of the building and safety department or the zoning board of Appeals shall fix a reasonable time for the hearing of the appeal or variance request, give due notice to the parties to whom real property within three hundred (300) feet of the premises in question is assessed, tenants of the real property within three hundred (300) feet, and decide the appeal or variance within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney.

4. **Decision by the Zoning Board of Appeals.** A three-vote majority of the members of the ZBA shall constitute a quorum for the transaction of business and shall be necessary to reverse an order, requirement, decision, or determination of the administration official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to effect any variation on an Ordinance adopted pursuant to Michigan Public Act 207 of 1921, as amended. The concurring vote of four (4) members of the ZBA shall be necessary to approve any use variance.

The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the zoning board of appeals shall 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. With an affirmative decision, the board may impose conditions pursuant to Section 4c(2)(a) of Michigan Public Act 207 of 1921, as amended. The decision of the zoning board of appeals shall be final, but any person having an interest affected by a decision of the board may appeal to the Wayne County Circuit Court.

5. **Record of decision and order.** The zoning board of appeals shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:

- (a) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
- (b) The notice of the appeal.
- (c) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the ZBA for its consideration.
- (d) The written findings of fact, the decisions, the reasons pursuant to subsections (E)(1) and (2), and the conditions imposed by the zoning board of appeals in acting on the appeal shall be entered into the official record, after being signed by the secretary of the board.

6. **Approval period.** If construction has not commenced within twelve (12) months after the zoning board of appeals grants a variance to permit the erection or alteration of a building, then the variance becomes null and void.

F. **Standards for Variances and Appeals.** Variances and appeals shall be granted only in accordance with Michigan Public

Act 207 of 1921, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the ZBA, however, at least one (1) of the applicable criteria must be found by the ZBA.

1. Criteria applicable to Variances.

(a) **Practical difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

(b) **Substantial justice.** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(c) **Public safety and welfare.** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.

(d) **Extraordinary circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

(e) **Preservation of property rights.** A variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.

(f) **No safety hazard.** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety.

(g) **No impact on land values.** The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.

(h) **Neighborhood character.** The granting of a variance or appeal will not alter the essential character of the neighborhood.

(i) **Light and air.** The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property.

(j) **Promotes orderly development.** The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.

(k) **Traffic flow.** A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.

(l) **No nuisance impacts.** A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.

(m) **Impact on adjacent properties.** The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.

(n) **Relationship to adjacent land uses.** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.

(o) **Relationship to Master Plan policies.** The granting of the variance should be reviewed in reference to the adopted Master Plan policies of the city plan commission, and the zoning board of appeals shall find that the variance will not adversely affect said policies.

2. Criteria applicable to Appeals. The ZBA shall reverse an order of an enforcement official only if it finds that the action or decision appealed:

(a) Was arbitrary or capricious, or

(b) Was based on an erroneous finding of a material fact, or

(c) Constituted an abuse of discretion, or

(d) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

(e) Appeals from denial of zoning board of appeals may be taken to Wayne County Circuit Court.

(Ord. No. 93-553, § 32.05, 2-2-1993; Ord. No. 01-860, 12-18-2001; Ord. No. 02-904, 4-16-2002; Ord. No. 02-924, 12-3-2002; Ord. No. 03-976, 8-5-2003)

Sec. 32.06. - Amendments.

A. **Initiation of amendment.** Amendments to the Zoning Ordinance may be proposed by the owner of property, city planner,

city plan commission and city council. After the City Plan Commission has considered the proposed amendment, conducted at least one hearing, and issued its final report, the city council may amend the district boundaries or regulations established by the Zoning Ordinance.

When the proposal related to land and a zoning classification which has been included in a petition for rezoning within six (6) months from the date of withdrawal or final action upon the prior application, the city plan commission and city council shall not consider the new petition. This limitation shall not prevent the city plan commission and city council from considering a petition for rezoning when significantly altered circumstances, including the land area, zoning classification and new detailed plans for use of the property are raised in the subsequent petition and determine to exist by the city planner.

Amendments to district boundary lines shall be numbered and accompanied by a map clearly indicating the position of the new or altered district boundaries. The city planner shall periodically incorporate amendments to district boundaries and regulations into the Zoning Ordinance and map through reprinting.

B. Application for amendment. A petition for an amendment to the text of this ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition with the planning department, on the forms and accompanied by the fees specified. The petition shall explicitly describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

1. Applicant's name, address, telephone number, statement of ownership, and copy of deed, option, land contract or similar document.
2. Scale, north point, and dates of submission and revisions.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site.
5. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
6. Location of existing drainage courses, floodplains, lakes and streams, woodlots, and large trees greater than eight (8) inches in diameter.
7. All existing and proposed easements.
8. Location of sanitary sewer systems, existing and proposed.
9. Location and size of water mains and building service leads, existing and proposed.

C. Review procedures. After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

1. **Plan commission review.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the plan commission. The plan commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 4a and other applicable Sections of Michigan Public Act 207 of 1921, as amended.

If an individual property or several adjacent properties are proposed for rezoning, the Plan Commission shall give notice of the proposed rezoning to the owner of the property and to all owners of record located within three hundred (300) feet of the property in question at least ten (10) days before the hearing.

In addition, any petition for amendment shall require a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the City. Notice of the time and place of the hearing shall also be given by mail to each utility company and railroad operating within the district affected.

2. **Action by the plan commission and city council.** Following the hearing on the proposed amendment, the plan commission shall make written findings of fact which it shall transmit together with the comments made at the public hearing, and its recommendations to the city council.

The city council may hold additional hearings if the council considers it necessary. The city council may by majority vote of its membership:

- (a) Adopt the proposed amendment.
- (b) Reject the proposed amendment.
- (c) Refer the proposed amendment back to the plan commission for further recommendation within a specified time period. Thereafter, the city council may either adopt the amendment with or without the recommended revisions, or reject it.
- (d) Protest. Whenever a written protest against a proposed amendment is presented in writing to the city clerk, signed by the owners of at least twenty percent (20%) of the area included in the proposed change, or by the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of land included in the proposed change, excluding publicly owned land in calculating the twenty-percent requirement, such amendment shall not be passed except by the favorable vote of three-fourths (¾) of the entire city council.

3. **Review considerations.** The plan commission and city council shall, at minimum, consider the following before taking action on any proposed amendment:

- (a) The proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

- (b) The proposed amendment further the comprehensive planning goals and be consistent with the Master Plan.
- (c) Have conditions changed since the Zoning Ordinance was adopted, or was there a mistake in the Zoning Ordinance that justifies the amendment?
- (d) The amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- (e) The amendment result in unlawful exclusionary zoning?
- (f) The amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- (g) A rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- (h) A rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

4. **notice and record of amendment adoption.** following adoption of an amendment by the City Council, notice shall be published in newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with Section 4(7) of Michigan Public Act 207 of 1921, as amended. The notice shall include: either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the item and place where a copy of the ordinance may be purchased or inspected. A record of all amendments shall be maintained by the City. A Master Zoning Map shall be maintained by the city planner, which shall identify all map amendments by number and date.

(Ord. No. 93-553, § 32.06, 2-2-1993)

Sec. 32.07. - Permits and Certificates.

A. Permits.

1. **Permit required.** A building permit or other appropriate permit shall be required as follows:

- (a) Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.
- (b) Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.
- (c) Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
- (d) Prior to any change in use of an existing building or structure to a different class or type.

2. **Definition of alteration and repair.** For the purposes of this section, the terms "alteration" and "repaired" shall include any change to the structure, which may include such elements as stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the adopted City Building Code and any amendments thereof, the Housing Law of Michigan (Public Act 167 of 1917, as amended), these regulations or other applicable regulations of the City.

3. **Application requirements.** No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements conform with the provisions of these regulations and with the City Building Code.

Applications for permits required by this Section shall be filed with the building official on forms prescribed by that official. Each application shall be accompanied by a written explanation of the proposed improvements, and, if applicable, a plan of the site drawn to scale. Submitted plans shall be of sufficient detail for the Official to determine whether the proposed improvements conform with these regulations, the Building Code, the State Construction Code Act (Michigan Public Act 230 of 1972, as amended), and other applicable local and federal laws and ordinances.

A site plan submitted and approved by the plan commission in accordance with these regulations shall satisfy the requirements of this section. At a minimum, the applicant must supply the following information:

- (a) The location, dimensions and parcel identification Sidwell number of the land parcel.
- (b) Existing buildings or structures, plus the shape, size, and location of all buildings or structures to be erected, altered, or moved.
- (c) The existing and intended use of the parcel.
- (d) On residential parcels, the number of dwelling units contained within each building.
- (e) The name and address of all persons having an ownership interest in the premises upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.
- (f) All information required by the adopted City Building Codes.
- (g) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of these regulations will be complied with.

4. **Conformity with applicable Ordinances and approved plans.** A building permit shall be issued only if, after thorough inspection of the application materials and plans, the building official finds that the proposal conforms with these regulations, the State Construction Code Act, Michigan Public Act 230 of 1972, as amended, City-adopted codes, and other applicable laws and ordinances, except where the building official receives written notice of a variance having been granted by the zoning board of

appeals or building code board of appeals.

A building permit issued on the basis of a site plan approved by the plan commission shall incorporate full compliance with the approved site plan as a condition of the issuance of the permit. Modifications to an approved site plan shall be in compliance with these regulations. Use, layout, or construction at variance with approved plans or application materials shall be deemed in violation of these regulations, and subject to penalties in accordance with Article 32.00.

5. **Expiration of permits.** A building permit issued pursuant to the provisions of these regulations shall be consistent with the procedures stated within the adopted Building Code of the City. Expiration and notification requirements of the applicable code shall be followed.

6. **Inspection of completed work.** The holder of any building permit issued pursuant to the requirements in this Section shall notify the Building Official for a required inspection and request a Certificate of Occupancy upon completion of the work authorized by the permit and prior to occupancy.

B. **Certificates of Occupancy.** A Certificate of Occupancy shall be required prior to occupancy or reoccupancy of any use of land, building or structure. It shall be unlawful for any person, firm or corporation to hereafter occupy or reoccupy or for any owner or agent thereof to permit the occupation or reoccupation of any building or addition hereto, or part thereof, for residential purpose until a Certificate of Occupancy has been issued by the department of building and safety. The following guidelines shall apply to Certificate of Occupancy:

1. **General requirements.**

(a) **Purpose.** The purpose of a Certificate of Occupancy is to permit the occupancy or use of land, buildings, or structures. The Certificate of Occupancy can be issued only upon the determination by the city planner and the building official that the site is in compliance with the provisions of these regulations, the requirements of the adopted City building and construction codes, adopted city engineering standards, and that all outstanding City fees or other charges have been paid.

(b) **Certificates for new and existing buildings.** Certificates of Occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land if, after inspection, the building official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of these regulations and other regulations of the City, and that provided further that the proposed use is fully in compliance with these regulations. Failure to obtain a Certificate of Occupancy prior to commencing the use of property shall constitute a violation of these regulations, subject to the penalties set forth in Article 32.00.

(c) **Temporary Certificates.** A Temporary Certificate of Occupancy may be issued by the building official for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of these regulations and other applicable regulations of the City, and provided further that no threat to public safety exists. A performance guarantee may be required by an enforcement official in accordance with Section 2.18 as a condition of obtaining a Temporary Certificate. No Temporary Certificate of Occupancy shall be granted for a period in excess of six (6) months on time extensions. The time may be extended with approval of the director of the building and safety department or authorized building official, with such request being received in writing. The date of expiration shall be indicated on the Temporary Certificate; failure to obtain a final Certificate of Occupancy or extension thereof within the specified time shall constitute a violation of these regulations, subject to the penalties set forth in Article 32.00.

(d) **Certificates for accessory buildings to dwellings.** Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

2. **Period of validity.** A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, as long as the specific operation conducted within the building or structure or use of the land continues. A Certificate of Occupancy shall be required of any new occupant upon a change in occupancy of the building, structure, or land.

3. **Records of Certificates.** A record of all Certificates of Occupancy shall be kept in the office of the building official. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

4. **Application requirements.** An application for a Certificate of Occupancy shall be made on forms supplied by the building official and must be accompanied by the fees specified. A Certificate of Occupancy may be processed concurrently with an application for a building permit, if a building permit is required. The city planner shall determine if a nonresidential occupancy change requires site plan review and approval by the plan commission pursuant to Section 32.02.

5. **Issuance of Certificate.** The enforcement official shall inspect a building or structure within fifteen (15) working days after notification by an applicant of the completion of a building or structure or other improvements. The building official and city planner shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land conforms with an approved site plan and the provisions of these regulations. If the request for a Certificate of Occupancy is denied, the applicant shall be notified in writing of the denial and the reasons for denial.

(Ord. No. 93-553, § 32.07, 2-2-1993; Ord. No. 94-617, 1-3-1995)

Sec. 32.08. - Fees.

Any application for an amendment to this ordinance, site plan review, review of a Special Land Use proposal, review of a Planned Unit Development Mixed Use proposal, request for a variance, request for an inspection, request for a building or zoning permit, request for a Certificate of Occupancy, or other request for other action pursuant to the regulations set forth in this ordinance shall be subject to and accompanied by a fee as established by the city council. Such fees shall be collected in advance of any reviews, inspections, or issuance of any permits or approvals. Upon notification of deficient payment of fees,

administrative officials charged with enforcement of the ordinance shall cause any permits to be suspended and reject applications for new permits directly associated with the project.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 2.18.

There shall be no fee in the case of applications filed in the public interest by a municipal department or city official.

(Ord. No. 93-553, § 32.08, 2-2-1993)

Sec. 32.09. - Violations and penalties.

A. **Public nuisance.** Buildings erected, altered, razed or converted, including tents, mobile homes, and trailer coaches, or uses carried on in violation of any provision of these regulations are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

B. **Violation.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of these regulations or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of these regulations by an enforcement official shall be deemed in violation of these regulations.

C. **Penalties.** Any violation of these regulations shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the court. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of these regulations may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

The imposition of any sentence shall not exempt the offense from meeting compliance with the requirements of these regulations.

D. **Authority to pursue court action.** The city attorney is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the circuit court, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of these regulations, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the City in such an action to abate the violation.

E. **Other remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by Law, including any additional rights of the City to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of these regulations, or to correct, remedy, or abate such noncompliance.

F. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of these regulations, and failure or omission to prosecute any violations of these regulations, shall not constitute a waiver of any rights and remedies provided by these regulations or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of these regulations.

(Ord. No. 93-553, § 32.09, 2-2-1993)

Sec. 32.10. - Records.

Permanent and current records of this ordinance, including but not necessarily limited to, all maps, amendments, variances, appeals, Special Land Uses, Certificates of Occupancy, and related applications, shall be maintained in the office of the City administrative official having jurisdiction.

Every rule or regulation, decision, finding of fact, condition of approval, resolution, or other transaction of business of the plan commission or zoning board of appeals shall be duly recorded and filed in the public records of the office of the city clerk.

A copy of any application, permit, certificate, transcript of a public meeting, or other item of the public record, may be obtained from the appropriate City office upon payment of copying costs.

(Ord. No. 93-553, § 32.10, 2-2-1993)

ARTICLE 33.00 - ADMINISTRATIVE ORGANIZATION

Sec. 33.01. - Overview.

The city council or its duly authorized representative as specified in this Article is hereby charged with the duty of enforcing the provisions of this ordinance. Accordingly, the administration of this ordinance is hereby vested in the following entities:

- A. city council;
- B. planning commission;
- C. zoning board of appeals;
- D. zoning enforcement officials, including the building official;

E. the city planner.

The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

(Ord. No. 93-553, § 33.01, 2-2-1993)

Sec. 33.02. - Responsibilities and authority of the City Council.

The city council shall have the following responsibilities and authority pursuant to this ordinance.

A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the preamble to this ordinance, and pursuant to the authority conferred by Michigan Public Act 207 of 1921, as amended, the city council shall have the authority to adopt this ordinance, as well as amendments previously considered by the planning commission or at a hearing or as decreed by a court of competent jurisdiction.

B. **Review and approval of plans.** The city council review and approval shall be required for all PUD Planned Unit Developments Mixed Use, in accordance with Section 32.04.

C. **Setting of fees.** The city council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this ordinance. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

D. **Approval of Planning Commission members.** In accordance with Michigan Public Act 285 of 1931, as amended, members of the planning commission shall be appointed by the Mayor with the approval of the city council.

(Ord. No. 93-553, § 33.02, 2-2-1993)

Sec. 33.03. - Responsibilities and authority of the planning commission.

The planning commission shall have the following responsibilities and authority pursuant to this ordinance.

A. **Creation.** The planning commission is created pursuant to Michigan Public Act 285 of 1931, as amended, the Municipal Plan Act and 2-376 et seq.

B. **Membership and operation.** Members of the planning commission shall be appointed by the mayor with the approval of the city council. The qualifications of members, the term of each member, filling of vacancies, and operation of the planning commission shall be in accordance with Act 285 of 1931, as amended.

In accordance with Section 4 of Act 285, the planning commission by resolution shall determine the time and place of meetings. The planning commission shall adopt by-laws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations in the city plan department.

C. **Jurisdiction.** The planning commission shall discharge the following duties pursuant to this ordinance:

1. **Formulation of Zoning Ordinance and amendments.** The planning commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the city council.

2. **Site plan review.** The planning commission shall be responsible for review of applications for site plan approval in the case of land uses for Multiple Family Residential, Cluster Housing for residential use, and Office Buildings in the O-S, Business Office Zoning District accordance with Article 32.00. As provided for in Article 32.00, the planning commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.

3. **Special Land Use review.** The planning commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Article 32.00, to grant approval, approval subject to revisions, or denial of approval.

The planning commission may authorize a special land use for a specific part of a building or structure that is a permitted use or a special land use in a different zoning district from that of the subject property, in accordance with the procedures set forth in Article 32.00.

4. **Planned Unit Development review.** The planning commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Article 32.00. The planning commission shall be responsible for making a recommendation to the city council to grant approval, approval with conditions, or denial of a planned unit development proposal.

5. **Formulation of a Master Plan.** The planning commission shall be responsible for formulation and adoption of a Master Plan for the physical development of the City, in accordance with Michigan Public Act 285 of 1931, as amended.

6. **Review of matters referred by the city council.** The planning commission shall be responsible for review of plats or other matters relating to land development referred to it by the city council. The planning commission shall recommend appropriate regulations and action on such matters.

7. **Report on operation of the Zoning Ordinance.** The planning commission shall periodically prepare for the city council a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the ordinance.

(Ord. No. 93-553, § 33.03, 2-2-1993; Ord. No. 14-1424, 5-20-2014)

Sec. 33.04. - Responsibilities of the zoning board of appeals.

The Zoning Board of Appeals (hereinafter referred to as "ZBA") shall have the following responsibilities and authority pursuant to this ordinance.

A. **Creation.** The ZBA is created pursuant to Michigan Public Act 207 of 1921, as amended, the City-Village Zoning Act.

B. **Membership and operation.** The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 5 of Michigan Public Act 207 of 1921, as amended, and as follows:

1. ZBA members shall be citizens of the United States and residents of the City or property owner for at least one (1) year prior to their appointment.
2. Members may be removed for cause by the mayor, subject to the approval by the city council, or as otherwise provided by state law, after consideration of written charges and a public hearing.
3. Vacancies on the ZBA shall be filled by appointment of the mayor, subject to approval by the city council. Such appointments shall be for the remainder of the unexpired term.
4. The mayor, with the approval of the city council, shall also appoint two (2) alternate members for the same term as regular members of the ZBA. Alternate members may be called on a rotating basis to sit as regular members in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals.

C. **Secretary of the ZBA.** One (1) member of the board shall be the secretary of the board.

D. **Meetings.** Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the chairman, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the building and safety department.

E. **Concurring vote required.** The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; or, to effect any variation to this Zoning Ordinance. A two-thirds (2/3) vote of the entire ZBA [four (4) concurring votes] shall be required to grant a Use Variance.

F. **Jurisdiction.** The ZBA shall act on all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning District Map. The ZBA shall also hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this ordinance. The ZBA shall also hear and decide matters referred to them or upon which they are required to pass under this Ordinance. In doing so, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken and may issue or direct the issuance of a permit. The ZBA shall not have the power to alter or change the zoning district classification of any property.

In acting on appeals or requests for variances, the ZBA shall comply with the provisions of Article 32.00. In the interest of complying with these requirements and furthering the objectives of this Section, the ZBA may take the following actions:

1. Interpret the Zoning Districts Map where the street layout shown on the map varies from actual conditions.
 2. Interpret the exact location of a boundary line between zoning districts shown on the map.
 3. Grant variances from off-street parking or loading space requirements, upon finding that such variances will not result in a parking or loading space deficiency or otherwise be inconsistent with the intent of such requirements.
 4. Grant variances from yard and bulk regulations, including height, lot area, yard setback, floor area, and lot width regulations, where there are unique circumstances on the lot such that the lot cannot reasonably be put to a conforming use. In deciding upon such variances, the ZBA shall first determine that sufficient area exists for an adequate stormwater drainage, water supply, and septic system, if necessary.
 5. Grant variances from the site plan review requirements where the ZBA finds that the requirements would cause practical difficulties or unnecessary hardship due to the unique conditions on the site.
 6. Grant variances made necessary by the advances of technology being put to use in new developments, but not anticipated by the provisions of this ordinance.
- G. **Decision final.** The decision of the ZBA shall be final, but shall be subject to review by the circuit court. The circuit court may order the ZBA to rehear a case in the event that the court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence which is material and with good reason was not presented to the ZBA.

(Ord. No. 93-553, § 33.04, 2-2-1993)

ARTICLE 35.00 - SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION

Sec. 35.01. - Severability.

This ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be adjudged unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the City, unless otherwise stated in the judgment.

(Ord. No. 93-553, § 35.01, 2-2-1993)

Sec. 35.02. - Repeal.

The zoning regulations of the City of Dearborn, as previously adopted by the City, and all amendments thereto, shall be repealed on the effective date of this Ordinance, Feb. 11, 1993. The repeal of these regulations does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

All ordinances or parts of other ordinances in conflict herewith be and the same are hereby repealed.

(Ord. No. 93-553, § 35.02, 2-2-1993)

Sec. 35.03. - Public purpose.

This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City and is given immediate effect upon notice of adoption as published in the local newspaper of general circulation.

(Ord. No. 93-553, § 35.03, 2-2-1993)

Sec. 35.04. - Effective date.

Made and passed by the City Council of the City of Dearborn, Wayne County, Michigan, on this 2nd day of February 1993, and effective immediately upon publication of notice of ordinance adoption by the City Clerk in a newspaper of general circulation in the City of Dearborn, pursuant to the provisions of Section 4 (7) of Michigan Public Act 207 of 1921, as amended.

This ordinance shall be in full force and effect from and after its passage and publication according to law.

(Ord. No. 93-553, § 35.04, 2-2-1993)

Sec. 35.05. - Adoption.

This is to certify that the undersigned do hereby authenticate the foregoing ordinance adopted on February 2, 1993 and published on February 10, 1993, effective the day following publication.

A. **Public hearing by Plan Commission:** December 21, 1992.

B. **Resolution of Plan Commission to approve Zoning Ordinance text and recommend City Council adoption:** December 21, 1992.

C. **Public hearing by City Council:** January 28, 1993

D. **First reading of the Zoning Ordinance:** January 5, 1993

E. **Final reading of the Zoning Ordinance:** February 2, 1993.

F. **Publication:** February 10, 1993.

MICHAEL A. GUIDO, Mayor

DUANE WYDENDORF, City Clerk

(Ord. No. 93-553, § 35.05, 2-2-1993)

TABLE OF ZONING MAP AMENDMENTS

This table lists those ordinances adopted since Feb. 2, 1993, which amend the City of Dearborn Zoning Map.

Ordinance Number	Date of Adoption
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Ordinance Number	Date of Adoption
93-559	4-15-93
94-593	4-19-1994
94-600	6-21-1994
94-601	6-21-1994
94-602	7-19-1994
94-603	7-19-1994
94-610	12-06-1994
94-613	10-18-1994
94-616	12-20-1994
95-630	5-16-1995
95-648	10-03-1995
95-654	1-02-1996
96-669	5-07-1996
96-673	6-04-1996
96-690	12-03-1996
96-691	1-07-1997
96-692	1-07-1997
97-700	5-06-1997
97-709	9-02-1997
97-711	10-07-1997
97-713	10-21-1997
98-719	2-17-1998
98-720	3-03-1998
98-721	3-03-1998
98-724	5-05-1998
98-729	7-07-1998
98-730	7-21-1998
98-732	8-18-1998
98-733	9-15-1998
98-734	8-18-1998
98-735	9-01-1998
98-743	10-28-1998
98-746	11-04-1998
98-750	12-15-1998
98-751	12-15-1998
99-752	1-05-1999
99-754	1-19-1999
99-755	1-19-1999
99-766	4-20-1999
99-772	6-15-1999
99-790	8-17-1999
99-796	10-19-1999
00-805	1-18-2000
00-815	2-02-2000
00-816	5-02-2000
00-818	5-16-2000
00-819	8-01-2000
00-823	6-20-2000
00-824	6-20-2000
00-828	6-20-2000
00-832	9-05-2000
00-833	10-17-2000
00-834	11-21-2000
01-851	5-15-2001
01-855	8-21-2001
02-869	1-15-2002
02-870	1-15-2002
02-902	5-21-2002
02-909	9-03-2002
02-917	11-19-2002
03-941	3-04-2003

03-942	4-15-2003
03-961	5-20-2003
04-997	3-16-2004
04-1004	6-15-2004
04-1007	7-20-2004
04-1014	8-17-2004
04-1016	9-21-2004
04-1019	11-16-2004
04-1020	12-21-2004
05-1025	1-03-2005
05-1026	1-03-2005
05-1027	2-07-2005
05-1030	3-07-2005
05-1031	3-07-2005
05-1032	4-04-2005
10-1272	5-17-2010
10-1274	6-21-2010
13-1396	5-14-2013
13-1397	5-14-2013
13-1399	6-11-2013
13-1400	6-11-2013
13-1403	6-11-2013
13-1405	8-13-2013
16-1556	11-1-2016
17-1576	3-21-2017
17-1583	6-13-2017
17-1584	6-13-2017
17-1589	8-15-2017
17-1598	11-14-2017
17-1599	11-14-2017
17-1600	11-14-2017
18-1606	1-30-2018
18-1628	9-11-2018
19-1644	- -2019
20-1671	1-28-2020
20-1687	10-20-2020
20-1688	10-20-2020
20-1692	12-8-2020
20-1695	2-9-2021
21-1699	2-9-2021
21-1700	2-9-2021
21-1707	6-8-2021
21-1710	9-14-2021
21-1718	9-28-2021
21-1719	9-28-2021

** For more specific details relative to the actual area being zoned or rezoned, see the Master Plan in the City Plan Department.

CODE COMPARATIVE TABLE

This table give the location within this Code of those ordinances adopted since Feb. 2, 1993, which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Adoption Date	Section	Section this Code
Ordinance Number	Adoption Date	Section	Section this Code
93-568	7- 6-1993		10.02
93-571	7-06-1993		12.02A.
93-572	9-21-1993		8.02F.(2)
93-574	11-03-1993		2.19B.1., 3.

93-575	11-03-1993		2.03D.3.
94-609	10-18-1994		1.03
			14.02(a)(6)
			18.02(a)(8)
94-617	1-03-1995		32.07B.1.(c)
95-624	3-07-1995		1.03
95-625	3-07-1995		4.01C.
95-626	3-07-1995		2.03A.3., B., C.2.(b) 3.
			2.03D.3.
		Dlt'd	2.05 8.
			2.05 12.
			2.09A.3.
			2.19C.4.
			2.20
95-627	3-07-1995		29.02
95-628	3-07-1995		1.03
95-643	7-05-1995		7.02C.6.
96-681	8-07-1996		24.01A., 24.02
			24.06, 24.07
		Dlt'd	24.09, 24.10
97-701	5-06-1997		29.02
97-710	10-07-1997		1.03
98-737	9-15-1998		32.02C.1.
99-785	7-20-1999		2.19A.1.
00-830	11- 8-2000		10.01—10.03
			12.01—12.03
			13.01—13.03
00-831	11- 8-2000		14.01—14.03
			15.01—15.03
			16.01—16.03
			18.01—18.03
			19.01—19.03
			20.01—20.03
			21.01—21.03
			22.01—22.03
			23.01—23.07
01-859	3-05-2002		2.05A.7.
01-860	12-18-2001		32.05A., C.2., E.3.
01-866	12-04-2001		24.01—24.08
01-867	12-04-2001		25.01—25.03
02-883	5-15-2002		2.03C.5.
			D.3.
02-884	4-16-2002		2.09A.3. Footnote 4
02-885	4-16-2002		2.14A.
02-886	4-16-2002	Added	2.19C.1.(e)
02-887	4-16-2002		3.05D.
02-888	4-16-2002		4.01D.1.
02-889	4-16-2002		5.02B.—D.
02-904	4-16-2002		32.05E.3.
02-918	11-19-2002		1.03
02-919	11-19-2002		2.19B.1.
02-920	11-19-2002		2.20
02-924	12-03-2002		32.05A., C.2., E.3.
02-925	12-03-2002	Added	2.03A.9.
03-943	3-04-2003	Added	14.02B.3.
03-962	5-20-2003		1.03
03-967	7-01-2003		4.01B.2., 4.
03-968	7-03-2003	Added	29.02 Footnote I
03-969	7-01-2003		1.03
03-976	8-05-2003	Added	32.05B.2., 3.
		Added	32.05C.3.
			32.05E.4., 6.

04-996	2-17-2004	Added	17.00
		Added	4.01G.
			29.02
04-1008	9-07-2004		1.03
04-1009	8-04-2004		2.03D.2.(d)
04-1010	8-04-2004		2.03C.3.
04-1011	8- 4-2004		2.03D.3.
04-1012	8-04-2004		2.14A.
04-1013	9-07-2003		4.01B.5.
04-1016	9-21-2004		1.03
04-1018	9-21-2004	Added	11.01—11.03
05-1029	3- 7-2005	Added	26.01—26.03
06-1081	10-16-2006		2.03C.2.(d)
06-1088	9-25-2006		7.02G.
07-1114	4- 2-2007	Added	3.05B.5.
07-1123	3-19-2007		14.02A.
07-1127	6- 4-2007		2.03C.2.(d)
08-1171	7-14-2008		2.03C.2.(b)
08-1172	7-14-2008		2.03C.4.(a)
08-1173	7-14-2008		2.09
08-1184	10-20-2008		1.03
08-1185	10-20-2008		1.03
08-1186	10-20-2008		1.03
08-1189	12- 1-2008		4.02B.7.
08-1190	12- 1-2008		4.01D.2.
08-1191	12- 1-2008	Added	4.01D.13.
08-1194	12-15-2008		1.03
08-1195	12-15-2008	Added	15.02B.9.
09-1200	1-20-2009	Added	7.02V.
09-1214	2-17-2009		2.03C.3.
09-1215	2-17-2009		4.01B.1.(b)
09-1217	3-16-2009		29.02,
			Footnote a.
09-1242	9-21-2009	Added	5.02B.4.
09-1243	9-30-2009	Added	15.02B.10.
10-1267	5- 3-2010		2.01A.
10-1275	6-21-2010		1.03
10-1276	6-21-2010	Added	14.02B.4.
10-1277	6-21-2010	Added	7.02W.
10-1284	7-19-2010	Added	15.02A.15.
11-1306	1- 4-2011		1.03
		Added	7.02X
			20.03A.3
11-1307	1- 4-2011		2.09
		Added	2.22
11-1318	4- 4-2011	Added	13.03A.5, 14.03A.6, 15.03A.6, 16.03A.5
11-1319	4- 4-2011		1.03, 2.03D.3
12-1362	9-11-2012		1.03, 7.05
12-1367	10- 9-2012		2.03B
12-1370	11-13-2012		24.02.1.(d)
13-1393	4-30-2013		17.06
13-1414	3- 4-2014		2.03A
14-1417	2-11-2014		1.03
14-1418	2-11-2014		10.02
14-1419	2-11-2014		11.02
14-1424	5-20-2014		33.03C.3
14-1431	8-12-2014		2.03D
14-1445	12- 9-2014		1.03
15-1458	4-21-2015		7.02V
15-1477	9-22-2015		2.14
15-1478	9-22-2015		1.03
15-1479	9-22-2015	Added	7.02Z
15-1480	9-22-2015		15.02

15-1481	9-22-2015		16.02
15-1482	9-22-2015		1.03
15-1483	9-22-2015	Added	7.02Y
15-1484	9-22-2015		16.02
15-1485	9-22-2015		18.02
15-1486	9-22-2015		19.02
15-1487	9-22-2015		20.02
15-1491	10-20-2015		4.01C
15-1492	10-20-2015		7.02E
15-1493	10-20-2015		15.02
15-1498	11-24-2015		15.02
15-1499	11-24-2015		16.02
15-1500	11-24-2015		4.01C
15-1501	11-24-2015		7.02E
15-1503	11-24-2015		15.02
15-1504	11-24-2015		16.02
15-1506	9- 6-2016		19.02
15-1507	9-20-2016		20.02
15-1508	9- 6-2016		4.01
16-1519	2- 9-2016		7.02E
16-1524	3-15-2016		18.02
16-1525	3-15-2016		19.01—19.03
16-1526	3-15-2016		29.02
16-1531	4-12-2016	Added	7.02AA
16-1542	9- 6-2016		4.01D
16-1545	10- 4-2016		19.02
16-1548	10- 4-2016		16.02
16-1557	1-17-2017		2.19
16-1562	12-13-2016		5.01—5.04
16-1563	12-13-2016		29.02
17-1566	1-31-2017		2.12
17-1567	1-31-2017		1.03
17-1568	1-31-2017	Added	4.03
17-1572	-- 2017		4.01
17-1573	7-18-2017		14.02
17-1582	6-13-2017		7.02E
17-1588	7-18-2017		4.01
17-1591	9-12-2017		7.05
17-1592	9-12-2017		15.02
17-1593	9-12-2017		16.02
17-1601	1-16-2018		1.03
17-1602	1-16-2018		4.01
17-1603	1-16-2018	Added	7.03C
17-1604	1-16-2018		12.02
18-1605	1-30-2018		3.05
18-1611	5-15-2018		16.02
18-1626	9-24-2019		2.05
18-1627	9-24-2019		29.02
19-1634	-- 2019	Added	27.01—27.08
19-1635	-- 2019		17.04, 17.10
19-1645	2-26-2019		15.02
19-1646	4-23-2019		2.03
19-1647	5-7-2019		22.02
20-1674	8-25-2020		19.02
20-1675	8-25-2020		29.02
20-1681	9-22-2020		27.01, 27.05
20-1690	12-8-2020		1.03
20-1691	12-8-2020		2.03
21-1696	2-9-2021		27.05
21-1722	1-11-2022		7.02
21-1723	1-11-2022		29.02

** For more specific details relative to the actual area being zoned or rezoned, see the Master Plan in the City Plan Department.