

APPENDIX A - ZONING^[1]

Footnotes:

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Editor's note— Printed herein is the Zoning Ordinance of the city, [Ordinance No. 128-B](#), as adopted by the council of the city on September 20, 2010. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

ARTICLE 1.00. - RULES OF CONSTRUCTION AND DEFINITIONS

Sec. 1.01 - Short title.

This ordinance shall be known and may be cited as the City of Flat Rock Zoning Ordinance, within the following text it may be referred to as the "Ordinance".

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 1.02 - Rules of construction.

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

1. The particular shall control the general.
2. Words used in the present tense shall include the future.
3. Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The work "may" is permissive.
5. The masculine gender includes the feminine and neuter.
6. All measurements shall be to the nearest integer, unless otherwise specified herein.
7. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
8. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
11. Unless the context clearly indicated the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," or "either/or," the conjunction shall be interpreted as follows:
 - "And" indicates that all the connected items, conditions, provisions, or events shall apply.

- "Or" indicated that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - "Either/or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
12. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this ordinance.
13. Unless the context clearly indicates to the contrary, where an illustration or photo accompanies any item within this ordinance, the written text shall have precedence over said illustrations. Photos are for illustrative purposes only.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 1.03 - Definitions.

Whenever used in this ordinance, the following words and phrases shall have the meaning ascribed to them:

Abutting: Land having a common property line or district line or separated only by a private street or easement.

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 regulated uses: As used in this ordinance, the following definitions shall apply to adult regulated uses:

Adult book or supply store: An establishment having ten 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 matter 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. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Group "A" cabaret: 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, or topless and/or bottomless waitpersons or employees.

Adult motion picture theater or adult live stage performing theater: An enclosed building with a capacity of 50 or more persons 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 therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult outdoor motion picture theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

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 osteopath, or chiropractor; a registered or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

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 a point immediately above the top of the areola, and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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, fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Agriculture: The use of land for agricultural purposes, including cultivating the soil, producing crops, and raising livestock. Land used for agriculture may be used for farming, a dairy, for pasture, as a nursery, as an orchard, for poultry farming, as a greenhouse, or for similar operations. (See also "Farm.")

Alley: A dedicated public vehicular way which affords a secondary means of access to abutting property but is not intended for general traffic circulation or for parking, standing, or loading.

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

Animal hospital: See "Clinic, veterinary."

Apartment: See "Dwelling, multiple-family."

Attached wireless communication facility (antennae): Any wireless communication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., used to receive and transmit federal or state licensed communications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures (see "Wireless communication facility").

Auto mall: An establishment consisting of several new car dealers, vehicle service establishments, and related businesses in an integrated, planned center.

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, and which is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by addition together the parking

Automobile or vehicle 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 or vehicle repair garage: An enclosed building where the following services may be carried out: general repairs, engine rebuilding, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and, similar vehicle repair activities.

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

Automobile wash or car wash establishment: A building or portion thereof where automobiles are washed.

Base flood: The flood having a one-percent change of being equaled or exceeded in any given year. Also known as the 100-year flood.

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-n-breakfast inn: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

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

Block: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the city, or any other barrier to the continuity of development. In the case of a cul-de-sac, a block shall include the property on one side of the street lying between the intersecting through street and the extension of the center line of the cul-de-sac street through the property facing the turnaround at the closed end of the street.

Boarding house or rooming house: A building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this ordinance.

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 of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a buildings. A building shall not include such structures as signs, or fences, or structures not normally accessible for human occupation, such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures. When any portion of such a structure is completely separated from every other part of the structure by walls extending from the ground up without any openings, each portion of such structure shall be deemed a separate building.

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

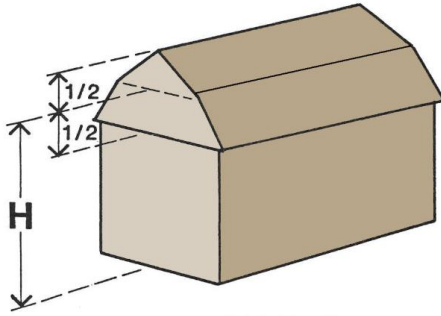
Building, principal: A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

Building, 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. An example of a temporary building is a trailer used on construction site.

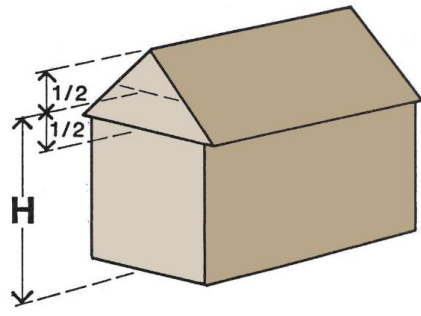
Building height: The vertical distance measured from the established grade to:

- The highest point of the coping of a flat roof;
- To the deck line of mansard roofs; or
- To the average height between the eaves and the ridge for gable, hip, and gambrel roofs.

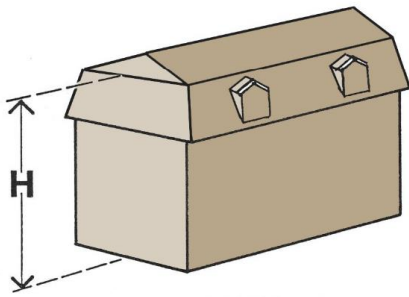
Where a building is located on sloping terrain, the height shall be measured from the average ground level at the building wall (see illustration).



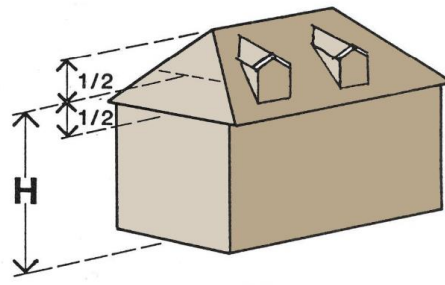
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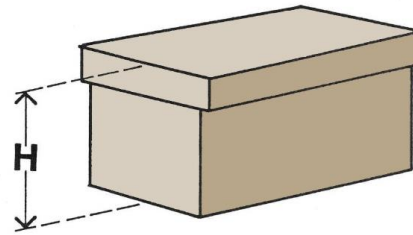
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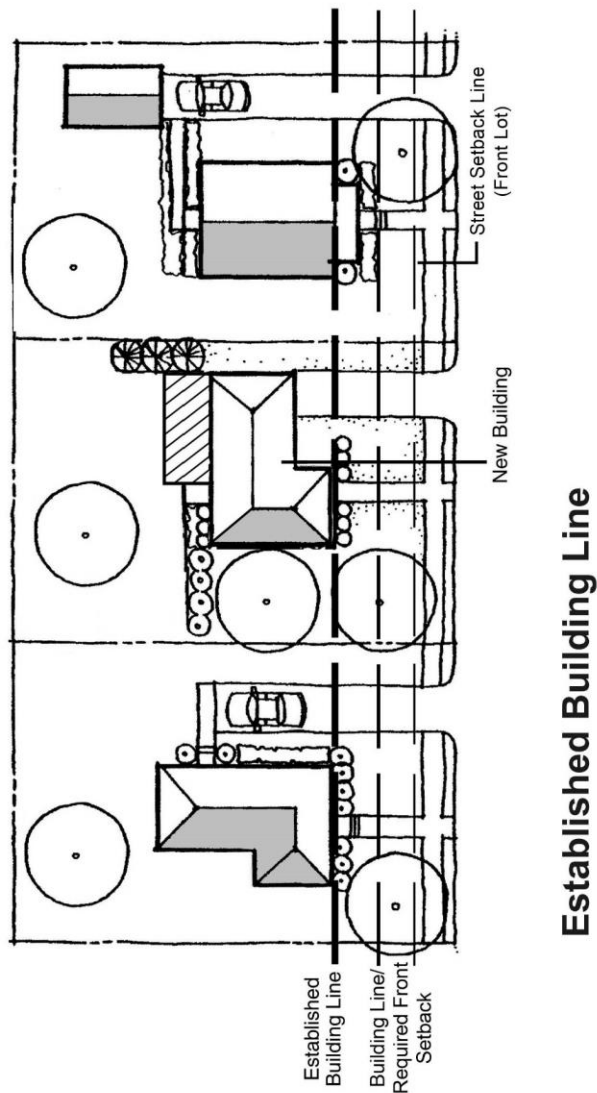
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FLAT

Building Height

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



Established Building Line

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.

Caretaker living quarters: An independent residential dwelling unit designed for and occupied by one person who is employed to look after goods, buildings, or property on a commercial or industrial parcel on which the living quarters are located. See also "Dwelling, accessory apartment."

Carport: An accessory structure attached to a principal building or freestanding, having a roof with one or more open sides, which is used primarily for the purposes of sheltering vehicles.

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

Child care center or day care center: A facility other than a private residence, which receives one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A child care center may also sometimes be referred to as a nursery, day nursery, or nursery school.

Church or synagogues: Any structure wherein persons regularly assemble for religious activity.

City: The City of Flat Rock, Wayne County, Michigan.

City council: The City Council of the City of Flat Rock, Wayne County, Michigan.

Clinic, veterinary: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building.

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.

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

Commercial use: The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Commission: The Planning Commission of the City of Flat Rock.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in Michigan Public Act 59 of 1978, as amended.

Congregate housing: See "Housing for the elderly."

Convalescent home: See "Nursing home."

Convenience store: A one-story, retail store containing less than 2,000 square feet of gross floor area 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, which is bounded on at least two sides by a building. A court which extends to the front yard or front lot line or to the rear yard or rear lot line shall be deemed an "outer court." Another court shall be deemed 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.

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.

Developable envelope: The area of a lot which is defined by the minimum setback requirements, within which building construction can occur.

Distribution center: A use which typically involves both warehouse and office/administrative 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 the City of Flat Rock 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 is dependent on providing service 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 this ordinance. Garage space, whether in an attached or detached garage, shall not be deemed a part of a living space.

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.

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

- The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
- 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
- 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 manufactured home is a type of manufactured housing, which is defined as follows:

Dwelling, manufactured home: A structure, transportable in one 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 a manufactured home for the purposes of this ordinance.

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:

Apartment: An apartment is an attached dwelling unit with party walls, contained in a building with other apartments 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.

Efficiency unit: An efficiency unit is a type of multiple-family or apartment unit consisting of one 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 family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, two-family or duplex: A detached building, designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

Dwelling unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one 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 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 also commonly known as row houses.

Drive-in theater: An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term "drive-in theater" as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

Earth-sheltered home: A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

Easement: Any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

Essential services: The term "essential services" shall mean 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, commercial buildings or activities, or wireless communication facilities.

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

Exception: Certain uses, such as essential services as defined herein, considered by the planning commission to be essential or desirable for the welfare of the community, and which are appropriate and not incompatible with the other uses in the zoning district, but not at every or any location or without conditions being imposed due to special considerations related to the character of the use.

Family: One or more persons related by blood, bonds or marriage, or legal adoption, plus up to a total of three additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit, or a collective number of individuals living together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for a limited duration of a school term or terms or other similar determinable period.

Family day care home: A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, attended by other than a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home, includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

Farm: All of the contiguous neighboring or associated land operated as a single unit which is cultivated for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including establishments operated as

bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries, or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land. A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for educational, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farm" or "interpretative farm."

Farm buildings: Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

Feed lot: A feed lot shall include any of the following facilities:

- (1) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail;
- (2) Any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence: An accessory structure composed of manmade materials and of definite height and location intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this zoning ordinance; or for decorative use.

Fence, obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this zoning ordinance.

First floor: The floor of a building which is located approximately at the established grade or is the nearest floor above the established grade of the building.

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

Floodplain: Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- That area which typically is adjacent to a river, stream, or other body of water, and is designated as subject to flooding from the 100-year base flood indicated on the "flood boundary and floodway map" prepared by the Federal Emergency Management Agency, a copy of which is on file in the city offices.
- Principal estuary courses of wetland areas that are part of the river flow system.
- Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

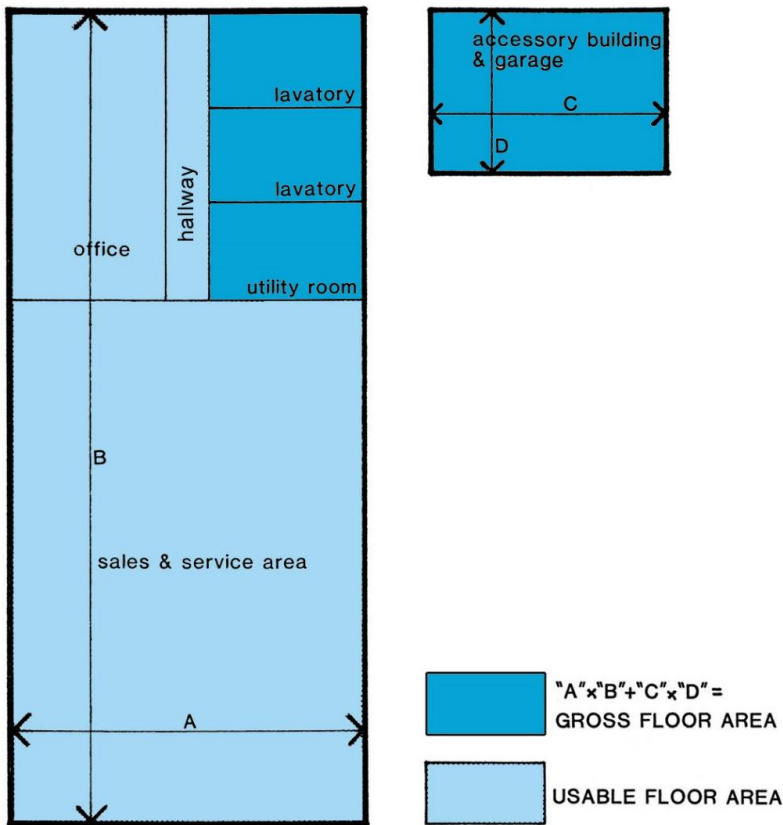
Floodway: The channel of a river or other watercourse and the adjacent lands that must be reserved in order discharge floodwaters without cumulatively increasing the water surface elevation more than one foot. As used in this ordinance, "floodway" refers to that area designated as a floodway on the "flood boundary and floodway map" prepared by the Federal Emergency Management Agency, a copy of which is on file in the city offices.

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: The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or four utilities shall be

excluded from the computation of usable nonresidential floor area. In those cases where usable floor area cannot be determined (such as in an unoccupied retail building), usable floor area shall be equal to 80 percent of the total floor area of the building.



Floor Area

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.

Fowl: Any domestic bird or poultry, including chickens, turkeys, guinea-fowls, ducks, geese, pheasants and pigeons.

Fraternal organization: See "club."

Garage, community: A structure or series of structures for the storage of motor vehicles owned by two or more occupants or property in the vicinity. Community garages shall not have public repair facilities.

Garage, private: An accessory building for parking or storage of up to four motor vehicles owned by two or more 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 or vehicle repair garage."

Golf course or country club: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club. See also "Par-3 golf course."

Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When 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, when the lot is more than six feet from the building.

Group day care home: A private home in which more than six but not more than 12 minor 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. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Guest house: An accessory building intended for temporary or periodic use as an auxiliary sleeping facility, but which does not have kitchen facilities, and is not intended to be used as a permanent residence. See also definitions for "bed-n-breakfast inn and "boarding house."

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

Hazardous uses: 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/1987, as amended, edition prepared by the Building Officials Conference of America, Inc.

Highway: A public thoroughfare or street, except alleys, but including federal, interstate, state, and county roads, including those appearing on plats recorded in the office of the register of deeds and accepted for public maintenance.

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:

- Change the character or appearance of the residence.
- Does not result in any sales of commodities or goods on the premises, and
- Does not require equipment other than what would commonly be found on a residential premises.

Hospital: An institution which is licensed by the Michigan Department of Health to provide inpatient 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.

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 bedroom and a bath, occupied for hire, in which access to at least 50 percent of the lodging units is through a common entrance, in which provision is not made for cooking in the individual units, which shall provide customary 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 accommodating at least 20 guests which provides dining service for a minimum of two meals during the day, and a general kitchen.

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

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

Elderly housing complex: A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.

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.

Ice cream parlor: A retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state. 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 this ordinance.

Indoor recreation center: An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purpose of this ordinance, a bowling establishment shall be considered a type of indoor recreation center.

Ingress and egress: As used in this ordinance, "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: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: Junk, scrap iron, metals, paper, rags, tires, bottles and automobiles. The term "junkyard" shall include automobile wrecking yards and salvage yards.

Kennel: Any lot or premises on which three or more dogs, cats, or other domestic animals six 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.

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 material. In addition, a landscape design may include other decorative manmade 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:

Berm: A continuous, raised earthen mound 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 this ordinance.

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

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 this ordinance.

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

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

Interior landscaping area: 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.

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.

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 materials shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

Shrub: A self-supporting, deciduous or evergreen woody plant, normally branches near the base, bushy, and less than 15 feet in height.

Sod: An area of grass-covered surface soil held together by matted roots. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.

Tree: A self-supporting woody, deciduous or evergreen plant with a well-defined stem which normally grows to a mature height of 15 feet or more in Wayne County, Michigan.

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 about 25 feet or less.

Shade tree: For the purposes of this ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Wayne County, Michigan, and having a trunk with at least five feet of clear stem at maturity.

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.

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm.

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 or parcel): For the purposes of enforcing this ordinance, a lot is defined as a piece of land under single ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. A lot shall have frontage on a dedicated roadway or, if permitted by the regulation set forth herein, on a private road. A lot may consist of:

A single lot of record;

A portion of a lot of record;

A combination of complete lots of record, or portion thereof; or

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 abutting public street right-of-way or private road easement.

Lot area, gross: The net lot area plus one-half of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot, corner: A lot of which at least two adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than 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 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. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner, (see illustration).

Lot coverage: The part or percent of the lot that is occupied by buildings or structures, including accessory buildings and structures and swimming pools, but excluding patios, satellite dish antennas, and decks.

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: A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street 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 or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front (see illustration).

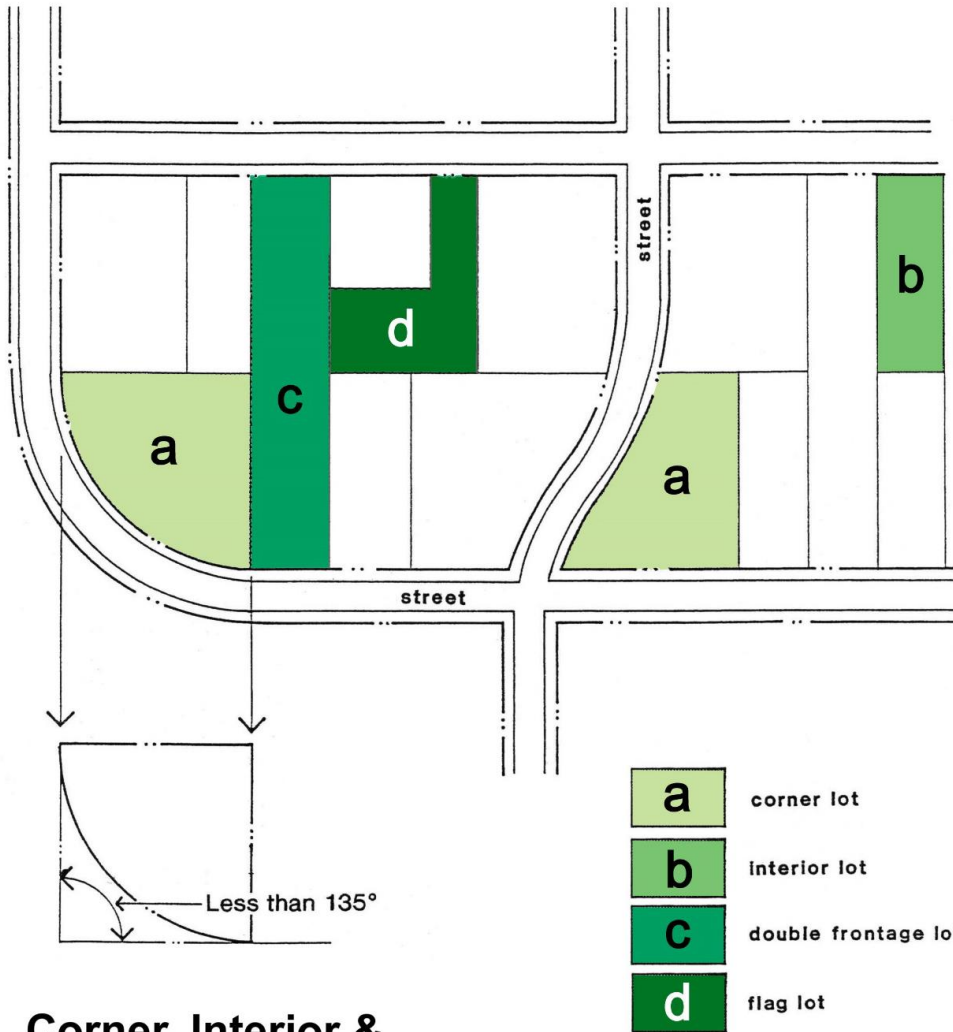
Lot, interior: Any lot other than a corner lot with only one lot line fronting on a street.

Lot lines: The lines bounding a lot as follows (see illustration).

Front lot line: In the case of a lot not located on a corner, the line separating said lot from the street 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 that street which is designated as the front street on the plat, or which is designated as the front street on the site plan review application or request for a building permit.

Rear lot line: Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of 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 feet in length, lying farthest from the front lot line and wholly within the lot.

Side lot line: Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



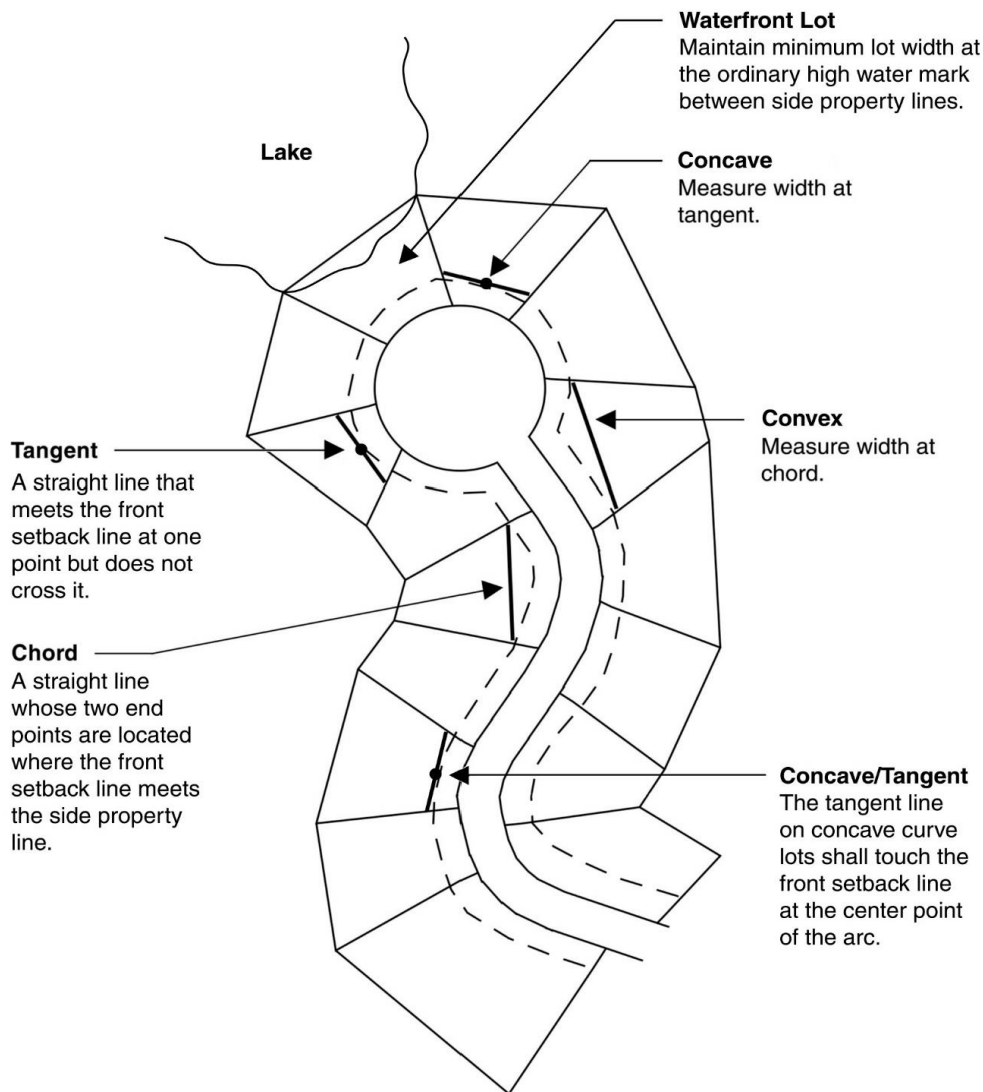
Corner, Interior & Double Frontage Lots

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 a lot or parcel described by metes and bounds, the 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.

Lot width: On rectangular lots, the straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see illustration).

On lots located on the outside of the curve of a street, the straight line distance between the side lot lines measured at the minimum front yard setback on a line parallel to the street chord.

On lots located on the inside of the curve of a street, the straight line distance between the side lot lines measured on a line parallel to the street chord at the minimum rear yard setback or 30 feet behind the minimum front setback line, whichever is greater.



Lot Width & Front Yard Setbacks

Lot split and consolidation: The dividing or uniting of lots of record by virtue of changes in the deeds in the office of the Wayne County Register of Deeds.

Main access drive: Any private street designed to provide access from a public street or road to a manufactured housing park, apartment or condominium complex, or other private property development.

Master land use plan: The master land use plan is a document which is prepared under the guidance of the planning 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.

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 within, each of which consists of 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.

Manufactured home: See "dwelling, manufactured home."

Manufactured housing park: A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary park, subject to conditions set forth in the Manufactured Housing Commission Rules and Michigan Public Act 96 of 1987, as amended.

Manufactured home lot: An area within a manufactured home park which is designated for the exclusive use of a specific manufactured home.

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 made for cooking within the rooms, in which a minimum of 50 percent plus one of the units feature exterior entrances, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture.

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

Nonconforming building/structure: A building or portion thereof that was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the provisions of the ordinance in the zoning district in which it is located.

Nonconforming lot: A lot which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other regulations pertaining to lots in the zoning district in which it is located.

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

Non-motorized pathway: A minimum ten-foot wide paved pathway, designated by the city on the non-motorized pathway master plan, for the purposes of accommodating transient bicyclists, pedestrians, and other forms of non-motorized transportation throughout the city. The pathway shall be constructed to city engineering standards. Signs located along a designated non-motorized pathway are subject to location, design, and construction standards outlined in the City of Flat Rock Sign Ordinance.

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, violates the laws of decency, obstructs reasonable and comfortable use of property, or endangers life and health.

Nursery, day nursery, 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, infirmed, or those suffering from bodily disorders, wherein two 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: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

Occupancy load: The maximum number of individuals for which a building or structure has been designated to accommodate, as may be regulated by local ordinance or state law.

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

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

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

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

Various outdoor recreation uses, including, but not limited to: Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and children's amusement parks.

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.

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.

Par-3 golf course: A golf course consisting of shortened fairways, typically no longer than 200 yards. Eighteen-hole par-3 golf courses typically occupy 50 to 60 acres.

Parapet wall: An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel: See "lot."

Parking lot, off-street: An area on private property which provides vehicular parking spaces along with adequate drivers and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than four vehicles.

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

Party store: A retail establishment licensed by the State of Michigan where more than ten percent of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Person: An individual, trustee, executor, other 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.

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

Planned unit development: A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this ordinance using innovative and effective planning approaches.

Planning commission: The planning commission of the City of Flat Rock.

Principal use: See "use, principal."

Private road: A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.

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 utility: Any person, 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.

Railroad classification yard: A railroad yard area used principally for classifying railroad freight cars into train loads to be delivered to distant railroad centers for disbursement, or the receiving of train loads for disbursement to local centers. Railroad classification yards may also include use of track for repair of trains.

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:

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

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

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.

Other recreational equipment: Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

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.

Travel trailer: A portable vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, 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 contain sanitary, water, and electrical facilities.

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 of a nonconforming use or structure.

Regulated uses: Shall mean:

1. Adult regulated uses.
2. Pawn shop or pawn broker, being defined as any business who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or valuable thing on condition of selling the same back again at a stipulated price.
3. Tattoo parlor, being defined as an establishment which provides external body modifications through the application of a tattoo, body-piercing or branding.
4. Bar/lounge.

5. Hookah lounge.
6. Motel.
7. Pool/billiards hall.
8. Secondhand store.
9. Smoke shop.
10. Young adult entertainment establishment.

Rest home: See "nursing home."

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.

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

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

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

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

Restaurant, standard: A standard restaurant is a restaurant 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.

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

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

Roadside stand: A temporary or permanent building operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, every dwelling unit shall have at least one room that shall not have less than 120 square feet of net floor area. Other habitable rooms (e.g. living room, dining room and bedroom), except kitchens, shall have a net floor area of not less than 70 square feet. A room shall not include the area in a kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two- or three-bedroom units and including a "den," "family room," "study" or "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Satellite dish (antenna): A device incorporating a reflective surface that is solid, mesh, or, bar configured, and is in the shape of a shallow dish, parabola, cone or horn, used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. Included are antennae for citizen band radio, short wave radio, ham and amateur radio, television reception antennae, satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal authority. This definition does not define antennas used within or as part of a wireless communication facility.

Secondary access drive: Any private street that is generally parallel to and adjacent to an arterial street 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 street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Semi-trailer: A trailer, which may be enclosed or not enclosed, exceeding 18 feet in length, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Setback: The distance between a front, side or rear lot 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 and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this ordinance (see definition of yard).

Sign: A sign is the use of any words, numerals, figures, devices, designs, trademarks, or combination thereof, visible to the general public and designed to inform or attract the attention of persons not on the premises on which the sign is located. Various types of signs and sign-related terms are defined in the adopted sign ordinance of the City of Flat Rock Article 27.00, Sign Ordinance, which also contains regulations controlling the placement, size, construction, and maintenance of signs.

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.

Site plan: A plan showing all salient features of a proposed development, as required in section 24.02, so that it may be evaluated to determine whether it meets the provisions of this ordinance.

Special event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Flat Rock community group, 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 ran for a short period of time (less than two 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 properly classified as a permitted use in a particular zoning district or districts. 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 by the planning commission, subject to the terms of this ordinance.

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 use on the site.

Stable, public: A public stable is an enclosed building for housing for the keeping of horses or other large 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 or 1979. These acts provide for the following types of residential structures:

Adult foster care facility: A governmental or nongovernmental establishment that provides foster care to adults 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. Subject to Section 26a(l), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an

ongoing basis but who do not require continuous nursing care. The following four types of adult foster care homes are provided for by these rules:

Family home: Private residence for six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.

Adult foster care small group home: Residence for 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 or more residents will live in the house.

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

Congregate facility: Residence for more than 20 adults.

Foster family home: A private residence that houses four or fewer minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Chapter X of the Probate Code of 1939, PA 288, are given care and supervision for 24 hours a day, for four or more days per week, for two consecutive weeks, unattended by a parent or legal guardian. 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.

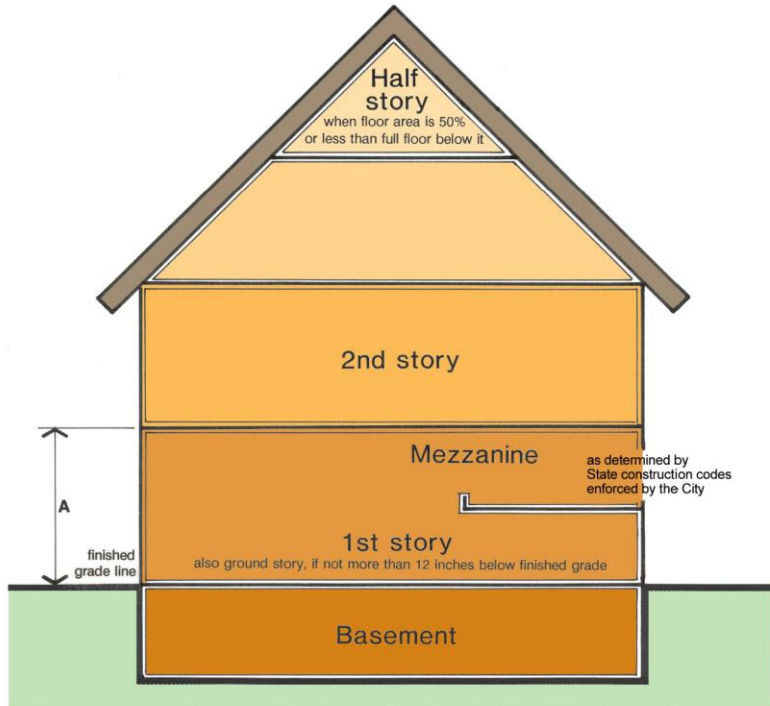
Foster family group home: A private residence that houses more than four but less than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Chapter X of the Probate Code of 1939, PA 288, are given care and supervision for 24 hours a day, for four or more days per week, for two consecutive weeks, unattended by a parent or legal guardian. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the department of social services.

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. A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.

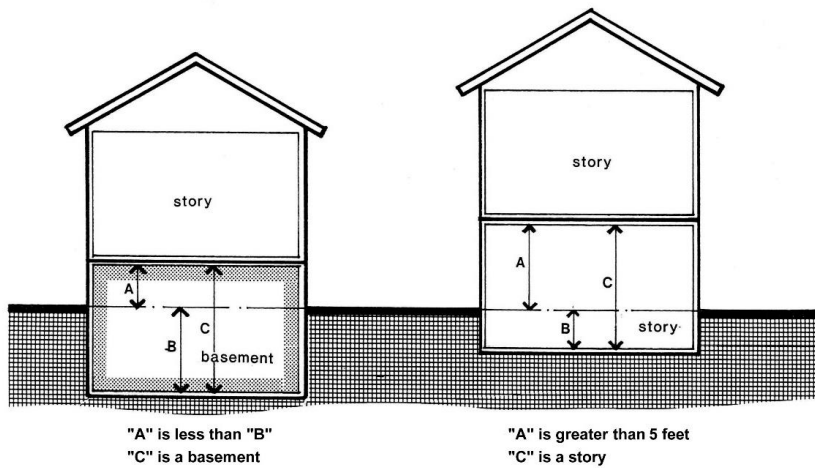
A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling (see illustration).

Story above grade: Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than 50 percent of the total perimeter or more than 12 feet at any point.

Story, half: The upper most story lying under a pitched roof, the usable floor area of which does not exceed one-half of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven feet, six inches.



Basic Structural Terms



Basement and Story

Street: A public or private thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

Arterial street: A major street that carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the city.

Collector street: A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but may also provide direct access to abutting properties.

Cul-de-sac: A street that terminates in a vehicular turnaround.

Local or minor street: A street whose sole function is to provide access to abutting properties.

Private street or road: A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.

Subcollector street: A street whose principal function is to provide access to abutting properties but is designed to be used or is used to connect minor and local streets with collector or arterial streets.

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

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

Subdivision plat: The division of a tract of land into two or more lots, building sites, or other divisions 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 City of Flat Rock Subdivision Control Act, Chapter 52, as amended.

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

Tourist cabin: A small freestanding building which is designed to furnish overnight accommodation for guests for compensation, primarily for the general public traveling by motor vehicle.

Tourist home: A dwelling in which certain rooms in excess of those used by the regular family members, as herein defined, are made available as accommodations for transient guests for compensation, primarily for the general public traveling by motor vehicle.

Toxic or hazardous waste: Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

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

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.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

Use, permitted: A permitted use is 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.

Use, nonconforming: See "nonconforming use."

Use, principal: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

Use, accessory: See "accessory use, building, or structure."

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.

Veterinary hospital: See "clinic, veterinary."

Variance: A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted.

Walls, obscuring: An obscuring structure of definite height and location constructed of wood, masonry, concrete, or similar material.

Warehouse: A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also "distribution center."

Wireless communication facility: All facilities, structural, attached, or accessory, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and includes, radio and television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities.

Not included are facilities for: Citizen band radio, short wave radio, ham and amateur radio, television reception antennae, satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal authority. Wireless communication facilities shall be specifically excluded from the definition of "essential services."

Wireless communication facility (colocation): The location by two or more wireless communications providers, public authorities or other duly authorized parties of wireless communications facilities on a common structure in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities and/or support structures within the city.

Wireless communication support structure (tower): Any structure used to support attached wireless communication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, or other similar structures which support wireless communication facilities.

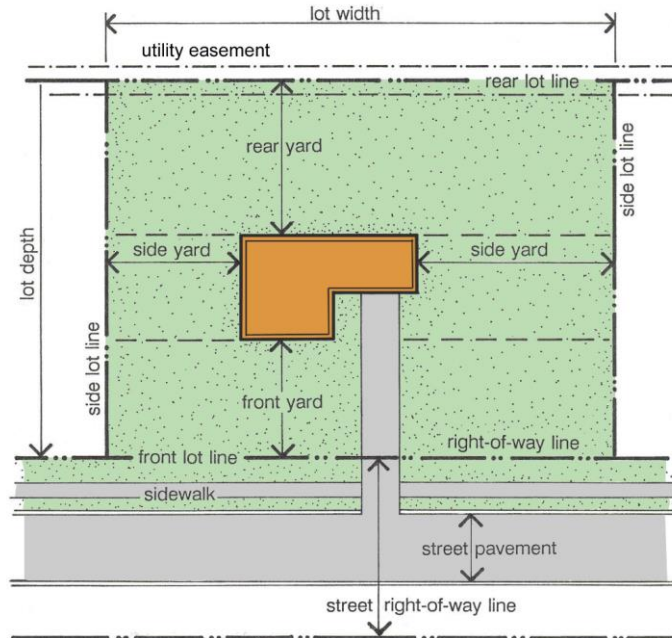
Wholesale sales: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this ordinance. 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 this ordinance (see illustration).

Yard, front: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the front lot line and the nearest line on the principal building. On corner lots, the front yard may be opposite either street frontage, but there shall only be one front yard.

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. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

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.



Yard Terms

Zero lot line development: A development approach in which a building is sited on one or more lot lines with no yard.

Zoning board of appeals (ZBA): The zoning board of appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 418, § III, 1-3-12](#) ; [Ord. No. 427, § I, 4-21-14](#))

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 regulations specified herein for the zoning district in which the structure or land is located.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance and provided construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion of construction said 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 maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence. No portion of a lot used in complying with the provisions of this ordinance for yards, courts, lot area, lot coverage, in connection with an existing or planned building or structure, 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.* The division and consolidation of land shall be in accordance with the subdivision control ordinance of the City of Flat Rock (chapter 52). Any zoning lot shall hereafter be divided into two 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 applicable regulations of the zoning district in which the property is located, and provided further than no lot shall be divided so that the depth is greater than four times the front width.
- 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 become or be made lawful solely by reason of the adoption of this ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this ordinance, such building shall be deemed an unlawful structure and a 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 so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.02 - Permitted uses.

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist with the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls and conditions. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 410, § I, 12-6-10](#))

Sec. 2.03 - Accessory structures and uses.

Accessory structures and uses shall comply with the following regulations:

A. *General requirements.*

1. *Timing of construction.* No accessory 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 said plans shall indicate the location of proposed accessory structures and uses.
 3. *Nuisances.* Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.
 4. *Conformance with lot coverage standards.* Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
 5. *Location in proximity to easements or rights-of-way.* Accessory buildings and structures shall not be located within a dedicated easement or right-of-way and further, shall be located at least one foot away from the easement or right-of-way.
- B. *General requirements for detached accessory structures and uses.*
1. *Location.* Detached accessory buildings and structures shall not be located in a front yard or required side yard, except on a lot that abuts a lake or stream. One accessory building or structure may be permitted in the front (i.e., on the side facing the road) of a lot abutting a lake or stream provided further that any such accessory building or structure shall comply with the minimum setback requirements for the district in which it is located.
 2. *Setbacks.* Accessory structures or uses (including garages) which are not structurally attached as defined above, shall meet the same setback and coverage requirements as set forth for the principal structure, except as otherwise specified for accessory structures in residential districts. Accessory structures or uses on double frontage lots shall be restricted to the central one-third of such lots.
 3. *Height.* Detached accessory buildings and structures shall conform to the height requirement for the principal structure in the district in which it is located, except as may otherwise be specified for accessory buildings and structures in residential districts.
- C. *Attached accessory structures or uses.* Unless otherwise specified in this section, accessory structures or uses (including garages and breeze ways) which are attached to the principal building or structure shall be considered a part of the principal building for the purposes of determining conformance with area, setback and bulk requirements. For the purposes of this section buildings or structures that are within ten feet of the principal building or structure shall be considered "attached."
- D. *Specific requirements for accessory structures and uses in residential districts.*
1. *Size and number.* The maximum floor area for the total of all accessory structures on a lot in a residential district shall be equal to 35 percent of the floor area of the house, plus three percent of the total lot area, except for R-1C districts. In R-1C districts, the total maximum floor area of all accessory structures on a lot shall be equal to 35 percent of the floor area of the house, plus five percent of the total lot area. In no case shall the floor area of the accessory structure exceed the area of the principal residential structure in any single-family residential district. No more than two accessory structures shall be permitted on each lot in any platted subdivisions. The area of an attached garage which is designed as an integral part of the house (rather than as add on) shall not be included in the computations to determine conformance with maximum floor area standards of accessory structures.
 2. *Height.* Accessory structures in residential districts shall not exceed 12 feet in height.
 3. *Lot coverage.* Accessory structures and uses in residential districts shall not occupy more than 25 percent of the required rear yard and no more than 40 percent of the total rear yard.
 4. *Setbacks.* Accessory structures and uses in residential districts shall conform to the setback requirements for the district in which they are located, except as follows:

- a. Detached accessory structures and uses located on the rear one-quarter of the lot shall be permitted no closer than three feet to any side or rear property line.
 - b. Accessory structures located on a corner lot shall not extend nearer to the side street lot line than the main portion of the principal building.
5. *Uses of accessory structures.* Attached and detached accessory structures in residential and agricultural districts shall not be used as a dwelling unit or for any business, profession, trade, or occupation.
 6. *Garages.* One private garage or carport (as defined in article 1.00) shall be permitted per residential lot. Any such garage or carport shall be used for the storage of only vehicles owned and used by occupants of the residence to which it is accessory, subject to the requirements in section 4.01B.3.
 7. *Wood piles.* Storage of up to two full cords of wood shall be permitted per residential lot provided that the wood is stored at least one foot off of the ground and provided further that stacked wood does not block any doors, windows, or other openings.
- E. *Specific requirements for accessory structures and uses in commercial and industrial districts.* Accessory structures in commercial and industrial districts shall meet the same setback and coverage requirements as set forth for the principal structure, except that in the M-2 district the following accessory uses may be permitted in the front or side yard subject to the approval of the planning commission: Buildings for parking attendants, guard shelters, gate houses, and transformer buildings.

([Ord. No. 128-B, § I, 9-20-10](#))

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

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.

No dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker. Any such living quarters shall be consisted 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.

([Ord. No. 128-B, § I, 9-20-10](#))

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.

A. *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 furthermore, mobile homes shall comply with all other 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 apparatuses shall be removed before attaching a mobile home to its permanent foundation. If a crawl space is provided instead of a basement, the crawl space shall have a minimum clear distance of 24 inches below the bottom of the floor joists 12 inches of which may be below the finished exterior grade. The crawl space shall not be used for storage purposes.
 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).
 4. *Floodplain.* No dwelling unit, including mobile homes, shall be located within a 100-year floodplain without first obtaining necessary permits from the Michigan Department of Natural Resources. No dwelling unit shall be located in a floodway.
 5. *Use.* Mobile manufactured homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.
 6. *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.
 7. *Garages.* A one- or two-car garage shall be constructed in conjunction with the construction of any new single-family residence if a majority of other houses within 300 feet of the proposed residence have garages.
 8. *Mechanical equipment.* All mechanical equipment, except for room air conditioners and roof mounted television antennas (including satellite dish antennas), shall be concealed from view from public rights-of-way.
 9. *Utilities.* Utility and service lines shall be designed for permanent attachment to the home in accordance with applicable city codes and ordinances. Above ground heating fuel tanks shall be screened from view from public rights-of-way by the residence itself or by enclosure in a storage shed or ornamental screening.
- B. *Requirements applicable to class a mobile homes.* Mobile homes erected outside of mobile home parks after the effective date of this ordinance shall comply with the general requirements set forth previously in section 2.05A., and with the following regulations for Class A mobile homes. Any mobile home which does not comply with the following regulations shall be designated a Class B mobile home.
1. *Design features.* The fenestration and other features of Class A mobile homes, including exterior wall colors and color combinations, shall be similar to site-built homes within 500 feet of the mobile home property boundaries. Such features shall include building height and number of stories. For example, if homes within 500 feet are predominately one and one-half- and two-story structures, then the proposed mobile home must have one and one-half or two stories. Predominance shall be determined to exist if more than 50 percent of homes within 500 feet have the same or similar characteristic(s).

In no more than one site-built dwelling is presently located within 500 feet of the proposed location, then the mobile home shall be compared to all site-built homes within the city. Such distance shall be measured from the property line of the proposed mobile home site to the property line of surrounding properties.
 2. *Roof pitch.* The pitches of the main roof shall have a minimum vertical rise of one foot for each four feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten feet, except where the specific housing design dictates otherwise (ie. French

provincial, Italianate, etc.). The roof shall be finished with a type of shingle or other material that is commonly used in standards on-site residential construction.

3. *Exterior materials.* The exterior siding of a Class A mobile home shall consist of materials that are not grossly dissimilar to the type of materials used in single-family homes in the surrounding area provided that the reflection from such exterior surface shall be no greater than from which semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. *Dimensions.* The dimensions and proportions of Class A mobile homes shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a Class A mobile home shall be so located on the lot so that the minimum width of the front elevation shall be no less than 34 feet and the minimum dimension along any side elevation shall be no less than 20 feet. Such dimensions shall be measured from outer extremities and shall include additions to the main body of the mobile home, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within ten feet of the front of the main body of the mobile home. Further, the floor area of the proposed dwelling shall be at least 75 percent of the average square footage of site-constructed single-family dwellings in the surrounding area.
5. *Ceiling height.* Class A mobile homes shall have a minimum ceiling height of seven feet six inches in all rooms.
6. *Roof overhand.* Class A mobile homes shall be designed with either a roof overhand of not less than six 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. Eaves troughs shall be provided where appropriate for roof drainage.
7. *Exterior doors.* Class A mobile homes shall have not less than two exterior doors which shall not be located on the same side of the building.
8. *Windows.* The design and position of windows shall not be grossly dissimilar in relation to other single-family homes in the surrounding area.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.06 - Reserved.

Sec. 2.07 - Temporary structures.

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

1. *Temporary structures used for residential purposes.* A building or structure may be approved for temporary residential use only under the following circumstances:
 - a. During actual construction of the permanent residence on the site.
 - b. While damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired.

A building or structure may be used for temporary residential use for a period not to exceed 90 days. Any such structure, including a house trailer, basement, garage, barn, or other outbuilding, shall not be used as a temporary residence on any parcel without prior review by the fire department and review and approval of the building official.

2. *Temporary structures used for nonresidential purposes.* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after

review 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.

3. *Permits.* Permits for the utilization of temporary structures (including tents) shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure, and the building official may require posting of a bond to insure removal. A certificate of occupancy shall be required for such structures.
4. *Use as an accessory structure.* A temporary building or structure shall not be used as an accessory building or structure, except as permitted in section 2.07A.1., above.
5. *Special events.* The city council, in accord with policy guidelines it establishes, may grant temporary use of land and structures for special events, as defined in article 1.00 of this ordinance.
6. *Christmas tree sales.* Christmas trees may be sold for profit on lots located in the C-1, C-2, C-3, M-1, and M-2 districts, provided a permit is first obtained from the building official. In addition, churches, schools, and other nonprofit organizations in any district may use their own grounds for the sale of Christmas trees, subject also to issuance of a permit by the building official. All trees, parts of trees, signs, stakes, and other equipment or debris associated with the Christmas tree sales operation shall be removed from the site not later than the 28th day of December of the year in which the sales takes place.
7. *Circuses, fairs, carnivals, and similar uses.* Circuses, fairs, carnivals, and similar uses may be permitted for a temporary period of time under the following circumstances:
 - a. Such uses may be permitted only when engaged in by schools, churches, fraternal societies, and similar nonprofit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.
 - b. Such uses shall be confined to the land and buildings normally used and occupied by such nonprofit institutions, unless the use of other lands is approved by the city council.
 - c. Such uses shall not disturb general public peace and tranquility, or shall such uses be detrimental to adjacent surrounding property.
 - d. Permit for such uses may be granted for a period of eight consecutive days; however, a permit may be renewed for not more than eight days.
8. *Sidewalk sales.* Sidewalk sales or sales of the similar nature shall be permitted by any legally established retail business, subject to the following:
 - a. The sidewalk sale shall be conducted in conjunction with a permanent retail business located in a building on the parcel.
 - b. A permit shall be obtained from the building department prior to conducting a sidewalk sale.
 - c. Permits for sidewalk sales shall be granted for a period not to exceed five days. Up to three permits (non-consecutive) may be issued per year for any business, parcel, or lot.
 - d. The sidewalk sale shall not adversely affect adjacent or nearby properties, nor shall it disturb public peace and tranquility.
 - e. Sidewalk sales shall not block the use of any public sidewalk or road, nor shall it block emergency access routes.
9. *Performance guarantee.* To insure compliance with the regulations in this section, and to insure the removal of a temporary use or structure in accordance with the conditions of the permit, the building official may require that a performance guarantee be deposited with the city in accordance with section 2.17.

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

- A. *General requirements.* A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the planning commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the planning commission shall consider the following:
1. *Determination of compatibility.* In making the determination of compatibility, the planning commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
 2. *Conditions by which use may be permitted.* If the planning commission determines that the proposed use is compatible with permitted and existing uses in the district, the planning commission shall decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The planning commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

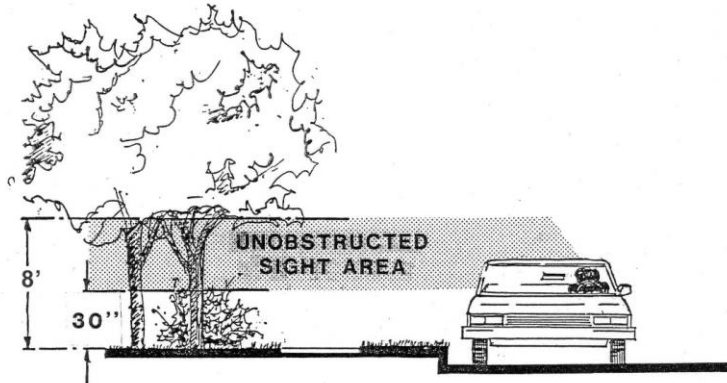
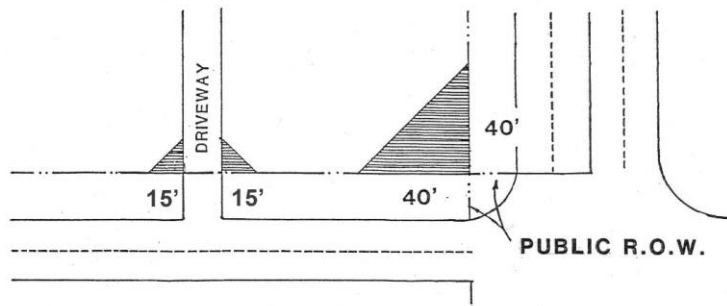
No use shall be permitted in a district under the terms of this section if said use is specifically listed as a use permitted by right or as a special land use in any other district.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.09 - Yard and bulk regulations.

- A. *General regulations.* All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this ordinance:
1. *Minimum lot size.* Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance.
 2. *Lots adjoining alleys.* Where the rear of a residential lot abuts a public alley, the depth of the rear yard as required by this ordinance shall be measured to the center of the alley. In calculating the area of such a lot, for the purposes of determining compliance with the requirements of this ordinance, one-half of the width of the abutting alley shall be considered a part of the lot.
 3. *Lots fronting on more than one street.* On double frontage lots there shall be maintained a front yard setback along each street frontage. Unless otherwise specified, on corner lots there shall be maintained a front yard setback along each street frontage.
 4. *Number of principal uses per lot.* Only one principal building shall be placed on a lot of record in single-family residential districts.
 5. *Projections into required yards.* Outside stairways, 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 projections shall be permitted when located in the required yards as specified:
 - a. Awnings.
 - b. Approved freestanding signs, upon issuance of a permit.
 - c. Approved landscaping.
 - d. Arbors and trellises.

- e. Barrier free ramps, provided that any such ramp shall be no closer than 15 feet to the front lot line.
 - f. Flagpoles, subject to the following requirements:
 - Maximum height: As specified in the schedule of regulations.
 - Minimum setback from right-of-way: Ten feet.
 - Minimum setback from property line: Ten feet.
 - g. Window air conditioning units.
 - h. Fences and walls, subject to applicable restrictions set forth herein.
 - i. Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into the required side yard not more than two inches for each one foot of width of such side yards, and may extend into any front or rear yard not more than 24 inches.
 - j. Open paved terraces, open or screened porches, and steps below first floor level may project into required yards provided that such structural features do not project more than 12 feet into a front or rear yard and not more than eight feet into a side yard, and provided further that such structural features shall not be closer than 20 feet to a front or rear lot line or closer than six feet to a side lot line.
6. *Permitted driveways and sidewalks in required yards.* Access driveways may be placed in required front or side yards so as to provide access to the rear yard or to accessory or attached structures. Any walk, terrace, or other pavement used for pedestrian or vehicular access shall be permitted in any required yard, provided such pavement does not exceed nine inches above the grade on which it is placed.
7. *Unobstructed sight area.* 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 roads or the intersection of a road and a driveway. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross visibility between a height of 30 inches and eight feet above the lowest point of the intersecting road(s).
- 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 feet from the edge of any driveway or road pavement within the triangular area.
8. *Unobstructed sight distance.* The unobstructed triangular distance (see illustration) is described as follows:
- a. The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 40 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or
 - b. The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being 15 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.



UNOBSTRUCTED SIGHT AREA & DISTANCE

9. *Buildings to be moved.* Any building or structure which has been wholly or partially constructed on any premises, either inside or outside the city, shall not be moved to and placed on any premises in the city unless required building and occupancy permits have first been obtained from the building official. Any such building or structure shall conform fully to the requirements of the zoning ordinance and other applicable regulations, in the same manner as a conventional new building or structure.

A permit to allow a building or structure into the city shall be issued only if the building official determines, after inspecting the building or structure in its original location, that:

It is in safe condition to be moved,

It can be reconditioned to comply with the building code and other applicable codes and ordinances, and

It will be similar in character to the buildings in the area in which it is to move.

([Ord. No. 128-B, § I, 9-20-10](#))

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. Accordingly, minimum standards and specifications are required for private roads to assure safe and quick access to private property, and to permit the eventual upgrading and dedication of such access rights-of-way to the city, the Wayne County Board of Commissioners, or another appropriate municipal corporation if public dedication is

deemed necessary or desirable. 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 or onto an approved private road or drive which complies with the requirements set forth herein. The stub end of any street right-of-way shall not be considered as adequate frontage. No person shall construct, alter, or extend a private road unless in compliance with the requirements of this section. A building permit shall not be issued for any building or structure that would be located where it would circumvent the extension of an existing street or the construction of a new street that is shown on the city's master thoroughfare plan, or that would prevent the widening of any street right-of-way to its ultimate required width.
- C. *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.
- D. *Private roads or streets.* The following standards shall be complied with whenever a private internal or on site road or street is proposed:
 - 1. *Applicability.* Lots or building sites may be created with a frontage on private roads or streets provided that such lots or building sites conform to all requirements of the district in which the land is located, and provided further, that the lots or building sites shall not be created until an easement agreement for the private road or street has been executed and recorded in accordance with the standards set forth herein. No construction shall be permitted on lots or building sites which have frontage only onto undeveloped private road easements. Construction may be permitted on such lots or building sites subsequent to development of the private road in full compliance with the regulations set forth herein.
 - 2. *Site plan requirements.* Submission of a site plan for review and approval shall be required, in accordance with the provisions set forth in section 24.02, prior to issuance of any permits to construct a private road. The site plan shall also include information specified in section 5.442 of the subdivision control ordinance, chapter 52.
 - 3. *Minimum easement requirements.* A 60-foot wide easement for ingress, egress, and parking shall be established contiguous to all lots to be serviced by a private road, unless a narrower easement is deemed adequate by the city engineer to meet minimum engineering and access requirements for the site. Such easement shall be established for the joint nonexclusive use of all owners of property abutting the easement. The private road shall be established within the easement and shall provide access to all abutting property. Public utilities and drainage ditches shall also be permitted to occupy the easement.
 - 4. *Design requirements.* Private roads shall comply with the design requirements set forth in the construction standards and specifications for private roads established and updated periodically by the city engineer and kept on file in the department of building and safety.
 - 5. *Modification of requirements.* The planning commission may waive or modify the private road requirements for private roads serving single-family development, upon recommendation of the planning official and city engineer, if it is determined that the average daily traffic using the private road will be less than 100 trips per day.
- E. *Secondary access drive.* If the planning 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 secondary access drives across abutting parcels and generally parallel to the arterial street to allow traffic to circulate from one parcel to another without reentering 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 for private roads as set forth previously.

- F. *Performance guarantee.* To assure completion of a private road or service drive in conformance with the requirements set forth herein, the building official or city engineer may require the applicant or owner to provide a performance guarantee, in accordance with section 2.17, herein.
- G. *Maintenance.* Continued maintenance of private roads and service drives shall be the responsibility of the property owner(s) served by the road or drive. Prior to issuance of construction permits, said property owner(s) shall prepare a legally binding easement maintenance agreement, to be entered into with the city following satisfactory review of the agreement by the planning commission, city council, and city attorney. Upon execution, the easement maintenance agreement shall be recorded. Under the terms of the easement maintenance agreement, the property owner(s) shall agree with the city concerning the following provisions and responsibilities:
1. *Maintenance costs.* The easement maintenance agreement shall acknowledge that the road or service drive surface and easement area are privately owned, and therefore all construction and improvements within the easement will be contracted and paid for by the signatories to the easement maintenance agreement.
 2. *Maintenance needs.* Such maintenance shall include, but not necessarily be limited to: surface grading and resurfacing at regular intervals; snow and ice removal from the roadway surface; repair of potholes and ruts; maintenance of roadside drainage ditches to assure the free flow of runoff water to prevent flooding and prevent collection of stagnant pools of water; and, regular cutting of weeds and grass within the easement no less than three times each year in order to assure good visibility for traffic and to impede the growth of plants commonly causing allergic reactions in human beings.
 3. *Required signage.* The easement maintenance agreement shall acknowledge the responsibility of the signatories to the agreement for installation and maintenance of appropriate traffic safety and road identification signage.
 4. *Emergency access.* The easement maintenance agreement shall acknowledge the responsibility of the signatories to the agreement for maintenance in order that police, fire, and other public safety vehicles may safely travel on the road or service drive for emergency purposes. The city may request that the easement maintenance agreement signatories repair the road or service drive surface or perform other maintenance of the easement if it is determined that such repair or maintenance is necessary to provide for the public health, safety, or welfare. If such necessary repair or maintenance is not accomplished in a timely manner, the city may make arrangements for the work to be performed and charge the easement maintenance agreement signatories for the actual cost plus all other administrative, contractual, and legal fees incurred in the performance of such work. Such charges shall be a lien upon the land served and owned by the easement maintenance agreement signatories, in proportion to the frontage of each property along the private road or service drive.
 5. *City not responsible.* The provisions set forth herein or in the easement maintenance agreement shall in no way be construed to obligate the city to perform regular inspections of the easement area or to provide necessary repairs or maintenance. The city shall intercede only if a potential health or safety hazard is brought to the attention of city officials.
 6. *Continuing obligation.* The easement maintenance agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the road or service drive, and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
 7. *Recording of agreement.* The easement maintenance agreement shall be recorded prior to the platting of any lots or the sale or conveyance of any of the property to be charged with the maintenance of the easement area.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.11 - Building grades.

- A. *General requirements.* The following regulations shall apply with respect to building grades:
1. *Minimum sloping grade.* The finished grade shall drop a minimum of six inches over a distance of ten feet from the walls on each side of a structure. Beyond ten feet a minimum sloping grade of not less than one percent shall be retained to cause surface water to flow away from the walls of any building.
 2. *Natural drainage patterns.* On lots that are one-half acre or more in area, buildings shall be located so as not to interfere with the natural drainage pattern, unless it can be demonstrated that the regrading of the land will adequately redirect the flow of surface water.
 3. *Measurement of sloping grade.* On lots that less than one-half acre in size, the minimum sloping grade of not less than one percent shall be maintained from the finished grade at the front of the building to the sidewalk level (or, if there is not a sidewalk, to the proposed grade at the sidewalk location) and from the finished grade at the rear of the building to the rear lot line.
 4. *Exceptions.* The provisions in this section shall not prevent the grading of a site to provide a sunken or terraced area, provided proper measures are taken to prevent the runoff of surface water onto adjoining properties or into the proposed building.
 5. *Grade of a new building.* When a new building is constructed between existing buildings or adjacent to an existing building, the finished grade of the adjacent existing buildings shall be considered in determining the appropriate finished grade of the new building. The grading of the site around the new buildings shall not result in additional runoff of surface water onto adjacent properties. Furthermore, the finished grade shall be one foot above the grade of the adjacent road, unless otherwise specified by the department of building and safety.
 6. *Approval of proposed grades.* Proposed grades shall be approved by the department of building and safety prior to excavation.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.12 - Dumping, filling and excavation.

The dumping of waste or other materials, grading, excavating, filling, and similar "earth changes" shall be subject to the provisions of the city's soil removal and landfills ordinance, chapter 54, as well as all other applicable laws and ordinances. In addition, the following regulations shall apply to dumping and excavation in the City of Flat Rock:

- 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 by products shall not be permitted in any district, except in conformity with the city's soil removal and landfills ordinance, chapter 54, and subject to approval by the zoning board of appeals.
- 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; provided, however, that 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 board of appeals shall be required prior to any of the following activities, except for excavation for construction of buildings for which a building permit has been issued:

The removal of top soil, sand, gravel, or similar earthen material from any site in the city, or

The mining of gravel.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.13 - Trash removal and collection.

- A. *Standards for siting and screening of trash dumpsters commercial trash bins.* Dumpsters commercial trash bins (commonly referred to as dumpsters) may be permitted or required as accessory to any use, other than single-family residential uses, subject to the following conditions:

1. *Location.* Dumpsters trash bins shall be located on a concrete pad in a rear or side yard, provided any such dumpster trash bin shall not encroach on required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building.

Dumpsters/trash bins shall be located as far as practicable from any adjoining residential district or use but shall in no instance be located within ten feet of any residential property line or district.

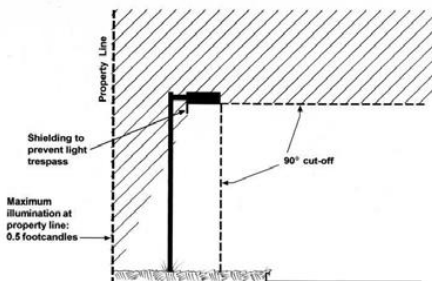
2. *Screening.* Dumpsters/trash bins shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters/trash bins shall be screened on three sides with a permanent building, wall, obscuring fences made of a pressure-treated wood, or earth mound, not less than six feet in height or at least one foot above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster/trash bin screening shall be equipped with an opaque locale gate that is the same height as the enclosure around the other three sides.
3. *Site plan requirements.* The location and method of screening of dumpsters/trash bins shall be shown on all site plans and shall be subject to approval. Building materials and colors shall be compatible with the main building.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.14 - Lighting.

Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

- A. *Time period.* Required lighting shall be turned on daily from one-half hour after sunset to one-half hour before sunrise.



Light Fixture Orientation and Shielding

- B. *Permitted lighting.* Only non-glare, color-corrected lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists or adjacent residential uses.
- C. *Intensity.* The light intensity provided at ground level shall be a minimum of 0.3 foot candle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot candle over the entire area, measured five feet above the surface. The illumination produced varies depending on the type of lighting source (incandescent, fluorescent, mercury vapor, low or high pressure sodium). For example, an average illumination of 0.6 to 0.8 foot candles can be produced with 4.00 watt clear mercury lamps at a height of 30 feet, or with 1,000 watt high pressure sodium lamps at a height of 50 feet.
- D. *Height.* Except as noted below, lighting fixtures shall not exceed a height of 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source fixtures should provide an overlapping pattern of light at a height of approximately seven feet above ground level. The planning commission may modify these height standards in the commercial and industrial districts, based on consideration of the following: The position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located. More specifically, in industrial districts the height of lighting fixtures may be equal to the height of the principal building on the site on which the lighting is located, provided that such lighting does not exceed 40 feet and is located at least 500 feet from any residential district.
- E. *Sign lighting.* Signs shall be illuminated in accordance with the regulations set forth in article 27.00, sign ordinance.
- F. *Site plan requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize the undesirable off-site effects.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.15 - Safety provisions.

- A. *Public service access.* All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.
- 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 fireproof materials, and other fire protection measures deemed necessary by the department of building and safety.
 - 1. *Fire protection systems.* The department of building and safety shall have the authority to require fire protection systems, including a rapid entry key control system, 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 within 400 feet of all parts of a building, as measured along a line of unobstructed travel access capable of supporting fire apparatus.
 - b. Prior to construction of buildings and other large structures, a hard and sufficient 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.

- 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 daily cleanups 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.
- C. *Excavations and holes.* Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the police chief of their existence. (See also section 2.12.)
- D. *Building demolition.* Before a building or structure is demolished the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.16 - Exceptions.

- A. *Essential services.* Essential services 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. Essential services, as defined in section 1.03, shall include:

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.

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 nature of operation of said services.

- B. *Exceptions to height standards.*

1. *Exceptions.* The height limitation of this ordinance shall not apply to chimneys, cooling towers, elevators, bulkheads, fire towers, grain elevators, silos, penthouses, stacks, stage towers, scenery lofts, sugar refineries, tanks, water towers, pumping towers, radio towers, television antennae, monuments, steeples, cupolas, and mechanical appurtenance accessory to and necessary for the permitted use in the district in which they are located.
2. *Height of public and semi-public buildings.* The height of public and semi-public buildings, such as churches, cathedrals, temples, hospitals, sanitariums, or schools shall not exceed 55 feet, provided that if any such building exceeds the height limitation for the district in which it is located, then, in addition to the required setback, the building shall be set back an additional one foot for each foot by which the building exceeds the height standard.
3. *Height of parapet walls.* Parapet walls may extend up to five feet above the permitted height in the district in which the building is located.

- C. *Municipal facilities.* Municipal facilities, including municipal offices, buildings, and uses (not requiring outside storage of materials and vehicles); libraries; museums and locally designated historic buildings; publicly owned and operated park and recreation buildings, facilities, and structures shall be permitted as authorized and regulated by federal, state and local ordinances and laws, it being the intention hereof to exempt such municipal facilities 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 municipal facilities 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 adjacent and nearby uses and lands. Municipal facilities shall comply with all applicable regulations that do not affect the basic design or nature of operation of said facilities and shall comply with the following specific requirements:

1. *Lot size.* The minimum lot size shall comply with the minimum lot size required in the zoning district that the municipal facility shall be located.
2. *Height of municipal facilities.* The planning commission may permit the height of municipal buildings and accessory structures to exceed the maximum height of the district where the municipal facilities will be located subject to the following design considerations:
 - a. Municipal buildings shall be preeminently located in/around a community park facility or within a main street commercial area and shall be prominent in a distinct fashion using massing, additional height, contrasting materials, and civic architectural embellishments to obtain this effect.
 - b. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments, or other distinguishing civic features.
 - c. Buildings and accessory structures shall be considered in terms of their relationship to the height and massing of adjacent buildings, other buildings located on the site, and in relation to the human scale.
 - d. Municipal buildings shall be a minimum of two stories high.
3. *Spatial relationships.* More than one principal building and accessory structures may be permitted on the same lot subject to the following design considerations:
 - a. Spatial relationships between buildings and other structures shall be geometrically logical and architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front towards and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, park facilities and uses, or quadrangles which encourage pedestrian activity and incidental social interaction among users. Smaller, individualized groupings of (historic) buildings are encouraged.
 - b. Buildings shall be located no closer to each other than state and local building and fire codes allow. Buildings shall be located to allow for adequate fire and emergency access.
 - c. Wherever feasible, buildings shall be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.
4. *Architectural design.* Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the local context. As a general rule, buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses and cornice lines in buildings of the same height; by extending horizontal lines of fenestration; and by echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings. Buildings on corner lots shall be considered significant structures, since they have at least two front facades visibly exposed to the street. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Blank, windowless walls are discouraged. Building wall offsets, including projections, recesses,

and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Similarly, roof-line offsets shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

Buildings facing a public street or internal open space, shall be architecturally emphasized through fenestration, entrance treatment, and details. Buildings with more than one facade facing a public street or internal open space shall be required to provide several front facade treatments. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details.

All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and other architectural features, where appropriate.

5. *Exterior spaces.* Exterior public spaces, such as courtyards or plazas, shall be designed to function, enhance surrounding buildings, and to provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles, public art, and other items of street/park furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three sides by buildings, walls, elements of landscaping, and elements of site furniture, in order to create a strong sense of enclosure.

Modular masonry materials, such as brick, slate, and concrete pavers, or gridded cast-in-place materials, such as exposed aggregate concrete slabs shall be used, whenever possible, on sidewalks, pedestrian walkways and pathways, and public or semi-public plazas, courtyards, or open spaces. Asphalt, and non-aggregate exposed concrete slabs should be avoided.

6. *Maximum building coverage:* Seventy percent.
7. *Minimum non-impervious area:* Twenty percent.
8. *Minimum space between buildings:* Fifteen feet.
9. *Off-street parking.* Off-street parking spaces should be located in the rear yard or interior of the lot, wherever feasible. The number of parking spaces provided should be sufficient to provide parking for employees of all facilities as well as visitor parking. Common, share parking facilities are encouraged where feasible.
10. *Linkages.* A sidewalk/pathway network shall be provided throughout the development that interconnects all municipal buildings and functional areas and common areas. Sidewalks/pathways shall promote pedestrian activity within each municipal area and throughout the municipal complex. Pathways shall be a minimum of five feet wide and expanding to eight feet wide along major pedestrian routes.

All sidewalks and other pedestrian pathways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.

Bikeways shall be provided, where possible, to link internal open space areas with peripheral open space areas and continuing on routes through peripheral open space areas. Bike racks shall be provided in internal open space areas and recreation areas in the peripheral of the municipal open space.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.17 - Performance guarantee.

- A. *Intent.* To insure compliance with the provisions of this ordinance and any conditions imposed thereunder, the planning commission, city council, or building official may require that a performance

guarantee be deposited with the city to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

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

1. The performance guarantee shall be in the form of a cash bond irrevocable letter of credit, certified check, or similar instrument acceptable to the city treasurer. 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 or portion thereof associated with a project for which site plan approval is being sought or has been obtained. In accordance with these guidelines, the exact amount of the performance guarantee shall be determined by the building official.
4. The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory completion of the required improvements.
5. An amount not less than ten percent of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the building official that all landscape materials are being maintained in good condition.

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. 128-B, § I, 9-20-10](#))

Sec. 2.18 - Signs.

All signs shall comply with the regulations set forth in the article 27.00, sign ordinance as amended, and other applicable laws and ordinances.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.19 - Sidewalks and pathways.

Sidewalks shall comply with the regulations set forth in the adopted sidewalk ordinance, chapter 4.2, as amended, and other applicable laws and ordinances.

A minimum ten-foot wide paved pathway shall be constructed, in lieu of sidewalks, in all areas in the city designated on the adopted non-motorized pathway master plan, as amended. Non-motorized pathways shall be constructed to city engineering standards.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.20 - Fences.

Fences shall be permitted subject to the following requirements:

1. *Requirements for freestanding fences.* Freestanding fences (i.e., those that are not adjacent to another fence or structure) shall comply with the following regulations:

Location in Relations to Principal Building	Maximum Fence Height	Minimum Clearance at Bottom of Fence	Total Height: Fence Plus Clearance
(a)	6 feet	3 inches	6 feet, 3 inches
(b)	4 feet	3 inches	4 feet, 3 inches
(c)	4 feet	3 inches	4 feet, 3 inches

FOOTNOTES:

- (a) Alternative #1: Fence is located to the rear of the principal structure.
- (b) Alternative #2: Fence is located no closer to the front of the lot than any portion of the principal building.
- (c) Alternative #3: Fence is located in the front yard. Fences are permitted in the front yard in single family residential districts only, subject to zoning board of appeals approval, and provided that: (1) the parcel has a minimum size of one acre, and (2) the principal dwelling is set back at least 50 feet from the front property line. Fences may also be permitted in the front yard of industrial districts or to enclose public utility facilities subject to zoning board of appeals approval.

2. *Requirement for fences located adjacent to other fences.* Any fence that is proposed to be placed adjacent or attached to another fence or structure shall comply with the following regulations:

Location in Relations to Principal Building	Maximum Fence Height	Minimum Clearance at Bottom of Fence	Total Height: Fence Plus Clearance
(a)	6 feet	6 inches	6 feet, 6 inches
(b)	4 feet	6 inches	4 feet, 6 inches
(c)	4 feet	6 inches	4 feet, 6 inches

FOOTNOTES:

- (a) Alternative #1: Fence is located to the rear of the principal structure.

- (b) Alternative #2: Fence is located no closer to the front of the lot than any portion of the principal building.
 - (c) Alternative #3: Fence is located in the front yard. Fences are permitted in the front yard in single family residential districts only, subject to zoning board of appeals approval, and provided that: (1) the parcel has a minimum size of one acre, and (2) the principal dwelling is set back at least 50 feet from the front property line. Fences may also be permitted in the front yard of industrial districts or to enclose public utility facilities subject to zoning board of appeals approval.
3. *Fence placement.* Fences shall be placed inside and adjacent to the property line, except in the following instances:
 - (a) Where underground utilities interfere with placement of the fence on the property line, the fence may be placed on the utility easement line located nearest the property line.
 - (b) Where an existing fence that is not intended to be removed is located on the property line, the proposed fence shall either be placed adjacent to or at least six feet away from the existing fence.
 - (c) Fences or privacy screens may be placed elsewhere on the interior of the lot in the rear yard provided a minimum clearance of six feet is provided between the proposed fence and any other fence, structure, or property line.
 4. *Clearance at bottom.* Clearance at the bottom of the fence shall be required as indicated in items 1 and 2, above, to prevent rotting and permit weed removal.
 5. *Existing fences.* No more than two fences shall be placed adjacent to each other. In order to implement this regulation, the construction of a new fence adjacent or attached to an existing fence shall not be permitted, unless the existing fence is owned in full or in part by an adjoining property owner. If the existing fence is owned in full by the applicant, it shall be removed prior to construction of the new fence. If the existing fence is owned jointly with an adjoining property owner, construction of a new fence adjacent to the existing fence may be permitted only if the applicant submits a notarized letter agreeing to share in the proportionate cost of continuing maintenance and/or eventual removal of the existing fence. It shall be the applicant's responsibility to submit adequate proof of ownership of existing fences.
 6. *Fence materials.* Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Chain link fences in nonresidential areas shall be black vinyl coated or other approved colors by the planning commission.
 7. *Finished appearance.* If, because of the design or construction, one 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.
 8. *Obstruction of 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.
 9. *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.
 10. *Barbed wire.* Fences shall not contain barbed wire, razor wire, electric current or charge of electricity, provided, however, that fences in nonresidential districts which enclose storage areas may have barbed wire provided that the barbed wire is at least six feet above grade.
 11. *Review and approval.* It shall be the building official's responsibility to review and act on all fence proposals, unless the fence is proposed as part of a site plan which is subject to the normal site

plan review procedures in section 24.02. The erection, construction, or alteration of any fence shall be done in accordance with all municipal codes and shall require appropriate permits.

12. *Obscuring walls and fences.* Obscuring walls and fences shall be subject to the requirements in section 5.08.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.21 - Floodplains.

Development within the floodplain shall comply with the regulations set forth in the adopted floodplain control ordinance, chapter 103, as amended, and other applicable laws and ordinances.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.22 - Utilities.

Utility service lines, including electric, telephone and cable television lines, shall be placed underground. Also, electric lines to freestanding signs and light poles shall be placed underground.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.23 - Satellite dish antenna.

Satellite dish antennae may be permitted as an accessory structure in any zoning district, subject to the following conditions:

- A. *Roof-mounted antennae.* Roof-mounted dish antennae up to a maximum of ten feet in diameter shall be permitted in commercial and industrial districts only, provided that the antennae comply with the height standards for the district in which they are located and subject to the following conditions:
 1. 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.
 2. Any person who proposes to construct a satellite dish antenna having a dish diameter larger than three 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.
 3. 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 on the building.
 4. 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.
 5. A permit fee shall be paid to the city and the permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.
 6. All electrical and antenna wiring shall be placed underground.

7. 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 building and its surroundings.
 8. Any roof-mounted antenna shall be so located and designed to withstand a wind force of 100 miles per hour.
- B. *Ground-mounted antennae.* Ground mounted antennae up to eight feet in diameter shall be permitted in all districts subject to the following conditions:
1. Maximum height permitted shall be 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 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. A permit fee shall be paid to the city and 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 antennae 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 100 miles per hour.
- (c) *Appeal to zoning board of appeals.* 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:
1. A showing of good and sufficient cause and exceptional hardship;
 2. The safety of the property owner and the surrounding property owners;
 3. The variance shall be the minimum necessary to afford relief to the applicant;
 4. "Reasonable reception", as used in this section, does not mean perfect reception from each satellite of the many satellites in space;

5. 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. 128-B, § I, 9-20-10](#))

Sec. 2.24 - Wireless communication facilities and services.

A. *Permitted as principal uses.* In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval as provided in article 24.00, general procedures and related standards, section 24.02, site plan review, and also subject to the conditions set forth in subparagraph (D) below:

1. Attached wireless communication facilities within all districts where the existing structure is not, in the discretion of the planning commission, proposed to be either materially altered or materially changed;
2. Collocation of an attached wireless communication facility which has been previously approved for collocation by the planning commission; or
3. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests.
4. M-2 district.

B. *Permitted as special land uses in the HR, RE and M-1 districts.* Wireless communication facilities with monopole support structures shall be permitted as special land uses or special accessory uses only, subject to the standards of section 24.03, special land use review procedures and standards, and also subject to the conditions hereinafter imposed in the RE and M-1 districts, except that they shall not be located within 200 feet of any district zoned for single-family residential purposes or within a distance equal to the height of the support structure from the right-of-way line of Interstates I-75, other major roads and railroads. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.

Collocation of attached wireless communication facilities on existing structures shall be permitted as a special land use or special accessory use only in the HR district, subject to the standards of section 24.03, special land use review procedures and standards, and also subject to the conditions hereinafter imposed in the HR district, and the following conditions:

1. The collocation of attached wireless communication facilities and support structures shall be permitted on buildings nine stories or higher in the HR district provided that the antennas and support structure do not exceed the height of the high rise.
2. Collocation of attached wireless communication facilities shall not, to the determination of the planning commission materially alter or materially change the appearance of the existing structure.

C. *Required standards for wireless communication facilities in all districts.*

1. *Required information.*
2. *Compatibility of support structures.* Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment.
 - a. *Site plan.* A site plan prepared in accordance with section 24.02, site plan review, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.

- b. *Demonstration of need.* Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:
 - Proximity to an interstate highway or major thoroughfare.
 - Proximity to areas of population concentration.
 - Proximity to commercial or industrial business centers.
 - Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
 - Other specific reasons.
 - c. *Service area and power.* As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
 - d. *Map of other facilities nearby.* A map showing existing or proposed wireless communication facilities within the city, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the city, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If the information is on file with the city, the applicant shall update as needed. This ordinance shall serve as the promise to maintain confidentiality as permitted by law. A request for confidentiality must be prominently stated.
 - e. *Data on other facilities nearby.* For each location identified by the applicant/provider, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:
 - The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - Evidence of property owner approvals.
 - Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
 - f. *Fall zone certification.* To determine setbacks, a certification by a Michigan licensed, registered engineer regarding the manner in which the proposed structure will fall.
 - g. *Description of security for removal.* A description of the security for the wireless communication support structure to ensure removal and maintenance. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the city attorney and recordable at the Wayne County Register of Deeds, a promise of the applicant and owner of the property to timely remove the facility as required, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the city in securing removal.
 - h. *Data on FCC and FAA approval.* A copy of the application submitted to the Federal Communications Commission and Federal Aviation Administration detailing technical parameters authorization for the facility.
3. *Maximum height.* The maximum height of wireless communication support structures shall be: a) 120 feet; or b) the minimum height demonstrated to be necessary by the applicant; or c) such lower heights as approved by the Federal Aviation Administration. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within respective districts.

4. *Setbacks from nonresidential districts.* Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located.
5. *Variances.* The zoning board of appeals may grant variances for the setback of a wireless communication support structure, to reduce its visual impact, or to meet the required standards of (D)(10), "collocation". The zoning board of appeal may also grant variances for the height of a support structure of up to 20 feet only in cases where a variance would permit additional collocations.
6. *Compatibility of accessory structures.* Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
7. *Appearance of support structures.* The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition.
8. *Federal and state requirements.* The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan.
9. *Lighting.* Lighting on a wireless communication facility shall be prohibited. If the Federal Aviation Administration requires lighting, the applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.
10. *Collocation.* All wireless communication support structures shall accommodate no more than three attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights.
 - a. *When collocation is not "feasible".* Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
 - The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
 - Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
 - Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing support structure or other structure.
 - b. *Determining feasibility of collocation.* Collocation shall be deemed to be "feasible" when all of the following are met:

- The applicant/provider will pay market rent or other market compensation for collocation.
 - The site is able to provide structural support, considering reasonable modification or replacement of a facility.
 - The collocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 - The height of the structure necessary for collocation will not be increased beyond maximum height limits.
- c. *Refusal to permit collocation.* If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible collocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - d. *Refusal to collocation constitutes violation.* If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this section of the zoning ordinance.
 - e. *New structures prohibited.* Consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new support structure within the city for a period of five years from the date of the failure or refusal to permit the collocation.
 - f. *Variance from collocation.* Such a party may seek and obtain a variance from the zoning board of appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
 - g. *Offer of collocation required.* An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. The list of potential users shall be provided by the city based on those entities who have requested approval of a wireless communication facility, current FCC license holders, and other entities requesting to be on the list. If, during a period of 30 days after the notice letters are sent to potential users, a user requests, in writing, to collocate on the new support structure, the applicant shall accommodate the request(s), unless collocation is not feasible based on the criteria of this section.
11. *Removal.* When a wireless communications facility has not been used for 90 days, or 90 days after new technology is available which permits the operation of a facility without the requirement of a wireless communication support structure, all or parts of the wireless communications facility shall be removed by the users and owners of the facility and owners of the property.

The removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

- a. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
- b. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the city may remove or secure the removal of the facility or required portions

thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility.

12. *Radio frequency emission standards.* Wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.
13. *Effect of approval.*
 - a. Subject to subparagraph (b) below, final approval under for a wireless communication support structure shall be effective for a period of six months.
 - b. If construction of a wireless communication support structure is commenced within two miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six-month period of effectiveness, the approval for the support structure that has not been commenced shall be void 30 days following written notice from the city of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 2.25 - Donation bins.

Donation bins shall be allowed in all zoning districts with the exception of zoning districts R-1A through R-1C, R-2, R-3, HR, 0-1, RE, and PUD districts having an underlying residential use. Notwithstanding the foregoing, donation bins may be placed on properties occupied by religious institutions. The placement of donation bins is subject to the following regulations:

- A. *Definitions.*
 1. *Donation bin* shall mean an unattended, closed receptacle or container made of metal, wood, or plastic or a combination thereof and designed and intended for the collection from the public of donations of used clothing, shoes, textiles, household items, books, magazines, other salvageable personal property, or wastepaper, for the purpose of reuse or recycling. Donation bin does not include a receptacle or container used to collect recyclable metal, plastic, or glass or a household curb side recycling container or other container used to receive recyclables from a specific person or persons.
 2. *Charitable organization* means an organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, 26 USC 501(c)(3).
- B. It shall be unlawful to place or operate a donation bin outdoors unless a permit is first obtained from the building department, upon payment of a fee as determined by resolution of the city council. A separate permit shall be required for each donation bin, however, a single application may seek permits for up to three donation bins. To obtain a permit the applicant shall be a charitable organization, and shall make application to include the following:
 1. The applicant's name, address, telephone number, electronic mail address, website address, if any, and fax number, if any. The information provided under this subsection shall be for the applicant's registered office under Section 241 of the Nonprofit Corporation Act, 1982 Public Act 162, MCL 450.2241, if the applicant is incorporated under that Act.
 2. The name and contact information of the applicant's resident agent under Section 241 of the Nonprofit Corporation Act, 1982 Public Act 162, MCL 450.2241, if the applicant is incorporated under that Act.

3. A certificate of good standing with the State of Michigan under Section 922 of the Nonprofit Corporation Act, 1982 Public Act 162, MCL 450.2922, issued within the past 90 days, if the applicant is incorporated under that Act.
 4. The manner in which any clothing or other donations collected are expected to be used, sold, or distributed.
 5. The name and telephone number of any entity that will receive some or all of the donations collected in the donation bin or the proceeds thereof.
 6. The address and, as precisely as possible, location where each bin will be placed, and the name of any business at the location.
 7. Written consent from the property owner, property owner's agent, or person in lawful possession of the property to place the donation bin on the property.
 8. Proof that the applicant is a charitable organization as defined in this section.
- C. Permits under this section shall be valid for a period of one year.
 - D. The donation bin must have clearly identified on its face the entity or organization maintaining the donation bin, together with a phone number, address, and website, if any, for such entity clearly appearing on the donation bin, together with a statement describing the charitable cause that will benefit from the donation.
 - E. The donation bin shall be appropriately located so as to not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises, and shall be placed on a concrete surface.

([Ord. No. 429, § I, 5-5-14](#))

Sec. 2.26 - Outdoor vending machines.

Outdoor vending machines shall be allowed in all zoning districts with the exception of zoning districts R-1A through R-1C, R-2, R-3, HR, 0-1, RE, and PUD districts having an underlying residential use, subject to the following regulations:

- A. It shall be unlawful to place or operate an outdoor vending machine unless a permit is first obtained from the building department, upon payment of a fee as determined by resolution of the city council. A separate permit shall be required for each outdoor vending machine and the application for a permit shall include the following:
 1. The applicant's name, address, telephone number, electronic mail address, website address, if any, and fax number, if any.
 2. The address, and as precisely as possible, location where each outdoor vending machine will be placed, and the name of any business at the location.
 3. Written consent from the property owner, property owner's agent, or person in lawful possession of the property to place the outdoor vending machine on the property.
- B. Permits under this section shall be valid for a period of one year.
- C. The vending machine shall be appropriately located so as to not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises, and shall be placed on a concrete surface.
- D. No more than three vending machines will be located outdoors on any single business property.
- E. Vending machines shall be located in such a way as to maintain a minimum of five feet clear area on any sidewalk.

- F. Vending machines must be located a minimum of ten feet from any building entrance.
- G. Vending machines may not be located in areas designated for parking or landscaping.
- H. The owner, lessee, or other person or legal entity in control or in lawful possession of the property where the outdoor vending machine is located, and the entity which owns, maintains, or operates the outdoor vending machine in violation of this ordinance shall be jointly and severally responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00 per outdoor vending machine in violation of this ordinance.

([Ord. No. 428, § I, 5-5-14](#))

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.

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 been substantially 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.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 128-401-A, § I, 8-20-12](#))

Sec. 3.02 - Definitions.

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

- A. *Structural nonconformity.* A nonconformity that exists when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located. Also sometimes referred to as a "dimensional nonconformity."
- B. *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.
- C. *Nonconforming lot.* A lot existing at the effective date of this ordinance that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.
- D. *Nonconforming sign.* A sign that on the effective date of the sign ordinance does not conform to one or more regulations set forth in said ordinance, and therefore is subject to the provisions covering nonconforming signs as set forth in the sign ordinance.

- E. *Nonconforming use.* A nonconformity that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

([Ord. No. 128-B, § I, 9-20-10](#))

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 existing on the effective date of this ordinance 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 or lot or 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. *Discontinuation of nonconforming uses and structures.* When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for 12 consecutive months 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. In applying this section to seasonal uses, the time during the off-season shall not be counted, provided that the off-season time for such uses are reported to the building official.

If any nonconforming use of open land ceases for any reason for a period of more than 60 days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

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 of Flat Rock, pursuant to Section 208, Public Act 110 of 2006, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

- C. *Recording of nonconforming uses and structures.* The building official 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 building official with necessary information to determine legal nonconforming status may result in denial of a required or requested permits.
- D. *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.
- E. *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.
- F. *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.
- G. *Unlawful nonconformities.* No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- H. *Nonconforming single-family uses.* Notwithstanding the limitations outlined in this article, any structure used for single-family residential purposes and maintained as a nonconforming use may

be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. However, nonconforming single-family uses shall be subject to the requirements in section 3.05D.

- I. *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.
- J. *Change of location.* Should a nonconforming structure be moved 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. 128-B, § I, 9-20-10](#); [Ord. No. 128-401-A, § II, 8-20-12](#))

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 which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

The lot width, area, and open space are not less than 75 percent of the requirements established for the district in which the lot is located,

The lot cannot be reasonably developed for the use proposed without such deviations,

The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety, and

The lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.

Any application for such single-family housing construction shall be submitted to the building official. Where applicable, the application shall include three copies of the results of soil percolation tests performed by a registered civil engineer at the exact location of a proposed subsurface sewage disposal (septic) system. The application must be approved by both the Wayne County Health Department and the building official prior to issuance of any permit.

- B. *Variance to area and bulk requirements.* If the use of a 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 or more lots or a 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 lands involved shall be considered to be an individual parcel for the purposes of this ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of a parcel be made which creates a lot which does not meet the lot width or area requirements of this ordinance.

Upon application to the city council, the council 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. 128-B, § I, 9-20-10](#))

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 in 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 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, but not including signs, which shall be covered under the provisions of the sign ordinance.

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. In particular, 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.

Where a lawful nonconforming structure located on an interior lot was created by an increase in the side yard requirements of this ordinance, said structure may be lawfully extended along the present building line of one nonconforming side yard, provided the extension complies with all other provisions of this ordinance. In the case of a corner lot, any such extension shall be permitted only along the interior side lot line.

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. The zoning board of appeals

shall determine if a proposed alteration will decrease the nonconforming nature of the structure or use.

4. *Variance to area and bulk requirements.* If a proposed alteration is deemed reasonable by the zoning board of appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variation of the area or bulk requirements, then such alteration shall be permitted, only if a variance is granted by the zoning board of appeals.

C. *Repairs, improvements, and modernization.*

1. *Required repairs.* Repairs or maintenance deemed necessary by the building official 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 building official, 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 25 percent of the market value (as determined by the city assessor) of the structure during any period of 12 consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

- 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 50 percent of the structure's pre-catastrophe 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 50 percent of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only in full compliance with applicable provisions of this ordinance.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 4.00. - OFF-STREET PARKING AND LOADING

Sec. 4.01 - Off-street parking.

- 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, off-street parking shall be provided as required by the following regulations. 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 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.
 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 is in conformance with the regulations herein, including landscaping and open space requirements. However, it is the intent of the city to reduce the total amount of impervious material on site. Permeable materials are encouraged for overflow parking areas and parking spaces.
 5. *Review and permit requirements.* In the event that new off-street parking is proposed as part of a development requiring site plan review, the proposed parking shall be shown on the site plan submitted to the city for review. In the event that proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a plot plan to the city for review and approval in accordance with the procedures outlined herein and in other applicable ordinances. The plot plan shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing. Curb cuts and driveways shall be subject to review and approval by the agency (City of Flat Rock, Wayne County, or Michigan Department of Transportation) that has jurisdiction over the road.
 6. *Special assessment districts.* In the event that the city council establishes a special assessment district or some other mechanism to finance and provide off-street parking facilities within a designated area, then the requirements for privately-supplied off-street parking for all buildings or uses in existence or established thereafter within the district shall be modified to account for the collective supply of public off-street parking.
 7. *Stormwater management.* Off-street parking design and layout should provide for effective management of stormwater runoff from vehicle areas.
- B. *General requirements.* In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:
1. *Location.* Off-street parking facilities required for nonresidential uses shall be located within 300 feet of the building or use they are intended to serve (measured from the nearest point of the off-street parking facilities and the nearest point of the building), except as otherwise permitted for collective use of off-street parking.

If an existing use expands but the required additional parking space is not available within 300 feet, the planning commission may allow the additional parking to be located within 500 feet in order to satisfy the requirements of this ordinance.
 2. *Parking in required yards.* Unless otherwise specified elsewhere in this ordinance, off-street parking may be located in required yards, provided that all landscaping and screening requirements are complied with. Off-street parking shall not be permitted within five feet of an agricultural or single-family residential district boundary unless the boundary falls along a common separating street or railroad right-of-way. Off-street parking shall not be permitted in the front yard of multiple-family districts. Off-street parking shall not be permitted in the rights-of-way or within a required greenbelt or landscaped area.
 3. *Residential parking.* Off-street parking spaces in 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, nor shall parking be permitted on or across sidewalks. Paved areas for parking shall not exceed 35 percent of the total area of the front yard.

One commercial vehicle may be parked on each lot in residential districts. Any such vehicle shall have a total of no more than six wheels with up to four wheels per axle. Furthermore, any such

vehicle shall be stored in a garage. Parking or storage of semi-trailers shall be prohibited within residential districts.

Note: See recreational vehicle parking section 4.01E.

4. *Control of off-site parking.* It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said 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.
5. *Access to parking.* Each off-street parking space 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 or alley in a manner that will least interfere with the smooth flow of traffic.
6. *Collective use of off-street parking.* Off-street parking space for separate buildings or uses may be provided collectively. If parking facilities for separate buildings or uses are provided collectively, the total number of spaces provided shall not be less than the number which would be required if the spaces were provided separately. However, the planning commission may reduce the total number of spaces provided collectively by up to 25 percent upon making the determination that the parking demands of the uses being served do not overlap.

Parking spaces already provided to meet the off-street parking requirements for theaters, stadiums, auditoriums, stores, office buildings, and industrial establishments, lying within 500 feet of a church as measured along lines of vehicle access, and which are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, may be used to meet no more than 25 percent of the off-street parking requirements of a church.

7. *On-street parking.* In the central business district, the planning commission may consider available on-street parking spaces within 500 feet of the subject site as partially meeting the required off-street parking spaces at a ratio of one on-street space equals two off-street spaces.
8. *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair or washing of vehicles are prohibited in required off-street parking lots. Emergency service required to start vehicles shall be permitted. Furthermore, the storage or parking of trucks over one ton capacity, truck tractors, truck trailers, moving vans, automobile trailers, aircraft, and motor homes or buses over 18 feet in length, or passenger cars or trucks which are wrecked, disabled, abandoned or incapable of movement under their own power in any yard area or on a street or highway, shall not be permitted in any residential or commercial district. This requirement shall not prevent storage of recreational vehicles in accordance with section 4.01E, nor shall these regulations prevent the parking of vehicles used in connection with a legally zoned business conducted on premises.
9. *Barrier-free parking.* 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, which indicates the spaces are reserved for persons with disabilities. Parking for persons with disabilities shall comply with the Americans with Disabilities Act (ADA), State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the city's handicapped parking ordinance, chapter 129.
10. *Duration.* Except when land is used as permitted storage space in direct connection with a business, a 24-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, or junked vehicles on any parking area in any district.
11. *Parking structures.* Parking structures shall be permitted in compliance with 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 façade of the parking structure shall be compatible in design, color, or type of material to the principal building(s) on the site.
 - (d) Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any 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 required number of parking spaces, "floor area" shall be measured in accordance with the definitions provided in section 1.03.
 2. *Units of measurement.* When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one space. Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.
 3. *Uses not cited.* For those uses not specifically mentioned, the requirements of off-street parking for a similar use shall apply, subject to review by the planning commission.
 4. *Parking for persons with disabilities.* 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 which indicates the spaces are reserved for persons with disabilities. 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 city's handicapped parking ordinance, chapter 129.
 5. *Use of loading space.* Required loading space shall not be counted or used for required parking.
 6. *Minimum number of spaces for each use.* The amount of required off-street parking space shall be determined in accordance with the schedule that follows. The planning commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

SCHEDULE OF OFF-STREET PARKING		
Land Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
RESIDENTIAL USES		
Single and Two-Family Housing	2	Dwelling unit
Multiple-Family Housing	1	Efficiency unit
	1.5	One-bedroom unit

	2	Two-bedroom unit
	3	Three or more bedrooms In addition, multi-family buildings shall be required to provide supplemental guest parking spaces for at least 20% of the spaces required by the previous standards
Housing for Elderly (including Elderly Housing Complexes, Congregate Housing, Dependent Housing Facilities)	1	Dwelling unit, plus
	1	Employee
Manufactured Homes	In accordance with Michigan Manufactured Housing Commission Rules and Michigan Public Act 96 of 1987, as amended	
INSTITUTIONAL OR PUBLIC USES		
Churches, Temples, Places of Worship	1	3 seats or 6 lineal feet of pews in the main hall of worship
Child Day Care Centers, Nursery Schools	1	Teacher, administrator, or other employee, plus
	1	per 400 square feet of usable floor area
	Sufficient area shall be set aside for dropping-off and picking-up children in a safe manner that will not result in traffic disruption	
Hospitals, Sanitariums	1	Every 4 beds, plus
	1	Each 5 outpatients, plus
	1	Each employee and staff doctor on the largest working shift

Homes for the Aged, Convalescent Homes, Children's Homes	1	Every 4 beds, plus
	1	Each employee and staff doctor on the largest working shift
Museum, Library, cultural Center, or Similar Facility	1	Each 300 square feet of floor space, plus
	1	Per employee
Post Office	1	Each 200 square feet of floor space, plus
	1	Per employee
Private Clubs, Fraternities, Dormitories	1	Each 3 persons who may be legally admitted at one time according to the occupancy load established by local, county and state codes, plus
	1	Per employee
Schools, Elementary and Junior High	1	Each teacher, administrator, or other employee, plus additional spaces as may be required for an auditorium or other public meeting spaces. If no auditorium or public meeting space exists, then 1 space per classroom shall be provided in addition to required spaces for teachers, administrators, and other employees.
Stadiums and Sports Arenas	1	Each 4 seats, or
	1	Per 8 lineal feet of benches, whichever is greater, plus
	1	Per employee
Theaters and Auditoriums, with Fixed Seating	1	Each 3 seats, or
	1	Per 6 lineal feet of benches, plus

	1	Per employee
Theaters and Auditoriums, without Fixed Seating	1	Space for each 3 persons who may be legally admitted at one time according to the occupancy load established by local, county and state codes, plus
	1	Space per employee
BUSINESS AND COMMERCIAL USES		
Animal Hospitals and Kennels	1	Per 400 square feet of usable floor area, plus
	1	Each employee
Auto and Vehicle Repair or Service Facilities, Bump Shops	1	Each employee, plus
	1	Each service or repair bay, plus
	1	Per 800 square feet of usable floor area
Auto or Vehicle Service Station	1	Each services or repair bay, plus
	2	Each gasoline pump island, plus
	1	Each employee
	1	In addition, convenience stores operated in conjunction with an auto service station shall provide space for every 150 square feet of store area.
Auto Wash, Automatic	1	Each employee, plus reservoir parking equal in number to 15 spaces for the first wash lane
	10	Each additional wash lane, plus
	1	Per 20 lineal feet of automatic wash operation

Auto Wash, Self-Service	3	Stacking spaces for each washing stall in addition to the stall itself, plus
	2	Drying spaces for each washing stall
Banks, Financial Institutions	1	Every 200 square feet of floor area, plus
	1	Each employee In addition, financial institutions with drive-in windows shall provide 8 stacking spaces for the first window plus 6 spaces for each additional window.
Beauty or Barber Shops	2	Per beauty or barber chair
Dining Halls, Exhibition Halls, Pool Halls, Billiard Parlors, Assembly Halls without Fixed Seats	1	Each 2 persons who may be legally admitted at one time according to the occupancy load established by local, county and state codes, plus
	1	Per employee, or
	1	Per 100 square feet of usable floor area, whichever is larger
Furniture and Appliance Sales, Household Equipment Repair Shops	1	Each 800 square feet of usable floor area, plus
	1	Each employee
Hotel, Motel, or Other Lodging	1	Each occupancy unit, plus
	1	Each employee, plus such space as may be required for restaurants, bars, assembly rooms and other affiliated uses.
Ice Cream Parlors	1	Per 75 square feet of gross floor area, with a minimum of 8 spaces
Laundromats and Coin-Operated Dry Cleaners	1	Each 2 washing and/or dry-cleaning machines

Lumber Yards	2½	Each employee, plus additional spaces as may be required for enclosed retail sales area
Mini-Warehouses, Self-Storage Establishments	1	Per 10 storage units, equally distributed throughout the storage area, plus
	2	For the manager's or caretaker's quarters, plus
	1	Every 50 storage units to be located at the project office
Mortuaries, Funeral Homes	1	Each 50 square feet of floor area in the parlor area
Motor Vehicle Sales	1	Each 200 feet of usable floor area exclusive of service areas, plus
	1	Each auto services stall in the service area, plus
	1	Every 500 square feet of outdoor sales area, plus
	1	Each employee All such required parking shall be exclusive from parking for vehicles being offered for sale
Open Air Businesses	1	Each 800 square feet of land area used for display, plus
	1	Each employee, plus additional spaces as may be required for retail sales continued within a building.
Personal Service Establishments Not Otherwise Specified	1	Per 300 square feet of usable floor area, plus
	1	Each employee
Restaurants, Bar/Lounge	1	Per 50 square feet of usable floor area. Parking for that portion used principally for dining shall

		be based on the requirements for "Restaurants, Standard"
Restaurants, Carry-Out	10	Per service or counter station, plus
	1	Each employee
Restaurants, Fast-Food, Drive-In, Drive-Through	1	Per 100 square feet of usable floor area, plus
	1	Each employee
Roadside Stands	6	Per establishment
Shopping Centers	1	Each 150 square feet of leasable floor area
Supermarkets, Convenience markets	1	Every 150 square of floor area, plus
	1	Per employee
Wholesale Sales Stores, Machinery Sales, Showrooms of a Plumber, Electrician, or Similar Trade	1	Per 1,000 square feet of usable floor area, plus
	1	Per employee
Retail Stores Not Otherwise Specified	1	Every 150 square feet of floor area, plus
	1	Each employee on the largest working shift
OFFICE USES		
Business and Professional Offices, except as Otherwise Specified	3.2	Each 1,000 square feet of gross floor area.
Professional Offices and Clinics of Doctors, Dentists, and Similar Medical Professions	1	Each 150 square feet of floor area with a minimum of 4 spaces, plus
	1	Each employee

INDUSTRIAL USES		
Manufacturing Establishments, or Establishments for Industrial Production, Processing, Assembly, Compounding, Preparation, Cleaning, Servicing, Testing, Repair, plus Accessory Business Offices and Storage Facilities	5	Plus 1 space per employee on the largest working shift, or
	1	Per 550 square feet of usable floor area, whichever is greater
Wholesale and Warehouse establishments	5	Plus 1 space per employee, or
	1	Every 1,500 square feet of gross floor area, whichever is greater
RECREATION USES		
Baseball, Football and Soccer Fields	The Planning Commission shall determine the minimum parking spaces required per accepted industry standards based upon age group and use.	
BMX Course	50	Per course
Bowling Establishments	5	Per lane, plus additional spaces as may be required for restaurants, bars, or other affiliated uses
Dance Halls, Health Spas, Pool or Billiard Parlors, Skating Rinks, Exhibition Halls, Assembly Hall without Fixed Seats, and Similar Indoor Recreation Uses	1	Each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
Golf Courses, Public or Private	5	Each golf hole, plus

	1	Each employee, plus parking space as may be required for clubhouse, restaurant, pro shop, or other affiliated facilities
Golf Course, Miniature or Par 3	2	Each golf hole, plus
	1	Each employee, plus parking space as may be required for clubhouse, restaurant, pro shop, or other affiliated facilities
Golf Driving Range	1	Per tee
"Miniature" or Par 3" Golf	3	Each hole, plus
	1	Each employee
Private Clubs and Lodges	1	Each 2 persons who may be legally admitted at one time according to the occupancy load established by local, county and state codes, plus
	1	Per employee
Recreation facilities: Stadiums, Sports Arenas, or Similar Place of Assembly	1	Each 3 seats, or
	1	Each 6 lineal feet of benches
Swimming Pool Clubs	1	Per 2 member families or individual members, plus
	1	Each employee
Swimming Pools	1	Per 4 persons in accordance with the occupancy load, plus
	1	Per employee
Tennis Clubs and Court-Type Recreation Uses	1	Per person permitted based on the capacity of the courts, plus such additional space as may be

		required for affiliated uses such as restaurants, bars, or pro shops, plus
	1	Per employee

D. *Layout and construction.* Off-street parking facilities containing five or more spaces 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. Plans for expansion of an existing parking lot that is not associated with other new development must be submitted to the building official for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the building official 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 50 feet equal to one inch. Plans shall indicate existing and proposed grades, drainage (water retention and detention, if required), 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 building official and city engineer.

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 building official, provided the applicant first deposits a performance guarantee in accordance with section 2.17. Said performance guarantee shall be equivalent to the cost of construction as determined by the building official or city engineer.

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

OFF-STREET PARKING STANDARDS*				
Parking Angle	Maneuvering Aisle Width	Parking Stall Width	Parking Stall Length	Total Width of Two Stalls of Parking Plus Maneuvering Aisle
0 degrees (parrallel)	12.0	8.0	23.0	28.0 (one-way)
	22.0	8.0	23.0	38.0 (two-way)
Up to 53 degrees	15.0	8.5	20.0	55.0 (one-way)
	22.0	8.5	20.0	62.0 (two-way)
54 to 74 degrees	18.0	8.5	20.0	53.0 (one-way)
	22.0	8.5	20.0	67.0 (two-way)

75 to 90 degrees	22.0	9.0	20.0	62.0 (two-way)
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* Note: All dimensions in feet.

3. *Ingress and egress.* All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways, subject to review and approval of the building official, city engineer and police chief. Driveways providing access to an off-street parking lot shall be a minimum of 30 feet wide, except that any driveway serving a single-family residence shall be no wider than 22 feet. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least 25 feet from the nearest point of any property zoned for single-family residential use. No land which is located in a residential district shall be used for access to any land which is located in a nonresidential district, unless such access is by way of a dedicated public road.
 4. *Surfacing and drainage.* All off-street parking areas, access lanes, and driveways (including driveways serving single-family residences) shall be hard-surfaced with concrete or plant-mixed bituminous material, subject to the standards maintained and periodically updated by the building official. 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. Grading, surfacing, and drainage plans shall be subject to review and approval by the building official and city engineer.
 5. *Curbs, wheel chocks.* A curb of at least six 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 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.

Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Curbs may be perforated or have gaps or breaks.
 6. *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 2.14. Parking lot entrances shall be illuminated.
 7. *Buildings.* No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendance shelter, which shall not be more than 50 square feet in area and not more than 15 feet in height. Such accessory buildings shall be compatible with principal building in terms of color and materials.
 8. *Signs.* Accessory directional signs, without logos, shall be permitted in parking areas in accordance with the adopted article 27.00, sign ordinance, as amended.
 9. *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. Landscaped areas should be sufficiently large to provide stormwater management. Depressed parking islands that include curb cuts to allow stormwater into the islands are encouraged.
- E. *Recreational vehicle parking in residential districts.* Recreational vehicles as defined in section 1.03, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following conditions:

1. *Number.* No more than one recreation vehicle shall be parked or stored on a residential lot, except that two recreational vehicles may be parked or stored on lots exceeding one-half acre in size.
2. *Connection to utilities.* Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
3. *Use as living quarters.* At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
4. *Location.* Recreational vehicles may be parked outside between the front and rear building lines, provided that a side yard of not less than six feet must be maintained on at least one side of the building to provide access to the rear. Recreational vehicles parked in the side yard must be screened from view with a four-foot tall fence or landscaping that is at least 80 percent opaque. Otherwise, the vehicle must be parked to the rear of the principal building, but not closer than three feet to a side or rear property line.
5. *Lot coverage.* Recreational vehicles may occupy no more than 25 percent of the required rear yard.
6. *Temporary parking.* Notwithstanding the above provisions concerning "location", recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 72 hours prior to and 72 hours after use of the vehicle within a seven-day period.
7. *Condition.* Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.
8. *Storage of mobile homes manufactured homes.* The parking or storage of an unoccupied mobile manufactured home as defined in section 1.03, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the mobile home manufactured housing park district.
9. *Waiver of regulations.* The provisions concerning location may be waived for a period of up to two weeks to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the building department. No more than two non-consecutive permits shall be issued per calendar year.

([Ord. No. 128-B, § I, 9-20-10](#))

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 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 spaces shall be provided as required by this ordinance for the new use, regardless of any variance that may have been in effect prior to change of use.
- B. *General requirements.*

1. *Location.* Required loading spaces shall be located in the side or rear yard of the same zoning lot as the use being served. Loading space or access thereto shall not be located where loading/unloading operations will interfere with traffic on public streets or off-street parking.
2. *Size.* Unless otherwise specified, each required loading space shall be a minimum of ten feet in width and 50 feet in length, with a vertical clearance of 14 feet. The size of the loading space may be modified by the planning commission if it can be demonstrated by the applicant that a smaller space is sufficient due to the size of delivery trucks.
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. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the city engineer.
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.* Required loading space 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:
 - Each business served shall have direct access to the central loading area without crossing streets or alleys.
 - The 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.
 - No building served shall be more than 500 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. The planning commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

SCHEDULE OF LOADING SPACE REQUIREMENT	
Gross Floor Area	No. of Loading Spaces
0—1,999 sq. ft.	See note [1]
2,000—19,000 sq. ft.	1 space
20,000—99,999 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000—499,999 sq. ft.	5 spaces, plus 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	15 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

- [1] Establishments containing less than 2,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 5.00. - LANDSCAPING, SCREENING AND WALLS

Sec. 5.01 - Intent and scope of requirements.



- A. *Intent.* Landscaping, greenbelts, and screening are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts are capable of enhancing the visual image of the city, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and 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,
 2. Protect and preserve the appearance, character, and value of the neighborhoods that abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
 3. Reduce soil erosion and depletion,
 4. Increase soil water retention, thereby helping to prevent flooding,
 5. Reduce stormwater pollution, temperature, and rate of volume of flow, and
 6. Encourage the use of native plantings.
- B. *Scope of application.* These requirements shall apply to all uses which are developed, expanded, or changed and to all lots, sites, and parcels which are developed or expanded upon following the effective date of this ordinance. No site plan shall be approved unless it shows landscaping consistent with the requirements of this section.

Where landscaping is required, 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 section 2.17.

- C. *Minimum requirements.* The requirements in this article are minimum requirements, and under no circumstances shall they preclude the developer, property owner and the city from agreeing to more extensive landscaping.

- D. *Design creativity.* Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the city planning commission to coordinate landscaping on adjoining properties.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 5.02 - General landscaping requirements.

- A. *General site requirements.* All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, streetscape elements, berms, or screening are required:
1. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod.
 2. A mixture of evergreen and deciduous trees shall be planted on nonresidential parcels at the rate of one tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this article. Required trees may be planted at uniform intervals, at random, or in groupings.



- B. *Tree lawn.* One street tree (minimum two and one-half-inch caliper) shall be required for every 40 linear feet of tree lawn. The tree lawn (public rights-of-way) shall be defined as the area located between the sidewalk or non-motorized pathway and the street curb line. Additional landscape materials may be required in specially designated areas.
1. *Street trees:*
 - a. *Variety:* The species of street tree and exact locations shall be as specified on the future DDA Streetscape Plan. In areas outside of the DDA district, then planting of the salt-resistant, deciduous street trees shall be encouraged within the road rights-of-way at 40-foot intervals. Some of the acceptable tree types include Red Maple, Norway Maple.
 - b. Cleveland Pear, Aristocrat Pear, Little Leaf Linden, Zelkova, Honeylocust and Oak.
 - c. *Street tree plan:* A street tree plan shall be submitted for review and approval for any modifications that do not fit into the DDA's Streetscape Plan.

2. *Landscape plan:* On every site involving new development or total redevelopment, a landscape plan shall be submitted for review and approval.



3. *Landscape lighting:* Up lighting of landscaping and trees is encouraged. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover unless located in designated pedestrian areas. The area 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. No plant materials, except for grass or ground cover shall be permitted closer than three feet from the edge of the road pavement or two feet from pedestrian pathways.

Planting areas shall be separated from lawn areas through the installation of professional landscape edging or similar method to minimize overgrowth of the turf.



Sample parking lot screening

- C. *Parking lot screening.* Screening adjacent to rights-of-way: All off-street parking areas located adjacent to rights-of-way shall be screened from view by one of the following:
 1. Ornamental fence or decorative masonry knee wall (maximum 30 inches high); or
 2. Evergreen hedge (maximum 30 inches high) and perennials; or
 3. Landscape berm; or
 4. Combination of items 1.—3. above (see illustrations below).



Decorative masonry screen wall

Screening adjacent to residential uses: Privacy walls shall be required whenever a nonresidential use in a commercial, office, or industrial district abuts directly upon land zoned or used for residential purposes. Privacy walls shall be six feet in height unless otherwise permitted. Required privacy walls shall be decorative and constructed of masonry material (e.g. face brick, decorative block, or poured concrete with simulated brick or stone patterns) that is architecturally compatible with the materials of the adjacent principal structure on site. Long wall faces shall be broken up with columns or pilasters to create a shadow line. Privacy walls shall be topped off with a wall cap.

Privacy walls shall be continuous along residential district boundaries unless a pedestrian opening (typically 36 inches wide) is required to connect to designated pedestrian pathways.

Location: Privacy walls shall be located on the lot line except where underground utilities interfere and except in instances where the zoning ordinance requires otherwise. Required walls may, upon approval of the board of zoning appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners.

Berms: Where required, berms shall conform to the following standards:

1. *Dimensions.* Required berms shall be at least three feet above grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal (33 percent slope), with at least a two-foot flat area on top. The planning commission may modify the height requirements in cases where sufficient room does not exist to construct a three-foot high berm.
2. *Protection from erosion.* Any required berm shall be planted with sod, ground cover, or other suitable 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 unless specifically reviewed and approved by the planning commission.
3. *Required plantings.* Unless otherwise specified (such as for the purposes of screening), a minimum of one deciduous or evergreen tree shall be planted for each thirty lineal feet or portion thereof of required berm, or alternatively, eight shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
4. *Measurement of berm length.* For the purpose of calculating required plant material, berm length shall be measured along the exterior edge of the berm.



Sample Berms

Ornamental fencing: In lieu of a berm, parking lots may be screened with DDA approved ornamental fencing, brick piers, evergreen hedge or combination of above (see illustrations below).



General screening requirements: Unless otherwise specified, wherever an evergreen or landscaped screen is required, evergreen screening shall consist of closely spaced plantings which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within one year of planting. Wherever screening is required adjacent to residentially zoned or used property, the screening must be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.

Screening of equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six inches within one years of planting.



D. *Interior parking lot landscaping.* Any off-street parking lot, excluding loading, unloading and storage area in nonresidential districts containing more than 15 off-street parking spaces or 4,500 square feet of area, shall provide interior parking lot landscaping in addition to required perimeter landscaping and screening. Wherever possible, parking lot landscaping shall be designed to improve safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Interior parking lot landscaping may be peninsular or island types.

1. *Landscape area.* For each 100 square feet, or fraction thereof, of vehicular use area, a minimum total of five square feet of landscape area shall be provided.

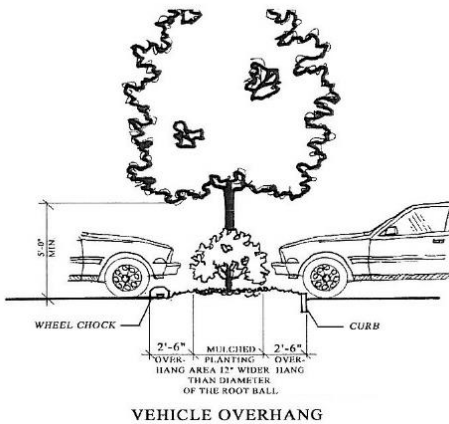


- a. *Minimum area.* The minimum landscape island permitted shall be no less than eight feet in any single dimension and no less than 128 square feet in total area. (Note: A minimum four-foot dimension to all trees from edge of pavement where vehicles overhang is required.) Landscape areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.



- b. *Maximum contiguous area.* In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 256 square feet in size. The least dimension of any required area shall be four feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
2. *Minimum trees.* Requirements for plant materials shall be based on the location, size, and shape of the parking lot landscaped areas. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements. The following minimum is required, based upon total required parking lot landscaping:
 - a. One deciduous tree and two shrubs (or four perennials) per 128 square feet of landscaped island area or part thereof. At least 50 percent of each interior landscaped area shall be covered with living plant materials: perennials, shrubs, living ground cover or sod not to exceed 30 inches in height.

- b. Trees shall have a clear trunk of at least five feet above the ground. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in section 5.02G, herein.



3. *Vehicle overhang.* Parked vehicles may hang over the interior landscaped area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area (see figure "vehicle overhang").

E. *Greenbelts and landscape buffer zones.* Where required, greenbelts and landscape buffer zones shall conform to the following standards:

1. *Dimensions.* Unless otherwise indicated or appropriate, required greenbelts shall be at least eight feet in width. A required greenbelt may be interrupted only to provide for pedestrian or vehicular access.
2. *Required plantings.*
 - a. *Grass or ground cover requirements.* Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
 - b. *Tree and shrub requirements.* Unless otherwise specified (such as for the purposes of screening), a minimum of one deciduous (minimum two and one-half-inch caliper) or evergreen tree (minimum six-foot high) and eight shrubs (or 16 perennials) shall be planted for each 30 lineal feet or portion thereof of required buffer zone. Eight shrubs may be substituted for each required tree per the discretion of the city planner/landscape architect. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - c. *Distance from sidewalks.* Plant material shall not be placed closer than four feet from the right-of-way line where the greenbelt abuts a public sidewalk.
3. *Measurement of greenbelt length.* For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

F. *Open area landscaping.* All unpaved portions of the site shall be planted with grass, ground cover, perennials, shrubs, or other suitable live plant materials, which shall extend to any abutting street pavement edge. A mixture of evergreen and deciduous trees shall be planted on nonresidential parcels at the rate of one tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not apply. Required plantings may be planted at uniform intervals, at random, or in groupings.

G. *Maintenance of unobstructed visibility for drivers.* No landscaping shall be erected, 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, subsection A.7., herein. Furthermore, interior landscaping in parking lots shall not be

permitted to obstruct cross-visibility between a height of 30 inches and six feet above the grade level of the parking lot.

- H. *Potential damage to utilities.* 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 15 feet from any such roadways, sewers, or utilities.
- 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 feet. A minimum of one deciduous or evergreen tree shall be planted for each 30 lineal feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet.
- J. *Irrigation.* The proposed method of irrigating landscape areas shall be indicated on the site plan. Landscape and turf areas shall be irrigated to maintain plant materials in good and healthy condition. Hose bibs (water outlets) shall be provided within 100 feet of all plant material unless a sub-grade irrigation system is installed. Any irrigation or watering system shall be continuously maintained and kept in good working order.
- K. *Street trees in single-family districts.* A minimum of one deciduous tree shall be planted on each single family parcel on which a new dwelling unit is proposed to be constructed.
- L. *Bioretention (rain gardens).* Wherever feasible, bioretention areas (or rain gardens) are encouraged. Bioretention areas are shallow surface depressions planted with specially selected native vegetation to capture and treat stormwater runoff from rooftops, streets, and parking lots.

Key design features:

- Flexible in size and infiltration
- Ponding depths 6—18 inches for drawdown within 48 hours
- Native plants
- Amend soil as needed
- Provide positive overflow for extreme storm events
- Bioretention can accomplish the following:
 - Reduce runoff volume
 - Filter pollutants through both soil particles (which trap pollutants) and plant material (which take up pollutants)
 - Provide habitat
 - Recharge groundwater (if no underdrain is placed underneath)
 - Reduce stormwater temperature impacts
 - Enhance site aesthetics



Sample Rain Gardens

- M. *Stormwater management pond landscaping.* Where any pond, retention basin, detention basin, or other constructed stormwater management facility is required, it shall comply with the following requirements:
1. Basin configurations shall be incorporated into the natural topography to the greatest extent possible. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
 2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to planning commission approval.
 3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
 4. A perimeter greenbelt shall be provided in accordance with the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the average water level of the basin. Any plantings proposed below the average water level shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 5.03 - Specific landscaping requirements for zoning districts.

- A. *Requirements for commercial, office and industrial districts.* In addition to the general landscaping requirements set forth in section 5.02, all lots or parcels of land developed upon in the commercials, office, or industrial zoning districts shall comply with the following landscaping requirements:
1. *Front yard berm requirements.* Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be a minimum of three feet in height, and shall be planted in accordance with section 5.02, subsection B. The berm shall be located totally on private property, adjacent to the road right-of-way line.
 2. *Protective screening requirements.* Protective screening in the form of a berm or an obscuring wall shall be required wherever a nonresidential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes. Berms used for screening shall be a minimum of four feet in height, and shall be planted in accordance with section 5.02B, above. If a wall is used instead of a berm, the requirements of section 5.08 shall be complied with.
 3. *Landscaping adjacent to roads.* All front, side, or rear yards adjacent to roads, including berm areas, shall be landscaped in accordance with the following standards (see illustration):

A minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of road frontage, plus a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of road frontage, plus a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof 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 intervals, at random, or in groupings.
- B. *Requirements for manufactured home park districts.* All lots or parcels of land located in a district zoned for manufactured home park uses shall comply with the following landscaping requirements:

1. *General site landscaping.* A minimum of one deciduous or evergreen tree shall be planted for each manufactured home lot. Deciduous trees may be planted between the curb and sidewalk, or in any other unpaved open area. Unless otherwise specified, required landscaping elsewhere in the manufactured home park shall not be counted in meeting these requirements for trees.

2. *Landscaping adjacent to roads.* All front, side, or rear yards, adjacent to roads, including berm areas, shall be landscaped in accordance with the following standards:

A minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of road frontage, plus a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of road frontage, plus a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof 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 intervals, at random, or in groupings.

3. *Landscaping around manufactured homes.* Areas between or surrounding manufactured homes, as well as other open areas, shall be covered with grass and landscaped with trees and shrubs. Any landscaping material used to satisfy the requirements of this sub-section may also be counted toward meeting the requirements for general site landscaping specified above.

4. *Protective screening requirements.* Protective screening in the form of a berm or an obscuring wall shall be required wherever development in a manufactured home park district abuts directly upon land zoned for residential purposes. Berms shall be a minimum of four feet in height, and shall be planted in accordance with section 5.02, subsection B. If a wall is used instead of a berm, the requirements of section 5.08 shall be complied with.

C. *Requirements for multiple-family districts.* In addition to the general landscaping requirements set forth in section 5.02, above, all lots or parcels of land located in multiple-family zoning districts shall comply with the following landscaping requirements:

1. *General site landscaping.* A minimum of two deciduous or evergreen trees, plus four 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 variety.* In order to encourage creativity in landscaping and to minimize tree loss caused by species-specific disease, a variety of tree species shall be required, as specified in the following schedule:

Required Number of Trees	Minimum Number of Species
5 to 30	2
31 to 60	3
61 to 100	4
More than 100	5

3. *Protective screening requirements.* Protective screening in the form of a berm or an obscuring wall shall be required wherever development in a multiple-family district abuts directly upon land zoned for single-family residential purposes. Berms shall be a minimum of four feet in height, and

shall be planted in accordance with section 5.02, subsection B. If a wall is used instead of a berm, the requirements of section 5.08 shall be complied with.

4. *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 (see illustration). Such screen may consist of a combination of trees, shrubs, and berming, subject to review by the planning commission.
 5. *Landscaping adjacent to a highway.* Where multiple-family dwellings abut a highway or freeway, a landscaped buffer shall be provided to screen noise and views. The buffer shall consist of a combination of closely-spaced evergreens and earth mounding, providing a total minimum design height of 11 feet. The size and placement of plantings should provide for a complete visual barrier at the desired height within five years of planting. The planning commission may modify these requirements where noise mitigation measures, such as walls, have been constructed in the freeway right-of-way.
- D. *Requirements for nonresidential uses in residential districts.* In addition to the general landscaping requirements set forth in section 5.02, above, all nonresidential uses developed in residential districts shall comply with the following landscaping requirements:
1. *Protective screening requirements.* Protective screening in the form of a berm or an obscuring wall shall be required wherever a nonresidential use in a residential district abuts directly upon land zoned for residential purposes. Berms shall be a minimum of four feet in height, and shall be planted in accordance with section 5.02, subsection B. If a wall is used instead of a berm, the requirements of section 5.08 shall be complied with.
 2. *Screening of off-street parking.* A four-foot high obscuring wall shall be required along all sides of any off-street parking or vehicle use area constructed to serve a nonresidential use in a residential district, where said off-street parking or vehicle use area is located within 25 feet of any land zoned for residential use.
 3. *Landscaping adjacent to roads.* The front, side, or rear yards adjacent to roads shall be landscaped in accordance with the following standards:

A minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of road frontage, plus a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of road frontage, plus a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof 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 intervals, at random, or in groupings.

([Ord. No. 128-B, § I, 9-20-10](#))

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 pest and diseases, hardy in southern Wayne County, shall have passed inspections required under state regulations, and shall be in accordance with the minimum recommended standards set forth in the latest edition of horticultural standards of the American Associations of Nurserymen, Inc. Furthermore, plant material shall conform to the standards of the Wayne County Cooperation Extension Service. Native plantings are encouraged.
- B. *Prohibited plant material.* The use of non-native, invasive species of plants are prohibited. Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this ordinance.
- 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 two and one-half inches in caliper measured 12 inches above grade with the first branch a minimum of four feet above grade when planted.
2. *Deciduous ornamental trees.* Deciduous ornamental trees shall be a minimum of one and one-half inches in caliper measured six inches above grade with a minimum height of four feet above grade when planted.
3. *Evergreen trees.* Evergreen trees shall be a minimum of six feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three feet, and the size of the burlapped root ball shall be at least ten times the caliper measured six inches above grade.
4. *Shrubs.* Shrubs shall be a minimum of two feet in height when planted, except that columnar evergreen shrubs, such as juniper, yew and arborvitae species, shall be a minimum of three feet in height when planted. Low growing shrubs shall have a minimum spread of 18 inches when planted.
5. *Hedges.* Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two feet in height when planted.
6. *Vines.* Vines shall be a minimum of 30 inches in length after one growing season.
7. *Ground cover.* Ground cover use 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 complete growing season.
8. *Grass.* Grass area shall be planted using species normally grown as permanent lawns in southern Wayne County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged sprigged or seeded, except that sod shall be installed in swales or other areas that are subject to erosion, and in the front yard areas of all nonresidential uses. When grass is to be established by a method other than complete sodding or seeding, nurse 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 use around trees, shrubs, and vines shall be a minimum of three inches deep, and installed in a manner as to present a finished appearance.
10. *Undesirable plant material.* Use of the following plant materials (or their clones or cultivars) is not encouraged because of susceptibility to storm damage, disease, and other undesirable characteristics;

Box Elder

American Elm

Tree of Heaven

European Barberry

Northern Catalpa

Poplar

Willow

Horse Chestnut

Silver Maple

Trees with extensive root systems that may infiltrate the sewer system shall be prohibited in the right-of-way.

([Ord. No. 128-B, § I, 9-20-10](#))

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.
- B. *Protection from vehicles.* Landscaping shall be protected from vehicle through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants for snow removal, salt, and other hazards.
- 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 2.17.
- 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 building official, 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 landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 300 feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing 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.

- E. *Performance guarantee.*
 - 1. *Performance bond.*
 - a. Whenever a site plan requires any type of landscaping, the applicant may be required to post a performance bond prior to the issuance of a temporary or final certificate of occupancy to ensure the completion of landscaping (including irrigation) if the landscaping is not 100 percent complete when any certificate of occupancy is requested. The city will inspect the landscaping and determine the percentage of completion and a performance bond must be submitted to the city by the developer in the sum equal to the unfinished portion of the landscape work. If the landscaping is 100 percent complete and approved no performance bond will be required.
 - b. If a performance bond is required it must be a cash bond or a corporate surety bond or irrevocable bank letter of credit in the full amount of the sum due as determined by the city.
 - 2. *Maintenance bond.* A maintenance bond in the sum of 25 percent of estimated cost of landscaping (including irrigation) must be posted prior to the issuance of any certificate of occupancy (including temporary). The maintenance bond is held for a period of two years, at the end of which time the city shall inspect the landscaping. Once any issues identified during the inspection are addressed the unused balance of the maintenance bond will be released.

([Ord. No. 128-B, § I, 9-20-10](#))

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 planning 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 section 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.* The purpose and intent of this section is to protect and maintain trees and woodlands within the city for the following reasons:

- Trees are proven producers of oxygen, a necessary element for the survival of mankind;
- Trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, thereby precipitating dust and other particulate airborne pollutants from the air;
- Trees play an important role in neutralizing wastewater, which passes through the ground from the surface to groundwater tables and lower aquifers;
- Trees, through their root systems, stabilize the soil and play an important and effective part in soil conservation, erosion control and flood control;
- Trees are an invaluable physical and psychological addition to the city, making life more comfortable by providing shade, by cooling both air and land, by reducing noise levels and glare, and by breaking the visual monotony of development on the land;
- Trees provide wildlife habitat and play other important ecological roles;
- The protection of trees within the city is not only desirable, but essential to the present and future health, safety, and welfare of all the citizens of the city; and
- Trees are matters of paramount public concern as provided by Article IV, Section 52 of the Constitution of the State of Michigan, as well as the Natural Resources and Environmental Protection Act of 1994 (PA 451 of 1994, as amended).

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five inches or greater in caliper, measured 12 inches above grade.

Removing, damaging, or destroying trees. It shall be a violation of this chapter for any person to remove, damage or destroy a tree; or cause a tree to be removed, damaged or destroyed unless such removal, damage or destruction is in compliance with the requirements of this chapter or is authorized by site plan approval.

Definitions.

Critical root zone or dripline means the area where a tree's roots are located. The critical root zone is described by a circle around the tree with one foot of radius for each one inch D.B.H. of the tree.

Diameter at breast height or D.B.H. means a tree's diameter in inches measured 54 inches above grade level.

Tree or protected tree or regulated tree means a living, woody, self-supporting plant with a diameter of five inches or greater D.B.H.

Tree removal plan means a one inch (or more) equals 200 feet scale aerial or drawing to scale, plotted by accurate techniques, that provides the location of all trees protected under the provisions of this chapter and the common name of all such trees together with their D.B.H.; tree protection measures; and a tree replacement plan. The tree removal plan shall be prepared by and signed and sealed by a registered landscape architect, registered forester, or certified arborist.

C. *Tree removal.* Before any protected tree is removed or relocated on land requiring site plan approval, the owner of the land involved shall make application to the city for a tree removal permit. The application shall include a tree location survey including a tree removal and replacement plan.

The reviewing authority shall not approve the removal of any tree unless it determines that one or more of the following conditions exist:

- The tree poses a safety hazard to pedestrian or vehicular traffic or unmanageably threatens to cause disruption to public utility services.
- The tree poses a safety hazard to buildings or structures.
- The tree completely prevents access to a lot or parcel, without any reasonable alternative means of access.
- The tree unreasonably prevents development of a lot or parcel, or the physical use thereof.
- The tree is diseased or has been weakened by age, storm, fire or other injury that was not inflicted or caused by or on behalf of the landowner and that the resulting condition of the tree poses a real danger to persons or property.
- All reasonable alternatives to removal of the tree must first have been considered and rejected as impractical or unfeasible.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

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 building official 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
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In lieu of actual tree replacement on site, the planning commission may allow an escrow payment to the city's tree replacement fund if circumstances warrant. The amount of the payment to be determined by the city engineer or planner.

D. *Tree protection.*

1. *Identifying trees to be removed.* All trees that have been approved for removal shall be identified on site by fluorescent orange spray paint or by red flagging tape prior to development. Trees selected for transplanting shall be flagged with a separate distinguishing color. All tree flag colors to be used in the field shall be noted on the tree removal plan.
2. *Critical root zone/dripline.* No person shall conduct activity within the critical root zone/dripline of any tree designated for preservation, including, but not limited to, the storage or placing of solvents, building materials, construction equipment or soil deposits, or the parking of any vehicles.
3. *Tree protection fence.* Prior to any development, land clearing, grading, or other site work commencing on the site, the developer or builder shall provide and maintain tree protection fences around the critical root zone of all trees to be preserved.
 - a. *Construction.* Tree protection fencing shall be constructed of one-inch by one-inch boards, or similar sturdy stock, to shield protected trees. Snow fencing or other similar temporary fencing using vinyl or plastic as the primary fence material are not suitable. Details of the tree protection fences must be included on the tree removal plan.
 - b. *Exceptions.* Street rights-of-way, utility easements, and large areas separate from construction or land clearing activities where no equipment or materials will be stored may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, or other brightly visible materials at least 30 inches above the ground along the outside perimeter of areas to be cleared.
4. *Tree protection fence inspection.* The location and construction of tree protection fences on the site must be inspected and approved by the city before any construction activity, tree removal, or land balancing activity commences. Protective fences shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first.
5. *Attachments prohibited.* No damaging attachment, wires (other than supportive wires for a tree), signs or permits may be fastened to any tree protected by this section.

- E. *Emergency tree removal.* When in the interest of public safety, health and general welfare, it becomes necessary to remove trees damaged or destroyed by high winds, storms, tornados, floods, freezes, snows, fires, or manmade and natural disasters not inflicted or condoned by the landowner or his or her agent, the building official may excuse noncompliance with this section, provided that the landowner so notifies the planning commission of such removal and the reason therefore within ten days of the disaster.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 5.07 - Modifications to landscape.

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 planning commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this section and the ordinance in general. In determining whether a modification is appropriate, the planning commission shall consider whether the following conditions exist:

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.

Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the ordinance.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 5.08 - Obscuring walls and fences.

A. *Obscuring wall and fence standards.* Where permitted or required by this ordinance, obscuring walls shall be subject to the following regulations:

1. *Location.* Required obscuring walls and fences shall be placed inside and adjacent to the lot line except in the following instances:
 - Where underground utilities interfere with placement of the wall or fence on the property line, the wall shall be placed on the utility easement line located nearest the property line.
 - In residential districts, no fence shall be constructed closer to the road than the front building line, except that fences may be constructed in the front yard in the R-1-E district if the lot is one acre or more in size.
2. *Time of construction.* Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall or fence shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence.
3. *Corner clearance.* Obscuring walls and fences shall comply with the specification for maintenance of unobstructed sight distance for drivers as set forth in section 2.09.
4. *Substitution.* As a substitute for a required obscuring wall or fence, the planning commission may, in its review of the site plan, approve the use of other existing and/or proposed natural or manmade landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. The character of adjoining uses and the preference of adjoining residents or businesses shall be taken into consideration in determining whether any such substitution is appropriate.
5. *Wall specifications.* Required obscuring walls shall comply with the following height requirements, unless otherwise specified in this ordinance:

Purpose	Required Height
To screen a nonresidential use in a commercial, office, or industrial district from an adjacent land zoned for residential use	Six feet

To screen a nonresidential use or parking areas in a residential district from adjacent land zoned for residential use	Four feet
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6. *Fence specifications.* Fences erected for screening purposes shall be six feet in height unless otherwise specified in this ordinance, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.
7. *Compliance with fence ordinance.* All fences and walls shall be constructed in compliance with the applicable provisions as noted section 2.20 herein.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 5.09 - Residential fences and walls.

Fences or walls in residential districts, whether for the purposes of screening or decorative landscaping, shall be subject to the regulations set forth in section 2.20 herein.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 5.10 - Entranceway structures.

Entranceway structures shall be permitted in any required yard area for the purpose of identifying the entrance to a subdivision, multiple-family development, manufactured home park, office park, or other planned development containing several buildings that are related in purpose and use. All such entranceway structures shall be subject to the following regulations:

1. *Dimensions and setbacks.* Entranceway structures shall not exceed 24 square feet in area and eight feet in height. All such structures shall be located on private property, no closer than five feet to the closest property line. Entranceway structures shall comply with the specification for maintenance of unobstructed sight distance for drivers as set forth in section 2.09.
2. *Signage.* Signage on entranceway structures shall comply with the requirements in the city's sign ordinance, chapter 101.
3. *Construction and design.* Entranceway structures shall be constructed of permanent, durable materials and shall be designed to be architecturally compatible with the surrounding development.
4. *Site plan.* Prior to issuance of a building permit for an entranceway structure, a site plan shall be submitted for review and approval by the planning commission. The site plan shall include an elevation drawing and a cross-section of the proposed structure. The site plan shall also show the relationship of the entranceway to adjacent road rights-of-way.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 6.00. - SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

Sec. 6.01 - Intent and scope of application.

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. These minimum standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located, such that the use requires special consideration to assure that the use will be compatible with surrounding uses and the orderly development of the district. Conformance 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. 128-B, § I, 9-20-10](#))

Sec. 6.02 - Site development standards for nonresidential uses.

A. *Adult book or supply stores, adult motion picture theaters, adult live stage performing theaters, adult outdoor motion picture theaters, group "A" cabarets, and massage parlors or massage establishments.* In the development and execution of this ordinance and this section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood. 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, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of adult regulated uses listed below shall be prohibited if the establishment of such uses will constitute the second such use within a 1,000-foot radius (i.e., not more than one such use within 1,000 feet of each). The distance between uses shall be measured horizontally between the nearest property lines.
 - a. Adult book or supply stores.
 - b. Adult motion picture theaters.
 - c. Adult live stage performing theaters.
 - d. Adult outdoor motion picture theaters.
 - e. Group "A" cabarets.
 - f. Massage parlors or massage establishments.
2. It shall be unlawful to hereafter establish any adult regulated use if the proposed regulated use will be within a 1,000-foot radius of the following:
 - Any public, private or parochial nursery, primary, or secondary school; day care center; library; park, playground, or other recreational facility; or church, convent, monastery, synagogue, or similar religious institution.
 - Any residentially used or residentially zoned land.

The distance between uses shall be measured horizontally between the nearest property lines.

3. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

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:

1. *Minimum lot area:* The minimum lot area required for such uses shall be as follows:
Automobile filling stations: 12,000 square feet.
Automobile or vehicle service stations: 15,000 square feet.
 2. *Minimum lot width:* The minimum lot width required for such uses shall be as follows:
Automobile filling stations: 100 feet.
Automobile or vehicle service stations: 120 feet.
 3. *Minimum setbacks:* Minimum setbacks required for such uses shall be as follows:
From any right-of-way line: 40 feet.
Side or rear setback abutting residentially zoned property: 25 feet.
 4. *Ingress and egress:* Ingress and egress drives shall be a minimum of 30 feet and a maximum of 40 feet in width. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least 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, its location near a vehicular or pedestrian entrances or crossing, or similar concerns.
 5. *Curbs:* A curb of at least six inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.
 6. *Surfacing:* The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or plant-mixed bituminous material. The site shall be graded and drained so as to dispose of surface waters.
 7. *Layout:* All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.
 8. *Outside storage:* In districts where outside storage is permitted, used tires, auto parts, and other material shall be enclosed with a masonry wall, not less than six feet in height. The enclosure shall be equipped with an opaque lockable gate that is the same height as the enclosure itself. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two days.
 9. *Outdoor sales:* The outdoor storage and sale of retail products (such as, but not limited to: windshield wiper fluid, oil, pop, firewood, or similar products) shall be prohibited.
 10. *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.
- C. *Automobile wash or car wash establishment.* The following regulations shall apply to automobile wash or car wash establishments:
1. *Minimum lot size:* The minimum lot size required for automobile or car wash establishments shall be 10,000 square feet.
 2. *Layout:* All washing activities shall be carried on within a building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least 50 feet from adjacent residentially zoned or used property.

3. *Entrances and exits:* Sufficient space shall be provided 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 on the car wash parcel itself.
 4. *Drying space:* Sufficient space shall be provided for drying of the vehicle undercarriage during sub-freezing weather prior to existing onto the public thoroughfare.
- D. *Child care centers and similar uses.* The following regulations shall apply to child care centers, nursery schools, day nurseries, group day care homes, and pre-schools:
1. *Licensing:* In accordance with applicable state laws, child care centers and similar uses shall be registered with or licensed by the department of social services and shall comply with the minimum standards outlines for such facilities.
 2. *Location:* The group day care home or childcare center shall not be located closer than 1,500 feet to any of the following:
 - Another licensed group day care home.
 - Another adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act.
 - A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the Public Health Code.
 - A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 3. *Outdoor play area:* A minimum of 3,000 square feet of usable outdoor play area shall be provided, equipped, and maintained on the premises.

Day nursery schools and similar facilities shall contain at least 600 square feet of outdoor play area (clean, safe, and hazard free), exclusive of buildings and front yard space, per each child enrolled or kept in said school. The required outdoor space shall be located within a reasonable walking distance (maximum 300 feet) of the entrance to the building and fenced in (minimum four feet high) with a lockable gate. A sketch plan shall be submitted showing the location of the outdoor play area, the distance from the building entrance, and details of the fencing, play equipment, safety ("fall zone") materials, etc.

An adequate and varied supply of outdoor play equipment, materials, and furniture, shall be provided that meets all of the following:

- Appropriate to the developmental needs and interests of children.
- Appropriate to the number of children.
- Safe and in good repair.
- Organized to separate active and quiet activities.
- Provide a clean and unobstructed view of the whole play area.
- Assure that there are safe distances ("fall zones") between equipment (and furnishings).

Children in care shall not be permitted to ride all-terrain vehicles, motor bikes, go-carts, recreational, and other motorized vehicles.

The care giver shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond or other body of water located on or adjacent to the property.

The planning commission shall find, after public hearing, that the proposed location is not injurious to children, detrimental to adjacent properties, and not contrary to the spirit and purpose of the zoning ordinance.

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 section 5.02D.

4. *Frontage:* Child care centers and similar uses shall front onto a paved major and secondary thoroughfares.
 5. *Setbacks:* Child care centers and similar uses shall have a minimum side yard setback of at least 25 feet.
 6. *Property:* The property shall be maintained consistent with the visible characteristics of the neighborhood.
 7. *Hours:* A group day care home or child care facility shall not exceed 16 hours of operation during a 24-hour period.
 8. *Parking:* Off-street parking shall be provided for employees and shall meet the requirements of article 4.00 of this ordinance.
 9. *Exception:* A state licensed or registered family or group day care home that operated before March 30, 1989, is not required to comply with the above requirements.
- E. *Coal, coke and fuel yards.* Prior to establishment of a coal, coke or fuel yard, an environmental impact statement shall be prepared in accordance with section 7.04, and submitted to the planning commission for review.
- F. *Cemeteries.* The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:
1. *Public need:* Evidence shall be presented to indicate that a public need exists for such new or expanded cemetery.
 2. *Master plan:* Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to planning commission approval.
 3. *Compatibility with surrounding uses:* Any such use shall be compatible with the surrounding area.
 4. *Setbacks:* No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than 200 feet to the boundary line of any residential or commercial district.
 5. *Access:* Entrances to cemeteries shall be off of a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.
 6. *Screening:* Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with section 5.02, subsection E.
- G. *Drive-in theaters.* The following regulations shall apply to drive-in theaters:
1. *Lot size:* The minimum lot size for a drive-in theater shall be 20 acres.
 2. *Setbacks:* The face of the theater screen shall not be closer than 500 feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially zoned district.
 3. *Frontage and road access:* Such uses shall front onto a paved major thoroughfare or state trunkline, and the main means of access to the theater shall be via the primary road or state trunkline. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than 250 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
 4. *Access drive design:* The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least 20 feet in width. There shall be a minimum of four entrance and four exit lanes, and each lane shall be at least ten feet in width.

5. *Stacking space:* A minimum of 50 stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.
 6. *Fencing:* The entire drive-in theater site shall be screened with an eight-foot high fence, constructed according to the specifications in section 5.08, subsection A.6.
- H. *Fast-food and drive-through restaurants.* The following regulations shall apply to fast-food and drive-through restaurants:
1. *Lot size:* The site shall have a minimum of 125 feet of frontage.
 2. *Access:* Ingress and egress points shall be located at least 60 feet from the intersection of any two streets. The use of secondary access drives in accordance with section 2.10 is encouraged.
 3. *Noise:* Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- I. *Golf courses and country clubs, par-3 golf courses.* The following regulations shall apply to golf courses, country clubs, and par-3 golf courses:
1. *Lot size:* Regulation length 18-hole golf courses shall have a minimum lot size of 110 acres. Nine-hole courses with regulation length fairways shall have a minimum lot size of 50 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres.
 2. *Setbacks:* The principal and accessory buildings shall be set back at least 75 feet from all property lines. Fairways and driving ranges shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.
 3. *Access:* Golf courses and country clubs shall have direct access onto a paved primary or secondary road.
 4. *Shelter buildings:* At least one shelter building with toilet facilities shall be provided. The shelter shall meet all requirements of the Wayne County Health Department and the city building code.
 5. *Impact on water supply:* Engineering data shall be submitted to document the impact of the golf course watering system on groundwater supply.
- J. *Junk yards.* The following regulations shall apply to junk yards:
1. *Lot size:* The minimum lot size for junk yards shall be ten acres.
 2. *Setbacks:* A minimum setback of 250 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 250 feet from any road or highway right-of-way line. Junk yards shall not be located closer than 1,000 feet to any church, school, park, or boundary line of any residential district.
 3. *Screening:* The entire junk yard site shall be screened with an obscuring masonry wall, constructed in accordance with the section 5.08. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
 4. *Surfacing:* All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the building official so as to confine any wind-borne dust within the boundaries of the site.
 5. *Height of stock piles:* Stock piles shall not exceed eight feet in height or the height of the obscuring wall.
 6. *Burning:* No burning or incineration of vehicles shall be permitted unless the burning is carried out in a completely enclosed incinerator which has been inspected and approved by the department of buildings and safety and the fire chief.
 7. *Rats and vermin:* All material shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. Where necessary, this shall be accomplished by

enclosures in containers, raising of materials above ground, separation of types of materials, preventing the collection of stagnant water, extermination procedures, or other means.

K. *Kennels*. The following regulations shall apply to kennels:

1. *Private kennels*: Private kennels to house only the animals owned by the occupant of the dwelling unit shall be permitted subject to the following:
 - *Lot size*: The lots on which any such kennel is located shall be a minimum of two acres in size.
 - *Number of animals*: No more than six animals over the age of six months shall be housed in a private kennel.
 - *Breeding*: Breeding of animals shall be restricted to no more than two litters per year.
2. *Commercial kennels*: Commercial kennels shall be permitted subject to the following:
 - *Operation*: Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.
 - *Lot size*: The lot on which any such kennel is located shall be a minimum of two acres in size. If more than four animals are housed in the kennel, an additional one acre shall be required for every additional ten animals (or fraction thereof).
 - *Setbacks*: Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 100 feet from any dwellings or buildings used by the public on adjacent property.

L. *Hospitals*. The following regulations shall apply to hospitals:

1. *Lot area*: The minimum lot size for hospitals shall be five acres.
2. *Frontage and access*: Such uses shall front onto a paved major thoroughfare, and the main means of access to the hospital for patient, visitors, and employees shall be via the major thoroughfare. In no case shall access to a hospital be off of a residential street.
3. *Setbacks*: The principal building and all accessory buildings shall be set back a minimum distance of 100 feet from all property lines.
4. *Screening*: Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design, landscaping, or by a masonry wall constructed in accordance with section 5.08.
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.

M. *Mini-warehouses*. The following regulations shall apply to mini-warehouses:

1. *Lot area*: The minimum lot size for mini-warehouses shall be three acres.
2. *Permitted use*: Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building.
3. *Site enclosure*: The entire site, exclusive of access drives, shall be enclosed with a six-foot high chain link fence or masonry wall, constructed in accordance with section 5.08.
4. *Greenbelt*: A landscaped greenbelt with a minimum width of 20 feet shall be required adjacent to any street, in conformance with section 5.03.
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. Paint schemes shall compliment the building materials and surrounding properties. The planning commission shall approve all materials and colors.

6. *Resident manager:* A resident manager may be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the requirements in section 2.04.
 7. *On-site circulation and parking:*
 - All one-way driveways shall be designed with one ten-foot wide loading/unloading lane and one ten-foot travel lane.
 - All two-way driveways shall be designed with one ten-foot wide loading/unloading lane and two ten-foot travel lane.
 - The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicated parking and traffic direction throughout the site.
- N. *Motel or motel court.* The following regulations shall apply to motels and motel courts:
1. *Accessory facilities:* A motel must include at least one of the following amenities:
 - An attached dining room with seating capacity for at least 20 occupants at the same time, serviced by a full service kitchen, or,
 - An unattached standard restaurant, as defined in this ordinance, with seating capacity for not less than 50 occupants, located on the same site as the motel or on a site contiguous with the motel and developed simultaneously or in advance of the motel site.
 2. *Design:* Each unit shall contain at least a bedroom and bath and a minimum gross floor area of 250 square feet.
 3. *Services:* Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
 4. *Screening:* A masonry screen wall shall be provided along any property line where the adjacent property is zoned for residential use, in accordance with section 5.08.
- O. *Nursing homes, convalescent homes, or rest homes.* The following regulations shall apply to nursing homes, convalescent homes, and rest homes:
1. *Lot area:* The minimum lot size for such facilities shall be three acres.
 2. *Frontage and access:* Such uses shall front onto a paved major thoroughfare or state trunkline, and the main means of access to the hospital for residents or patients, visitors, and employees shall be via the major thoroughfare or trunkline. In no case shall access to a nursing home, convalescent home, or rest home be off of a residential street.
 3. *Setbacks:* The principal building and all accessory buildings shall be set back a minimum distance of 75 feet from all property lines.
 4. *Open space:* Any such facility shall provide a minimum of 1,500 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, and rest homes shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- P. *Open-air businesses.* The following regulations shall apply to open-air businesses:
1. *Lot area:* The minimum lot size for open-air businesses shall be 10,000 square feet.
 2. *Setbacks:* Any building shall be set back at least 75 feet from any public road or highway right-of-way.
 3. *Access:* The nearest edge of any entrance or exit drive shall be located no closer than 75 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

4. *Lot width:* The minimum lot width for open-air businesses shall be 100 feet.
5. *Loading and parking:* All loading and parking areas for open-air business shall be confined within the boundaries of the site, and shall not be permitted to spillover onto adjacent roads.
6. *Screening:* A masonry screen wall shall be provided along any property line where the adjacent property is zoned for residential use, in accordance with section 5.08, except where the open-air business is a temporary Christmas tree sales lot.
7. *Outdoor display of vehicles:* The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the following:
 - All areas subject to vehicular use shall be paved in accordance with section 4.01D.4 (surfacing and drainage), section 4.01D.5 (curbs and wheel chocks), and section 4.01D.6 (lighting).
 - No repair or refinishing work shall be done on the lot, unless such work is performed within a building in accordance with an approved site plan.
 - The portion of any parcel used for an open air business shall be located no closer than 250 feet from any other parcel that is zoned or used for residential purposes.
 - Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 - No vehicle shall be parked or displayed within 40 feet of a public right-of-way.
 - Where permitted, all outside storage of used tires, auto parts, and other material shall be enclosed with a masonry wall, not less than six feet in height or at least one foot above the height of the screened material, whichever is taller. The enclosure shall be equipped with an opaque lockable gate that is the same height as the enclosure itself. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two days.
 - Display areas, adjacent to street rights-of-way shall be screened with ornamental fencing, landscaping, or combination of both, subject to approval by the planning commission.
8. *Plant material nursery:* Nurseries which deal with plant materials shall comply with the following:
 - Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
 - The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
9. *Christmas tree sales:* Seasonal sales of Christmas trees shall comply with the following:
 - Unless Christmas trees sales are accessory to the principal use of the site, a permit shall be obtained from the building official to allow temporary use of the site for such sales.
 - Christmas tree sales shall not be permitted in residentially-zoned districts.
 - All Christmas trees, as well as poles, lights, wires, or other items incidental to the sale of trees shall be removed from the premises by December 31 of the subject Christmas season.
 - Christmas trees on display for sale shall comply with the minimum setback requirements for the district in which the sales lot is located.
 - Christmas trees sales lot shall have adequate parking and a safe means of ingress and egress.
- Q. *Outdoor eating areas and open front restaurant (i.e., window service).* The director of building and safety may approve the establishment of an outdoor eating area and open front restaurants upon payment of the approved permit fees, and subject to the conditions provided in this ordinance.

Conditions for approval. The following regulations shall apply to outdoor cafes, outdoor eating areas, and open front restaurants:

- A. Any outdoor eating area shall not exceed 15 percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area; except for outdoor sidewalk cafes which may be established in a C-2 district. Outdoor eating areas and outdoor cafes must be contiguous to the principal building used as a restaurant.
- B. Outdoor eating areas (with the exception of sidewalk cafes) shall be located no closer than 15 feet from any street right-of-way or any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular and maneuvering areas by means of a greenbelt, wall, or architectural feature.
- C. The outdoor eating area shall not be located within 50 feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or greenbelt, in compliance with this ordinance.
- D. The outdoor café area shall be kept clean and void of litter at all times. Fences or landscaping shall be provided to control blowing debris.
- E. All vending machines and arcades shall be located within a completely enclosed building.
- F. Outdoor sidewalk cafes shall be subject to the following standards:
 1. To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a five-foot wide clearance for circulation, the café shall not be permitted. Planters, posts with ropes, or other removable enclosures shall be encouraged and should be used to define the area occupied by the outdoor seating.
 2. Pedestrian circulation and access to store entrances shall not be impaired. Thus, a boundary (maximum encroachment width and length) into the public sidewalk shall be established, with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements.
 3. The operators of the outdoor café shall be responsible for a clean, litter free, and well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor trash receptacles should be required. Written procedures for cleaning and trash containment and removal responsibilities of the café must be noted on the revised plan to the satisfaction of the city.
 4. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors.
 5. Additional signs shall not be permitted, beyond what is permitted for the existing restaurant.
 6. The hours of operation for the outdoor seating area shall be established and noted on the application, but shall not exceed the hours of 7:00 a.m. to 11:30 p.m.
 7. Preparation of food and beverages shall be prohibited in this outdoor area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance.
 8. The operator shall at all times maintain a policy of liability insurance in the minimum amount of \$500,000.00 for personal injuries, and \$100,000.00 for property damage arising out of the permitted operation. Evidence of insurance coverage must be provided before any permit is issued. The policy shall directly protect the City of Flat Rock, its officers and employees and agents as named insured, and shall provide that the insurance be primary insurance and that no other insurance purchased by the city will be called on to contribute to a loss covered by said policy. The policy shall further provide 30 days' notice of cancellation or material change to the city's designated agent. Prior approval of the city attorney is required. Each

operator and owner of the real estate upon which the restaurant is located shall further agree to hold the city harmless for any liability or claim arising out of his or her operation that is not covered by the required insurance.

9. All furnishings including, but not limited to, tables, chairs and decorative accessories shall be readily moveable. The outdoor sidewalk café must be installed in such a way as to allow its complete removal within one day, in a condition satisfactory to the city. Any furnishings not removed within one day at the end of its use or the season, will be removed by the city, with the costs of said removal and site restoration or clean up being charged to the property owner.
 10. No part of the café shall be permanently attached to public property.
- G. *Time period of license* . The café season shall extend from April 1 through October 31 of each year. Approval given under this ordinance shall expire on October 31 of each year unless revoked earlier by the city or surrendered by the applicants. The permit granted under this ordinance may be revoked at any time by the director of building and safety in the event of a violation of this ordinance.
- H. A permit fee shall be paid by all applicants prior to the establishment of the outdoor café, outdoor eating area and open front restaurants in the amount to be determined annually by the city council.
- I. The grant of approval for an outdoor sidewalk café shall be subject to the requirements of any other governmental agency having jurisdiction over the public right-of-way.
- R. *Outdoor recreation facilities*. The following regulations shall apply to outdoor recreation facilities:
1. *Accessory retail facilities*: 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. *Screening*: Protective screening shall be required wherever an outdoor recreation facility abuts directly upon land zoned for residential or agricultural use, in accordance with section 5.03, subsection A.2.
 3. *Lighting*: Lighting shall be located, focused, and/or screened to minimize impact off of the site, in accordance with section 2.14.
- S. *Radio and television towers (commercial and public)*. The following regulations shall apply to commercial and public radio and television 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 black vinyl coated, six-foot high chain link fence shall be constructed around the entire perimeter, in accordance with the city fence ordinance, chapter 99 of the city Code.
 3. *State and federal regulations*: Radio and television towers shall be constructed, maintained, and operated in conformance with the applicable state and federal laws.
 4. *Landscape screening*: Landscaping and screening shall be provided subject to the planning commission.
- T. *Religious institutions*. The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and so forth:
1. *Lot width*: The minimum lot width for religious institutions shall be 150 feet.
 2. *Lot area*: The minimum lot area for religious institutions shall be two acres.
 3. *Parking setback*: Off-street parking shall be prohibited in the front setback area specified for the district in which the institution is located and within 15 feet of the rear or side property line.

4. *Building setback:* Religious institutions shall comply with the following building setback requirements:
Front yard: 50 feet.

Side yards: 25 feet.

Rear yard: 50 feet.
 5. *Frontage and access:* Religious institutions shall be located on streets which have a right-of-way of at least 86 feet.
 6. *Landscaping:* Religious institutions shall comply with the landscaping requirements set forth for nonresidential uses in a residential district, section 503, subsection D.
- U. *Roadside stands.* The following regulations shall apply to all roadside stands which sell agricultural products (see definition, article 1.00):
1. *Building size:* Any building containing a roadside stand shall be at least 50 square feet but not greater than 250 square feet in size.
 2. *Trash containers:* Suitable trash containers shall be placed on the premises for public use.
 3. *Building setbacks:* Any building containing a roadside stand shall be located no closer than 25 feet to the nearest edge of the paved surface of any paved public road, and no closer than 25 feet to the improved gravel surface of any unpaved public road.
 4. *Parking:* Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in article 4.00, except that hard-surfacing shall not be required.
- V. *Sewage disposal plants and landfills.* The following regulations shall apply to sewage disposal plants and landfills:
1. *Design and operation standards:* Any such use shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, and other regulatory agencies, as well as requirements set forth in the soil removal and landfill ordinance, chapter 54 of the city Code.
 2. *Environmental impact statement:* An environmental impact statement shall be prepared in accordance with federal and state requirements and section 7.04, and submitted to the planning commission for review.
- W. *Stables, public and private.* The following regulations shall apply to all stables:
1. *General requirements:* Animals shall be provided with a covered and enclosed shelter and outdoor fenced area of adequate size to accommodate all animals kept on the premises. All stables, public and private, shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least 70 feet from any property line and shall be removed from the premises at least once per week.
 2. *Private stables:* Private stables, as defined in section 1.03 of this ordinance, are intended for the keeping of horses or other large domestic animals for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following:
 - *Setback:* All buildings in which animals are kept shall be located a minimum of 60 feet from any occupied dwelling and any other building used by the public. The paddock or fenced area shall be designed so that the animals cannot approach any closer than 50 feet from any dwelling or other building used by the public.
 - *Lot size:* Private stables shall have a minimum of one acre.
 - *Maximum number of animals:* The maximum number of animals permitted shall be related to lot size as follows:

Minimum Lot Size	Maximum Number of Animals
2 acres	2
3 acres	4
4 or more acres	6

3. *Public stables:* Public stables, as defined in this ordinance, and riding academies shall comply with the following:
- *Lot size:* Public stables and riding academies shall have a minimum of two acres per animal, but in no event shall there be less than ten acres.
 - *Setback:* All buildings in which animals are kept shall be located a minimum of 60 feet from any occupied dwelling and any other building used by the public. The paddock or fenced area shall be designed so that the animals cannot approach any closer than 50 feet from any dwelling or other building used by the public.

X. *Stamping plants, punch presses, press brakes, and other machines.* The following regulations shall apply to stamping machines, punch presses, and press brakes:

1. *General requirements:* Stamping machines, punch presses, and press brakes shall be placed on shock absorbing mountings and on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer.
2. *Automatic screw machines:* Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than 300 feet from any property zoned for residential use.
3. *Maximum capacity:* Punch and stamp presses, other than hydraulic presses shall comply with the following capacity standards:

Maximum Capacity (Tons)	Distance from Nearest Residential District (Feet)
50	250
100	30
150	500
Hydraulic presses shall comply with the following capacity standards:	
50	250
750	300

1,000	500
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4. *Press brakes:* Press brakes shall be set back at least 300 feet from any property zoned for residential use.

Y. *Swimming pool clubs.* The following regulations shall apply to all swimming pool clubs:

1. *Nonprofit status:* Swimming pool clubs in residential districts shall be incorporated as nonprofit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly defined geographic area as specified in the club's articles of incorporation.
2. *Setbacks:* Front, side and rear yards shall be a minimum of 60 feet. There shall be no parking or structures permitted in these yards, except for entrance drives and walls or fences used to enclose and screen the use. The yards shall be landscaped in accordance with section 5.02.
3. *Building height:* Buildings erected on the premises shall not exceed one story in height.
4. *Fence requirements:* An open weave black vinyl coated, six-foot high chain link fence shall be constructed around the pool area, in accordance with the city fence ordinance, chapter 99 of the city Code. Entry shall be provided by means of a controlled gate. In addition, a masonry screen wall shall be provided along any property line where the adjacent property is zoned for residential use, in accordance with section 5.08.

([Ord. No. 128-B, § 1, 9-20-10](#))

Sec. 6.03 - Site development standards for residential uses.

A. *Multiple-family and attached housing requirements.* The following site development standards shall apply to attached housing developments in the multiple-family districts, including single-family attached and townhouse dwelling units (as defined in section 1.03):

1. *Building length:* Multiple-family buildings shall not exceed 150 feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together (see illustration).
2. *Building spacing:* The minimum distance between any two buildings shall be based on the length and height of the buildings, in accordance with the following formula and illustration, provided that the distance between two buildings shall not be less than 30 feet, unless there is a corner-to-corner relationship between the buildings, in which case the minimum distance shall be 15 feet. The building spacing formula is as follows:

$$S = \text{Length A} + \text{Length B} + 2(\text{Height A} + \text{Height B}) / 6$$

S = Required minimum horizontal distance between any wall or vertical surface of building A and any wall or vertical surface of building B.

Length A = Length of building A.

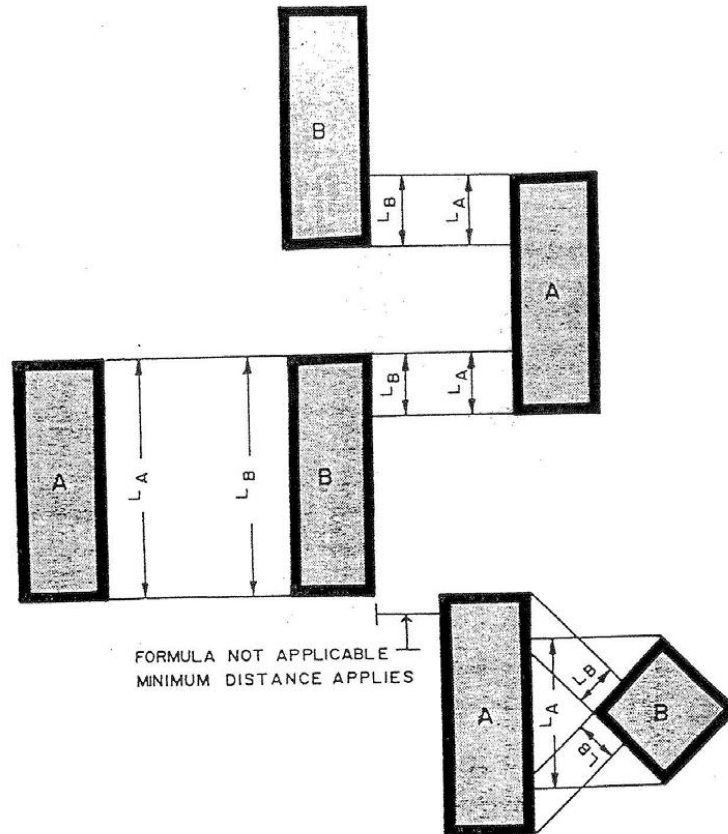
Length B = Length of building B.

For the purpose of this formula, the total length of a building shall be equal to the total length of that portion or portions of walls from which, if viewed directly from above, lines drawn perpendicular to the walls will intersect any wall of an adjacent building.

Height A = Height of building A.

Height B = Height of building B.

Building height shall be measured in accordance with the definition set forth in article 1.00.



MINIMUM DISTANCE BETWEEN BUILDINGS

$$\frac{L_A + L_B + 2(H_A + H_B)}{6}$$

BUILDING SPACING

3. *Street address:* The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.
4. *Access and circulation:* Multiple-family developments shall comply with the following requirements for access and circulation (see illustration):
 - (a) *Access to roads:* Multiple-family developments shall only have access to an existing or planned road with a right-of-way greater than 66 feet; however, alternate means of access may be permitted by the planning commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:

- The property directly across the street from the development under consideration is zoned for multiple-family or nonresidential use, or
 - The property directly across the street is developed with permanent uses other than single-family residences, or
 - The proposed development is in an area which, based on study by the planning commission, will eventually be used for purposes other than single-family use.
- (b) *Emergency access:* All dwelling units, including those under construction shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roadways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:
- All roadways shall be paved and bi-directional, allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of 25 feet in width, and the width of each paved moving lane in each direction is at least 15 feet.
 - Streets with no outlet shall be terminated with a cul-de-sac, designed in accordance with standards established and periodically updated by the city engineer and kept on file in the department of building and safety. Streets with no outlet shall not exceed 300 feet in length.
 - Gatehouse and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.
- (c) *Street dimensions:* On-site streets and drives shall have a minimum width as follows:
- Boulevard with median: 15-foot moving lane in each direction.
- Undivided two-way street or drive, without parking: 24 feet.
- Undivided two-way street or drive with parking: See section 4.01D.2, requirements for parallel parking.
5. *Sidewalks/pathways:* Sidewalks or pathways shall be provided within the development to provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with section 2.19. All interior sidewalks shall connect to the public sidewalk system. Where required, a ten-foot wide asphalt pathway shall be installed in accordance with the city's non-motorized pathway master plan.
6. *Parking:* In addition to the requirements set forth in article 4.00, multiple family developments shall comply with the following requirements:
- *Location:* Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking may be permitted in required side and rear yard setback areas provided that parking lots and access drives shall be located a minimum of ten feet from any property line or public right-of-way. Parking lots and access drives shall not be located closer than 25 feet to a wall of any residential structure which contains windows or doors, nor closer than seven feet to a wall of any residential structure which does not contain openings.
 - *Distance from dwelling units:* Parking shall be located within 150 feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.
 - *Parking for community buildings:* Parking shall be provided for community buildings, in accordance with section 4.01C.6.

7. *Lighting*: All parking areas, building entrances, sidewalks, and ramps 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 2.14.
8. *Landscaping*: Multiple-family developments shall be landscaped in accordance with section 5.03, subsection C.
9. *Open space*: Open space shall be provided in any multiple family development containing eight or more units. The open space shall comply with the following requirements:
 - (a) *Size*: Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of 10,000 square feet of open space.

Type of Unit	Open Space Required per Unit
Efficiency unit	170 square feet per unit
1 bedroom unit	250 square feet per unit
2 bedrooms or more	350 square feet per unit

- (b) *Location*: Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, detention ponds, and similar limited-use areas shall not be included in the required open space.
 - (c) *Use of open space*: Uses permitted within the required open space include picnic and sitting areas, pathways, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.
 - (d) *Maintenance of open space*: Continued maintenance of all open space and recreational areas shall be the responsibility of all property owners of the multiple-family development. The applicant shall provide evidence of a maintenance plan and agreement, specifying maintenance schedules, work items, and financing.
 - (e) *Phasing*: Open space improvements shall be completed in proportion to the number of units constructed in each phase.
 - (f) *Pathways*: Paved pathways may be required by the planning commission.
 10. *Garages*: Garages shall be permitted for each unit, in accordance with the provisions for accessory uses in section 2.03.
 11. *Antenna*: Each multiple family building shall be permitted to erect one antenna.
 12. *Building materials*: The entire exterior wall surface (100 percent) of all multifamily buildings shall be furnished with a brick or stone material approved by the planning commission. Concrete block or other types of concrete masonry units may not be approved as meeting the requirement for brick unless approved by the planning commission.
- B. *Multiple family design option*. The planning commission may permit limited flexibility of design in multiple family districts, in accordance with the following criteria and subject to special land use approval:

1. *Intent:* The intent of the multiple-family design option is to provide flexibility in the regulation of multiple family development; achieve efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage the provision of useful open space; and generally provide a better living environment. Accordingly, the multiple-family design option regulations provide for limited flexibility in the placement and inter-relationship of buildings and uses, subject to planning commission review and approval, and provided that the overall intensity of land use, density of population, amount of light, air, and open space, and requirements for access as specified elsewhere in this ordinance shall be maintained.
2. *Permitted modifications:* Subject to review and approval procedures and standards which follow, modification of the requirements related to building setbacks and building spacing may be granted, but only upon determination that such modification will:
 - Result in a more efficient use of the land,
 - Will not be injurious to surrounding land and to the public as a whole, and
 - Will not result in a higher overall dwelling unit density than specified for the district in which the development is located.
3. *Procedures:* The overall site plan and all regulatory modifications shall be subject to the special land use review procedures and standards set forth in section 24.03. The application and data requirements shall be the same as specified in section 24.02 for site plan review, plus any other data which may be required by the planning commission or the planning, building, or engineering officials, to make the determination require health.

The site plan shall clearly indicate every regulatory modification being requested in accordance with this section.

- C. *Manufactured home park requirements.* All mobile manufactured home parks shall comply with the requirements of the manufactured housing commission rules, and any other lawfully adopted ordinance of the City of Flat Rock. Regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the manufactured housing commission rules govern all manufactured housing parks.
1. *Location:* Manufactured homes shall be located only in those zoning districts in which manufactured home land use is permitted by right or subject to special approval. All mobile homes in an R-M, manufactured home park district shall be located on an approved site in an approved mobile home park. Emergency or temporary parking of a manufactured home on any street, alley or highway may be permitted for a period not exceeding two hours, subject to any other limitations imposed by traffic or parking regulations or ordinances for that street, alley or highway.
 2. *Setbacks in the R-M district:* Manufactured homes shall comply with the minimum distances specified in Michigan Public Act 96 of 1987, as amended.
 - No manufactured home unit shall be located within 50 feet greenbelt of the right-of-way of a public thoroughfare, or within ten feet of a manufactured home park property line.
 - No manufactured home unit exterior wall surface shall be located with 20 feet of any other mobile home unit's exterior wall surface.
 3. *Permit:* It shall be unlawful for any person to operate a manufactured home park unless that individual obtains a license for such operation in compliance with the requirements of, Michigan Public Act 96 of 1987, as amended. The building official shall communicate his recommendations regarding the issuance of such licenses to the director of the manufactured housing and land development division, Michigan Department of Consumer and Industry Services. Additionally, no manufactured housing dwelling shall be placed on a site in an approved manufactured housing park until a building permit has been obtained to approve the manufactured housing dwelling setup on the lot.
 4. *Violations:* Whenever, upon inspection of any manufactured home park, the building official finds that conditions or practices exist which violate provisions of this ordinance or other regulations

referenced herein, the building official shall give notice in writing by certified mail to the director of the manufactured housing and land development division, Michigan Department of Consumer and Industry Services including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

5. *Inspections:* The building official or other authorized city agent is granted the authority, as specified in Michigan Public Act 96 of 1987, as amended, to enter upon the premises of any manufactured home park for the purpose of determining compliance with the provisions of this ordinance or other regulations referenced herein or other applicable city ordinances. No manufactured dwelling shall be occupied until a certificate of occupancy for that dwelling is obtained from the building official.
6. *Park site development standards:*
 - (a) *Park size:* Manufactured home parks shall be at least 20 acres in size.
 - (b) *Access:* All manufactured home parks shall have paved access to a paved county primary road or state trunkline.
 - (c) *Interior roadways:* All interior roadways and driveways shall be hard-surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that stormwater from the roadway will not drain onto the manufactured home lots.

Main access drives shall be no less than 24 feet wide. Parking shall not be permitted on main access drives.

Secondary access drive shall be no less than 22 feet in width. Parking shall not be permitted on 22-foot wide drives.
 - (d) *Sidewalks:* Sidewalks shall meet the design and construction standards as set forth in Michigan Public Act 96 of 1987, as amended.
 - (e) *Water and sewer service:* All manufactured home parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Wayne County Health Department and the Michigan Department of Health. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
 - (f) *Storm drainage:* All developed portions of the manufactured home park shall be served by adequate storm drainage facilities designed and constructed in accordance with applicable local, county, and state regulations.
 - (g) *Telephone and electric service:* All electric, telephone, and other lines within the park shall be underground. Electric service shall be three wire, balanced 115 to 120 volt supply.
 - (h) *Fuel oil and gas:* Any fuel oil and gas storage shall be centrally located in underground tanks, at a safe distance from all manufactured home sites. All fuel lines leading to manufactured home sites shall be underground and designed in conformance with the Michigan Administrative Code and other applicable local, county and state regulations.
 - (i) *Television antennas/satellite dishes:* Individual exterior television antennas shall not be placed on any manufactured home unit or lot. The manufactured home park may provide a master exterior television antenna(s) for connection to individual units, or an underground cable television system may be installed. Satellite dishes must conform to the regulations outlined herein.
7. *Skirting:* Each mobile home must be skirted within 90 days after establishment in a manufactured home park. In the event that skirting cannot be installed in a timely manner due to inclement

weather, the building official may permit extension of the time period. All skirting shall conform to the installation and materials standards specified in Michigan Manufactured Housing Commission Rule 604.

8. *Canopies and awnings:* Canopies and awnings may be attached to any manufactured home, and shall comply with setback and distance requirements set forth herein.

A building permit shall be required for construction or erection of canopies or awnings, or for construction of any area enclosed by glass, screens, or other material, such that the enclosed area will be used for more than casual warm weather leisure.

9. *Travel/recreational vehicles:* Travel trailers, recreational vehicles or those similar in nature, shall not be occupied as a permanent living quarters in a manufactured housing park.
10. *Landscaping:* Manufactured home parks shall be landscaped in accordance with section 5.03B.
11. *Patio:* An outdoor patio area of not less than 48 square feet shall be conveniently located near the entrance of each mobile home, in proximity to open areas of the lot and other facilities. The patio shall consist of four-inch thick concrete, so as to provide a solid foundation for access to the dwelling's exterior access door. The building official may waive the requirement for a patio if the proposed mobile home dwelling is of such a size or shape that the patio would be covered by the dwelling. The building official may allow the patio to be constructed of materials other than concrete if such materials are of equal or superior quality.
12. *Open space:* Every manufactured home park shall be provided with at least one conveniently located open space area. A minimum of two percent of the manufactured home park's gross acreage shall be dedicated for open space use, provided that the park shall have not less than 25,000 square feet of open space area.
13. *Garbage and refuse collection:* Garbage and refuse collection areas shall be screened in accordance with section 2.13.
14. *Lighting:* Street and yard lights shall be provided in sufficient number and intensity for the safe movement of vehicles and pedestrians. Lighting shall comply with the standards in section 2.14.
15. *Towing mechanisms:* Towing mechanisms shall be removed from all manufactured housing dwellings at the time of installation and stored as to not to be visible from the exterior of the community. Towing mechanisms, including axles, may be stored under manufactured housing dwellings within the community.
16. *Sale of manufactured housing:* The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or used manufactured housing dwellings located on sites within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured housing dwelling by a resident of the manufactured housing park provided the park's regulations permit such sale.
17. *School bus stops.* School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing park developer.
18. *Mailbox clusters.* The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

D. *Bed and breakfast establishments.*

1. Sufficient off-street parking shall be provided at the rate of two parking spaces plus one space per double occupied room.

2. No retail or other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the bed and breakfast, including, but not limited to, the sale of goods directly related to the history of the city or locally produced items.
3. One non-illuminated wall sign may be erected on the property, not to exceed six square feet in size. The sign shall compliment the nature of the use; i.e. historic structures should have an historic style sign.
4. No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible.
5. No vehicle used in the conduct of the bed and breakfast may be parked, kept, or otherwise be present at the premises, other than such as are normally suitable for use for domestic or household purposes.
6. Rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
7. Rooms utilized for sleeping shall have no direct access to the outside.
8. Not more than four sleeping rooms may be used for such purposes.
9. The owner, proprietor, or manager is required to occupy the property.
10. There shall be no separate or additional kitchen facility for the guests.
11. Bed and Breakfast facilities are intended as short-term accommodations. Long-term occupancy of more than two weeks is prohibited.
12. Meals shall be served only to residents and overnight guests.
13. No exterior lighting, except as normally permitted for a typical single family use, shall be permitted.
14. A city business license is required.
15. A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the city. Additionally, a bed and breakfast is subject to all other applicable local, county, state and federal regulations.
16. Any permit issued is nontransferable.
17. Any other conditions deemed essential and reasonable by the planning commission to protect the public health, safety and welfare, in accordance with the standards set forth in section 24.03.
18.
 - (a) A permit shall be obtained from the building official, or his or her designee. Such permit shall be revoked should the bed and breakfast at any time not meet the above conditions. Any permit to allow a bed and breakfast shall be issued for a period not to exceed two years. Further, any permit shall become null and void after one year from the date such permit is granted unless the bed and breakfast has been established and is operating.
 - (b) The use is subject to review at any time and may be revoked for cause by the building official. The term "cause" shall include, but not be limited to, operating the bed and breakfast in an unlawful manner or in such a manner as to constitute the maintenance of a nuisance upon or in connection with the bed and breakfast. For purposes of this section, "nuisance" shall be given the normal and customary meaning, and shall include, but not be limited to, the following:
 - (i) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes.
 - (ii) A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety and welfare of other persons in the area.

- (iii) Failure after receiving notice from the city to maintain the grounds and exterior of the bed and breakfast, including frequent litter, debris or refuse blowing or being deposited upon adjoining properties.
 - (iv) Failure by the owner and/or operator to permit the reasonable inspection of the bed and breakfast by the city's employees or agents in connection with the enforcement of this section.
 - (c) Upon receipt of evidence of possible violation, the building official shall make a determination whether there is reasonable cause to suspect the operation or use is in violation. The building official may initiate an official investigation in order to make such a determination.
- 19. If, after appropriate investigation, the building official determines that a violation does exist, the building official shall take or cause to be taken lawful action as provided by the zoning ordinance to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The building official shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:
 - (a) *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 building official shall note "violation corrected" on the city's copy of the notice, and the notice shall be retained on file. If necessary, the building official may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.
 - (b) *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, and the alleged violation is not corrected in accordance with the regulations set forth in this ordinance, then the building official shall take such action as may be warranted to correct the violation.
 - (c) *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 building official may grant an extension if:
 - (i) The building official deems that such extension is warranted because of the circumstances in the case, and
 - (ii) The building official determines that such extension will not cause imminent peril to life, health, or property.
- 20. *Continued violation.* If, after the conclusion of the time period granted for compliance, the building official finds that the violation still exists, the permit previously issued shall be void and the city shall initiate appropriate legal action, including the possible pursuing of remedies in an appropriate court of law.
- 21. *Appeals.* Action taken by the building official pursuant to the procedures outlined in this subsection may be appealed to the zoning board of appeals within 30 days following said action. In the absence of such appeal, the building official's determination shall be final.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 418, § V, 1-3-12](#))

Sec. 6.04 - Site development standards for mixed uses.

- A. *Mid-rise and high-rise developments.* The following site development standards shall apply to mid- and high-rise developments where the principal buildings are four or more stories in height:

1. *Frontage and access:* Mid- and high-rise developments shall front onto a paved county primary road or state trunkline, and the main means of access to the development shall be via the primary road or state trunkline.
2. *Landscaping and screening:* Mid- and high-rise developments shall comply with the landscaping requirements for multiple-family districts (section 5.03, subsection C), except for the following:
 - (a) *Berm requirements:* In addition to the requirements in section 5.03, subsection C, a berm may be required along all sides of any off-street parking or vehicle use area, where said parking or vehicle use are is located within 25 feet of any side or rear property line. The berm shall be a minimum of three feet in height, and shall be planted in accordance with the following standards:

A minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of berm length, plus a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of berm length, plus a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof of berm length.

In lieu of a berm, the planning commission may permit brick piers and decorative fence, landscaping, or combination of the two.
 - (b) *Screening adjacent to a residential district:* When a high-rise development abuts a residentially-zoned district, a six-foot masonry wall shall be constructed along the lot line abutting said district. In addition, a greenbelt shall be planted along the masonry wall on the interior of the proposed high rise development, in accordance with section 5.02C.
 - (c) *Landscaping adjacent to a highway or freeway:* Where a mid- and high-rise development abuts a highway or freeway, a landscaped buffer shall be provided to screen freeway noise and views. In mid- and high-rise developments the buffer shall consist of the following landscaping:

A minimum of one deciduous or evergreen tree shall be planted for every 40 lineal feet or portion thereof of freeway frontage, plus a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of freeway frontage, plus a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof of freeway frontage. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - (d) *Blockage of sunlight:* The types and location of trees and shrubs should not unreasonably or totally block access to sunlight on adjoining property zoned for residential purposes.
3. *Maximum density:* Where a HR, high rise district is used for residential purposes, the maximum density of 25 dwelling units per acre shall be permitted.
4. *Open space:* Open space shall be provided for residential uses in accordance with the requirements for multiple-family and attached housing, section 6.03, subsection A, except that private patios and balconies may be used to reduce the amount of required open space by up to 40 percent.
5. *Protection of solar access:* Building placement should provide maximum solar access to adjoining residentially-zoned property, so as to conserve energy resources and provide adjacent property owners with the opportunity to use existing and future technology in the use of solar energy for heating, cooling, and ventilation. Accordingly, the following standards shall apply:
 - (a) *Orientation:* The lengthwise axis of buildings shall be oriented southerly, southeasterly, or southwesterly to maximize solar gain.
 - (b) *Setback:* The planning commission may require mid- and high-rise buildings to be set back a greater distance than specified for the district in which the building is located to prevent the shadows cast by the building from obstructing the solar access of adjoining residentially zoned properties. In determining appropriate setbacks so as to minimize shadow obstruction, the following formula shall be used:

Required Setback = [Building height (in feet) x 2.2] - [Required yard setback of adjacent residential zone]

Note: The 2.2 factor is based on the solar azimuth on December 21, and the latitude of the City of Flat Rock, 42 20'.

B. *Condominium requirements.* The following regulations shall apply to all condominium projects within the township:

1. *Definitions:* For the purposes of this ordinance, the following words or terms shall have the meaning ascribed to them. Condominium terms shall also have the meaning ascribed to them in the Condominium Act in addition to any meaning set forth herein:
 - (a) *Condominium Act:* Michigan Public Act 59 or 1978, as amended.
 - (b) *Condominium lot:* That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for the purposes of determining minimum yard setback requirements and other requirements set forth in article 23.00.
 - (c) *Condominium unit:* That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the project.
 - (d) *Site condominium:* A condominium project in which the land is the conveyable unit. A residential site condominium project typically is designed to function in a similar manner as, or as an alternative to, a platted subdivision. A site condominium shall be considered as equivalent to a platted subdivision for the purposes of regulation in this ordinance, and may be referred to as a "condominium subdivision".
2. *Regulatory intent:* All condominium projects shall conform to the requirements of this section and all other applicable regulations. Site condominium projects shall be considered as equivalent to platted subdivisions, subject to the same regulations that apply to a subdivision plat, except that the review procedures of this ordinance shall apply. Site condominiums shall comply with the requirements for streets, sidewalks, utilities, storm drainage, and subdivision layout and design as set forth in the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the City of Flat Rock Subdivision Control Ordinance, chapter 52 of the city Code.
3. *Initial information required:* An applicant intending to develop a condominium project shall submit the following information to the building official concurrently with the notice required to be given to the township pursuant to Section 71 of Public Act 59 of 1978, as amended:
 - The name, address and telephone number of all persons with an ownership interest in the land on which the condominium project will be located, together with a description of the nature of each entities interest (for example, fee owner, optionee, leasee, or land contract vendee).
 - The name, address and telephone number of all engineers, attorneys, architects or registered land surveyors associated with the project.
 - The name, address and telephone number of the developer or proprietor of the condominium project.
 - The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - The acreage area of the land on which the condominium project will be developed.
 - The purpose of the project (for example, residential, commercial, industrial, etc.).
 - Approximate number of condominium units to be developed on the subject parcel.
 - Anticipated method of providing the project with water and sanitary sewer service.
4. *Updating of information:* All information required to be furnished under this section shall be kept updated until a certificate of occupancy has been issued.

5. *Site plan review:* Prior to recording of the master deed required by Section 72 of Michigan Public Act 59 of 1978, as amended, the condominium project shall undergo site plan review and approval pursuant to section 24.02 of this ordinance. Expansion of a project to include additional land in a new phase shall also require site plan review.

Review and approval of all local, state, and federal agencies having jurisdiction over such development or the particular site shall be required prior to final site plan approval. Accordingly, review and approval of the following agencies may be required: Michigan Department of Transportation (if located on a state road), Wayne County Office of Public Services, Wayne County Health Department, Michigan Department of Natural Resources, and public utilities companies serving the site. The planning commission shall consider any comments made by these agencies prior to final site plan review.

The planning commission is authorized to grant approval, grant approval subject to conditions, or reject a site plan subject to section 24.02, subsection C.

6. *Temporary occupancy:* The building official may allow occupancy of the condominium project before all improvements required by this ordinance have been completed, provided that a performance guarantee is deposited with the city in accordance with section 2.17 to insure faithful completion of the improvements prior to expiration of the temporary occupancy permit.
7. *Standards for single-family detached condominiums:* Single-family detached condominiums shall be subject to all requirements and standards of the applicable R-1A, R-1B, or R-1C districts, including minimum floor area requirements, but not including minimum lot size. Building envelopes shall be depicted on the site plan to assure that the minimum requirements set forth in article 23 for front, rear, and side yards can be met.
8. *Standards for single-family site condominiums:* Single-family site condominiums shall be subject to all requirements and standards of the applicable R-1A, R-1B, or R-1C districts, including minimum lot requirements which shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in size to the minimum lot size and width. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed. There shall be a limited common element associated with each site condominium unit which shall be at least equivalent to the minimum yard area requirements.
9. *Street and road requirements:* All streets and roads in a single-family detached or a single-family site condominium project shall, at a minimum, conform to the standards and specifications established by the Wayne County Office of Public Services for a typical residential road in single-family residential subdivisions.
10. *Final site plan:* After submittal of the condominium plan and by-laws as part of the master deed, the project developer or proprietor shall furnish the city with a copy of the site plan of a Mylar sheet of at least 13 inches x 16 inches with an image not to exceed 10½ inches x 14 inches. In addition, the project developer or proprietor shall furnish the building official with the following: One copy of the recorded Master Deed, one copy of all restrictive covenants, and two copies of an "as built survey". The "as built survey" shall be reviewed by the city engineer and building official to determine compliance with city ordinances.
11. *Monuments required:* All condominium projects shall be marked with monuments as required by the condominium rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 7.00. - PERFORMANCE STANDARDS

Sec. 7.01 - Intent and scope of application.

- A. *Intent.* The purposes of this article is to establish controls and limitations on the impacts generated by permitted uses. The intent of these controls and limitations is to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.
- B. *Scope of application.* After the effective date of this ordinance, 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 planning commission may waive or modify the regulations set forth in this article, provided that the planning 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. 128-B, § I, 9-20-10](#))

Sec. 7.02 - 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 that causes or creates measurable noise levels which have an annoying or disruptive effect on surrounding properties, or that 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) a Z-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:

Zoning District	Time	Sound Level (A-Weighted) Decibels dB(A)
Residential	7:00 a.m. to 7:00 p.m.	55

	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
Commercial	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 7:00 p.m.	55
Industrial, where all adjacent properties are zoned industrial	Anytime	55
Industrial, where any adjacent properties are zoned residential	Anytime	55
The time duration allowance set forth below shall apply to these noise level limits.		

Allowances For Sound Levels Lasting Less Than One Hour	
Duration	Decibel Allowance (dB(A))
Up to 30 minutes per hour (50%)	+3
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 in the tables, 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 in the table, provided that:

- The sound level at the property line does not exceed the background noise level, and
 - The background noise is being produced by a permitted use operating in legally accepted manner. In order to make such a determination, the building official shall conduct a study to 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 building official 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 60 days, the building official may proceed to enforce the terms of the zoning ordinance in accordance with the remedies provided therein.
 6. *Variance from sound level provisions.* An application for a variance from the sound level provisions may be submitted to the zoning board of appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of noise from his 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 zoning 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 zoning 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:
 - Temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m.
 - Performance of emergency work.
 - Warning devices necessary for public safety, such as police, fire, and ambulance sirens and train horns.
 - Agricultural uses.
 - 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:
 - No operation shall generate any ground or structure-borne vibration motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located, and
 - No operation shall generate any ground-transmitted vibrations which exceed the limits specified in subsection 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-component measuring system capable of simultaneous measurement of vibration in three 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:

$$PV = 6.28 (F \times D)$$

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 components recorded.

3. *Maximum ground-transmitted vibration.* Ground-transmitted vibration shall not exceed a particle velocity of 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 0.02 inches per second. These maximum permitted values may be doubled for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one 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 subsection 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, and other applicable state or federal regulations. 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.
- 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 of one 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.* The storage, utilization or manufacturing of materials or products ranging from, "incombustible" to "moderate burning" (as determined by the fire chief) is permitted, provided such operations are in compliance with all applicable performance standards imposed by the fire chief.

The storage, utilization or manufacturing of materials or products ranging from "free to active burning" to "intensive burning" (as determined by the fire chief) is permitted, provided such operations are in compliance with all other yard requirements and applicable performance standards set forth herein, and provided that the following conditions are complied with:

1. All such activities shall take place within a completely enclosed building or structure having incombustible exterior walls, meeting the requirements of the Building Code of the City of Flat Rock, chapter 98 of the city Code.
 2. All such buildings shall be protected throughout by an automatic sprinkler system which shall comply with the design and installation standards of the Building Code and Fire Prevention Regulations of the City of Flat Rock, chapters 98 and 118 of the city Code.
 3. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Act, Michigan Public Act 207 of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed.
 4. Below-ground bulk storage tanks which contain flammable materials 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.
- G. *Sewage wastes and water pollution.* Sewage disposal 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 Department, and the U.S. Environmental Protection Agency. In addition, sewage disposal and water pollution shall be subject to the provisions in the city sewer service ordinance, chapter 22 of the Flat Rock City Code.

No industrial waste shall be discharged into sewers if such waste could potentially cause a chemical reaction, either directly or indirectly, so as to impair the strength or durability of the sewer; cause mechanical action that would destroy or damage the sewer; cause restrictions of the hydrologic capacity of the sewer; cause conditions which prevent the normal inspection or maintenance of the sewer; cause excessive damage on the sewage treatment facilities or process; reduce the effectiveness of the sewage treatment process; cause danger to the public, health, or safety; or cause obnoxious conditions inimical to the public interest.

Specific requirements. Waste discharge into the public sewer shall comply with the following standards, unless a higher standard is imposed by a federal, state, county, or local regulatory agency which has jurisdiction:

1. *Acidity or alkalinity.* Acidity or alkalinity shall be neutralized within a daily average ph range of between 5.5 and 7.5, measured on the volumetric basis, allowing for a temporary variation ranging between a ph of 5.0 and 10.0.
2. *Prohibited wastes.* Sewage wastes shall contain no cyanides or chlorinated solvents in excess of 0.1 parts per million (ppm), and no fluorides, hydrogen sulphide, sulphur dioxide, oxides of nitrogen, or halogens in excess of ten ppm.
3. *Phenols.* Wastes shall contain no phenols in excess of 0.055 ppm.
4. *Chlorine demand.* Wastes shall not create a chlorine demand greater than 15 ppm.
5. *Grease and oil.* Wastes shall not contain grease or oil or any oily substance in excess of 30 ppm at any one time. The daily average for such substances shall not exceed ten ppm. Wastes shall not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.
6. *Insoluble substances.* Wastes shall not contain any insoluble substances in excess of 10,000 ppm at any one time, or fail to pass a No. 8 Standard Sieve or have a dimension greater than two inches. The daily average of such substances shall not exceed 500 ppm. Wastes shall not contain insoluble substances having a specific gravity greater than 2.65.
7. *Total solids.* Wastes shall not contain total solids (soluble and insoluble substances) in excess of 20,000 ppm. The daily average of such substances shall not exceed 2,000 ppm.

8. *Soluble substances.* Wastes shall not contain soluble substances in concentrations that would increase the viscosity to greater than 1.1 specific gravity.
 9. *Gases or vapors.* Wastes shall not contain gases or vapors, either free or occluded in concentrations that are toxic or dangerous to humans or animals.
 10. *Explosives.* Wastes shall not contain any explosive substances.
 11. *Flammable substances.* Wastes shall not contain any flammable substances with a flash point lower than 198 degrees Fahrenheit.
 12. *Antiseptic substances.* Wastes shall not contain any antiseptic substances in excess of 100 ppm.
 13. *Toxic or irritating substances.* Wastes shall not contain any toxic or irritating substances which could create conditions that are hazardous to the public health and safety.
- 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 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.00 ppm 35.00 ppm	8 hours 1 hour
Lead	1.50 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.00 ug/cubic meter	8 hours
Asbestos	0.50 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.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 7.03 - 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 building official shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The building official 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 denial or cancellation of 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 building official 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 building official 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 building official determines that a violation does exist, the building official 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 building official 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 building official shall note "violation

corrected" on the city's copy of the notice, and the notice shall be retained on file. If necessary, the building official 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 7.03A), and the alleged violation is not corrected in accordance with the regulations set forth in this article, then the building official 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 zoning ordinance, but that more time is required than was granted by the original notice, the building official may grant an extension if:
 - The building official deems that such extension is warranted because of the circumstances in the case, and
 - The building official 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 building official 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 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, the cost of determination shall be paid by the city.

- D. *Continued violation.* If, after the conclusion of the time period granted for compliance, the building official 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 remedies in an appropriate court of law.
- E. *Appeals.* Action taken by the building official pursuant to the procedures outlined in this section may be appealed to the zoning board of appeals within 30 days following said action. In the absence of such appeal, the building official's determination shall be final.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 7.04 - Environmental impact statement.

The purpose of an environmental impact statement is to assess the development, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in articles 6.00 and 7.00. Where required, the environmental impact statement shall, at minimum, assess the following:

- Water, noise, and air pollution associated with the proposed use.
- Effect of the proposed use on public utilities.
- Historic and archeological significance of the site and adjacent properties.

- Alteration of the character of the area by the proposed use.
- Effect of the proposed use on the city's tax base and adjacent property values.
- Compatibility of the proposed use with existing topography, and topographic alterations required.
- Impact of the proposed use on surface and groundwater.
- Operating characteristics and standards of the proposed use.
- Proposed screening and other visual controls.
- Impact of the proposed use on traffic.
- Impact of the proposed use on flora and fauna.
- Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 8.00. - ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Sec. 8.01 - Creation of districts.

For the purposes of this ordinance, the City of Flat Rock is hereby divided into the following zoning districts as shown on the official zoning map:

R-1A Single-Family Residential District

R-1B Single-Family Residential District

R-1C Single-Family Residential District

R-2 Limited Multiple-Family Residential District

R-3 Multiple-Family Residential District

R-M Mobile Home Park District

C-1 Neighborhood Shopping District

C-2 Central Business District

C-3 General Commercial District

HR High-Rise District

O-1 Office District

PR Professional Residential

RE Research and Engineering District

M-1 Light Manufacturing District

M-2 General Manufacturing District

M-3 Railroad Industrial District

PUD Planned Unit Development District

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 8.02 - Adoption of zoning map.

The boundaries of the zoning districts enumerated in section 8.01 are hereby established as shown on the zoning map marked and designated "Zoning Map", City of Flat Rock. 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 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the zoning map shall be entered on the zoning map promptly 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 section 24.06 of this ordinance.

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 in the office of the building official and shall be the final authority with regard to the current zoning status of all land and water areas, buildings, and other structures in the city.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 8.03 - Interpretation of district boundaries.

Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the zoning board of appeals shall interpret the exact location of zoning district boundary lines in accordance with the following standards:

1. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such limits.
4. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as parallel to or as extension of the features cited in subsections 1 through 4 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.
6. All streets, alleys, and railroad rights-of-way, unless specified otherwise, shall be deemed to be in the same district as the property immediately abutting upon such street, alley or railroad right-to-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless specified otherwise, shall be deemed to be the same as that of the abutting property up to such centerline.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 8.04 - 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 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.

Offices, municipal and public utilities							P				P	P				
Nursery schools and child care centers	SL	SL	SL	SL	SL	SL	P	P	P	P						
Private parks (homeowner associations)	P	P	P	P	P							P				
Public, Parochial and private schools (elem., middle, HS)	P	P	P	SL	SL	SL						P				
Publicly owned and operated parks, parkways and recreation	P	P	P	P	P	P						P				
Religious institutions	SL	SL	SL	SL	SL	SL						SL	SL			
Business, Commercial, Office																
Adult uses and businesses												SL				
Adult theaters, outdoor																SL
Agriculture	P	P	P									P				
Assembly and dance halls							P		P	P						
Amusement (coin operated)											SL					
Auto filling and service stations										SL	P				SL	
Auto wash establishments											SL					
Bars and lounges											P					
Building material sales															P	P
Business schools and colleges, vocational and trade schools							P		P	P	P	P				
Community buildings and centers												SL	SL			

Department stores								P		P	P							
Electronic data processing/computer centers								P				P				P	P	
Financial institutions								P	P	P	P	P						
Fitness centers								P	P	P	P							
Fraternal organizations, service clubs, banquet								P		P	P	P	P					
Funeral homes								P		P	P	SL	SL					
Golf course (private)						SL	SL	SL										
Grooming establishments								P		P								
Home occupations	P	P	P	P											P			
Hospitals	SL	SL	SL					SL					SL					
Hotels								P, SL		P	P							
Ice cream (parlors)								P	P	P	P							
Indoor Recreation uses								P		P	P							
Kennels (private)	SL																	
Kennels (commercial)												SL						
Laundry and dry cleaning								P	P	P	P							
Lumber yards and building materials sales												SL						
Medical or dental offices and clinics									P				P	P				

Printing, lithography, etc.																	P	P	
Sewage disposal plants																		SL	
Tool and die shops																	P	P	
Training and education centers																	P		
Warehousing																	P	P	
Miscellaneous Land Uses																			
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Structures (less than 3 stores)									SL										
Planned unit development (PUD) see article 22.00																			

P = Permitted Uses

SL = Special Land Uses

([Ord. No. 128-B, § I, 9-20-10](#); [Ord. No 416, § I\(Exh. A\), 4-18-11](#))

ARTICLE 9.00 - R-1A THROUGH R-1C, SINGLE-FAMILY RESIDENTIAL

Article 9.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)				Minimum Usable Floor Area (sq. ft)
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard		Rear yard	
District					Percent		Least one	Total of two		
R-1A	15,000	100 ^b	2	25	30 ^c	50 ^d	15	30 ^{e,f,g}	50	1,700

NOTE: See article 23.00, schedule of regulations for footnotes.

Sec. 9.01 - Statement of intent.

The intent of the single-family residential districts is to provide areas in the city for the construction and continued use of single-family dwellings within stable neighborhoods. It is intended that the principal use of land should be single-family dwellings, but each district has different minimum area, density, and placement requirements to accommodate 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, natural environment and the character, appearance and historic qualities of existing single-family neighborhoods as much as possible. It is further the intent of this article to prohibit multiple-family, office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the districts.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 9.02 - Permitted uses and structures.

- A. *Principal uses and structures.* In all areas zoned R-1A, R-1B, or R-1C, single-family residential, no building or part of a 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. Single-family detached dwellings.
 2. Publicly owned and operated parks, parkways and recreation facilities.
 3. Private parks owned and maintained by homeowner associations.
 4. Public, parochial and other private elementary, intermediate or high schools licensed by the State of Michigan to offer courses in general education.
 5. Municipal buildings and uses, including libraries, not requiring outside storage of materials or vehicles.
 6. Class A mobile homes on individual parcels in the R-1A and R-1B districts only, subject to the provisions in section 2.05, subsection B.
 7. State licensed residential facilities which provide resident services for six or fewer persons, including, but not necessarily limited to, family day care homes and adult foster care family homes, subject to the regulations in Section 206 of Michigan Public Act 110 of 2006, as amended.
 8. Agriculture, as defined in section 1.03, provided that the parcel of land used for such purposes is under single ownership and is at least five acres in size, and provided further that any buildings used to house animals or poultry shall be located a minimum of 25 feet from any lot line and at least 100 feet from any dwelling.
 9. Home occupations, subject to the following: The following home occupations provided they meet all the standards listed in required conditions below:
 - a. Dress making, sewing and tailoring.
 - b. Painting, sculpturing or writing.
 - c. Telephone answering or telemarketing.
 - d. Home crafts, such as model making, rug weaving, and lapidary work.
 - e. Tutoring, limited to four students at a time.

- f. Computer program development.
- g. Salesperson's office or home office of a professional person that meets all conditions of required conditions below, no sales or direct contact with customers permitted on the premises.
- h. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odor or results in electrical interference.
- i. Giving instruction in a craft or fine art within the residence.

Required conditions: Home occupations shall comply with all of the following standards:

- Home occupation shall be allowed only by a permit issued by the department of building and safety. The permit for a home occupation shall be coordinated with the issuance of a business occupation license which is issued once every two years.
- There shall be no visible change to the outside appearance of the dwelling.
- Traffic, parking, sewage or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
- The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or electrical interference, at levels greater than normally associated with a single-family home.
- Outside storage or display is prohibited.
- The home occupation shall not become a nuisance.
- Only an occupant of the dwelling may be employed or involved in the home occupation.
- The home occupation shall occupy a maximum of ten percent of the usable floor area of the dwelling. Garages, whether attached or detached, shall not be used for any home occupation, except for a permitted home occupation that involved professional, clerical, or administrative activities common to an office.
- All delivery of goods and visits by patrons and activity shall occur between 6:00 a.m. and 8:00 p.m.

Prohibited home occupations: The following are prohibited as home occupations:

- Private clubs.
- Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
- Restaurants.
- Stables or kennels.
- Tourist homes.
- Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles and similar items.

Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a special land use and be granted or denied upon consideration of the "required conditions" contained above.

Home occupation permits shall be limited to the applicant who legally resides in the residence.

10. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:

- Private swimming pools for the exclusive use of residents and their guests.
 - In a new subdivision, temporary use of a residence as a model during the period of construction and selling of homes in the subdivision.
 - One private garage, subject to the provisions in section 2.03, subsection D.
 - Signs, subject to the provisions in article 27.00, sign ordinance.
11. Residential structures containing two to four dwelling units, but only if the dwelling units are presently in use and in existence as documented by the building official on the effective date of this ordinance, subject to the following lot dimension standards:
- a. Minimum lot width: 80 feet.
 - b. Minimum lot depth: 100 feet.

The number of dwelling units in existence on the effective date of this ordinance may not be increased.

C. *Prohibited uses.* Class A manufactured homes on individual parcels in the R-1C districts shall not be permitted.

D. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.

1. Cemeteries, subject to the provisions in section 6.02, subsection F.
2. Religious institutions, subject to the provisions in section 6.02, subsection S.
3. Hospitals, subject to the provisions in section 6.02, subsection L.
4. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
5. Nursery schools and child care centers, subject to the provisions in section 6.02, subsection D, and to the following additional provisions:
 - a. The minimum parcel size for such facilities shall be one acre.
 - b. Buildings shall be designed to be similar in character and architectural style to structures located on adjacent properties.
 - c. Nursery schools and child care centers shall be licensed by and conform to regulations established by the State of Michigan Department of Social Services.
6. Private kennels may be permitted in the R-1A district only subject to the provisions in section 6.02, subsection K.
7. Private stables may be permitted in the R-1A district only subject to the provisions in section 6.02, subsection V.
8. Public or private golf courses, including country clubs, subject to the provisions in section 6.02, subsection I.
9. Swimming pool clubs, subject to the provisions in section 6.02, subsection X.
10. Essential services, subject to the provisions in section 2.16, subsection A.
11. Residential structures containing two to four dwelling units, but only if the dwelling units are presently in use and in existence as documented by the building official on the effective date of this ordinance, subject to the following lot dimension standards:
 - a. Minimum lot width: 80 feet;

	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Least one	Total of two	Rear yard	
R-2	^h	200	2	25	25 ^c	40 ^l	25	50 ^{e,i}	40 ⁱ	^j

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 10.01 - Statement of intent.

The intent of this district is to provide areas in the city for the development of housing at an intermediate density (approximately five to nine units per acre) greater than the density of typical detached single-family developments but not at the density of typical high density multiple-family developments. An example of the types of housing permitted in this district is the "townhouse," which is frequently developed and marketed as a condominium. R-2 developments generally are considered suitable transitional uses between single-family detached housing development and intensive multiple-family or nonresidential development. It is intended that developments within the R-2 district have direct access to collector or major thoroughfares.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 10.02 - Permitted uses and structures.

- A. *Principal uses and structures.* In all areas zoned R-2, limited multiple family residential district, no building or part of a 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. Single-family detached homes, subject to the lot area, yard and floor area requirements in the R-1A district.
 2. Class A mobile homes on individual parcels, subject to the provisions in section 2.05, subsection B, and subject further to the lot area, yard and floor area requirements in the R-1A district.
 3. Two-family dwellings, subject to the following lot dimension standards:
 - Minimum lot width: 80 feet.
 - Minimum lot depth: 100 feet.
 4. Single-family attached dwellings or townhouses, provided that no more than four units are contained within each building, and subject to the provisions in section 6.03, subsection A.
 5. Apartment houses and efficiency apartments, provided that no more than four units are contained within each buildings, and subject to the provisions in section 6.03, subsection A.
 6. State licensed residential facilities which provide resident services for six or fewer persons, including, but not necessarily limited to, family day care homes and adult foster care family homes, subject to the regulations in Section 206 of Michigan Public Act 110 or 2006, as amended.
 7. Publicly owned and operated parks, parkways and recreation facilities.

8. Private parks owned and maintained by homeowner associations.
 9. Municipal buildings and uses, including libraries, not requiring outside storage of materials or vehicles.
 10. Home occupations, subject to the provisions in section 2.06 and review and approval by the building official.
 11. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:
 - Private swimming pools for the exclusive use of residents and their guests.
 - In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
 - Private garages, carports, or community garages, subject to the provisions in section 2.03, subsection D.
 - Signs, subject to the provisions in article 27.00, sign ordinance.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 24.03.
1. Single-family detached dwellings, to serve as the living quarters of a watchman or caretaker of the attached housing development.
 2. Multiple-family housing for the elderly, subject to the provisions in section 6.03, subsection A.
 3. Boarding houses, rooming houses, and tourist homes, provided that no such facility shall contain more than four rental units.
 4. Religious institution, subject to the provisions in section 6.02, subsection S.
 5. Public, parochial and other private elementary, intermediate or high schools licenses by the State of Michigan to offer courses in general education.
 6. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
 7. Nursery schools and child care centers, subject to the provisions in section 6.02, subsection D, and subject to the following additional provisions:
 - a. The minimum parcel size for such facilities shall be one acre.
 - b. Buildings shall be designed to be similar in character and architectural style to structures located on adjacent properties.
 - c. Nursery schools and child care centers shall be licensed by and conform to regulations established by the State of Michigan Department of Social Services.
 8. Municipal buildings and uses not requiring outside storage of materials or vehicles.
 9. Public or private golf courses, including country clubs, subject to the provisions in section 6.02, subsection I.
 10. Essential services, subject to the provisions in section 2.16, subsection A.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 10.03 - Development standards.

- A. *Public water and sewer.* Residential developments shall be served by public sanitary sewer and public water supply systems.
- B. *Site plan review.* Site plan review and approval is required for all uses, in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the limited multiple-family residential district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the limited multiple-family residential district shall be subject to tall applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 24.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 11.00. - R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Article 11.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor	
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard			Rear yard
District					Percent		Least one	Total of two		
R-3	^h	200	2	25	35 ^c	40 ⁱ	25 ⁱ	50 ^{e,i}	40 ⁱ	^j

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 11.01 - Statement of intent.

The intent of the multiple-family residential district is to address the varied housing need of city residents by providing locations for development of multiple-family housing at a higher density that is permitted in the single-family districts. In addressing these housing needs, multiple-family housing in the R-3 district should be designed in consideration of the following planning objectives so as to provide a quality living environment:

1. Multiple-family housing developments should preserve significant natural features of the site. Accordingly, preservation of open space, protection of floodprone areas, protection of wooded areas, and preservation of other natural features is encouraged.
2. Multiple-family housing should be provided with necessary public services and utilities, including usable outdoor recreation space and a well-designed internal street network.
3. Multiple-family housing should be designed to be compatible with surrounding or nearby single-family housing. Accordingly, one and two-story housing is considered appropriate in the R-3 district.
4. Multiple-family developments within the R-3 district should have direct access to collector or major thoroughfares.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 11.02 - Permitted uses and structures.

A. *Principal uses and structures.* In all areas zoned R-3, multiple-family residential district, no building or part of a 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. Multiple-family dwellings, including multiple-family housing for the elderly, subject to the provisions in section 6.03, subsection A, and subject further to the following provisions:
 - a. Apartment buildings shall contain no more than 16 units.
 - b. Any single-story efficiency apartment building shall contain no more than eight units if the building is designed in an "L", "U", or angled shape, or if the units are arranged in a staggered pattern. No more than four units shall be permitted in an efficiency apartment building if all of the units are aligned in a straight line.
2. Single-family attached dwellings or townhouses, provided that no more than 12 units are contained within each building, and subject to the provisions in section 6.03, subsection A.
3. Two-family dwellings, subject to the following lot dimension standards:
 - Minimum lot width: 80 feet.
 - Minimum lot depth: 100 feet.
4. State licensed residential facilities which provide resident services for six or fewer persons, including, but not necessarily limited to, family day care homes and adult foster care family homes, subject to the regulations in Section 206 of Michigan Public Act 110 of 2006, as amended.
5. Publicly owned and operated parks, parkways and recreation facilities.
6. Municipal buildings and uses, including libraries, not requiring outside storage of materials or vehicles.

7. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to, the following:
 - a. Private swimming pools for the exclusive use of residents and their guests.
 - b. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
 - c. Private garages, carports, or community garages, subject to the provisions in section 2.03, subsection D.
 - d. Signs, subject to the provisions in article 27.00, sign ordinance.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.
 1. Single-family detached dwellings, to serve as the living quarters of a watchman or caretaker of the multiple-family housing development.
 2. Nursing homes, convalescent homes, or rest homes, subject to the provisions in section 6.02, subsection O.
 3. Religious institutions, subject to the provisions in section 6.02, subsection S.
 4. Public, parochial and other private elementary, intermediate or high schools licensed by the State of Michigan to offer courses in general education.
 5. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
 6. Nursery schools and child care centers, subject to the provisions in section 6.02, subsection D, and to the following additional provisions:
 - a. The minimum parcel size for such facilities shall be one acre.
 - b. Buildings shall be designed to be similar in character and architectural style to structures located on adjacent properties.
 - c. Nursery schools and child care centers shall be licensed by and conform to regulations established by the State of Michigan Department of Social Services.
 7. Public or private golf courses, including country clubs, subject to the provisions in section 6.02, subsection I.
 8. Essential services, subject to the provisions in section 2.16, subsection A.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 11.03 - Development standards.

- A. *Public water and sewer.* Residential developments shall be served by public sanitary sewer and public water supply systems.
- B. *Site plan review.* Site plan review and approval is required for all uses, in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in multiple-family residential districts are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the multiple-family residential district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 12.00. - R-M, MANUFACTURED HOME PARK DISTRICT

Article 12.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor	
	Area (sq. ft.)	Width (feet)	In stories	In feet	Percent	Front yard	Side yard		Rear yard	Area (sq. ft.)
District							Least one	Total of two		
R-M	k	45	2	25	i	i	i	i	i	720

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 12.01 - Statement of intent.

The intent of the manufactured home park district is to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that is designed to protect the health, safety and welfare and provide a high quality of life for residents. Furthermore, such districts should be located where they will be compatible with adjacent land uses.

The regulations established by state law (Michigan Public Act 96, of 1987, as amended) and the manufactured housing commission govern all mobile home parks. When regulations in this article exceed the state law or manufactured housing commission requirements they are intended to insure that mobile home parks meet the development and site plan standards established in this ordinance for other comparable residential development.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 12.02 - Permitted uses and structures.

- A. *Principal uses and structures.* In an area zoned R-M, manufactured home park district, no building or part of a 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. Manufactured homes located in a manufactured home park, subject to the provisions in section 6.03, subsection C.
 2. Manufactured home parks and manufactured home subdivisions, subject to the provisions in section 6.03, subsection C.
 3. Single-family detached homes, subject to the lot area, yard and floor area requirements in the R-1A district.
 4. Agriculture, as defined in section 1.03, provided that the parcel of land used for such purposes in under single ownership and is at least five acres in size, and provided further that any buildings used to house fowl or animals shall be located a minimum of 25 feet from any lot line and at least 100 feet from any dwelling.
 5. Publicly owned and operated parks, parkways and recreation facilities.
 6. Private parks owned and maintained by homeowner associations or the owner of the manufactured home park.
 7. State licensed residential facilities which provide resident services for six or fewer persons, including, but not necessarily limited to, family day care homes and adult foster care family homes, subject to the regulations in Section 206 of Michigan Public Act 110 of 2006, as amended.
 8. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to, the following:
 - a. Private swimming pools for the exclusive use of residents and their guests.
 - b. In a new mobile home park, temporary use of a mobile home as a model during the period of construction and selling or leasing of homes in the park.
 - c. Private garages, carports, or community garages, subject to the provisions in section 2.03, subsection D.
 - d. Signs, subject to the provisions in article 27.00, sign ordinance.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.
1. Religious institutions, subject to the provisions in section 6.02, subsection S.
 2. Public, parochial and other private elementary, intermediate or high schools licensed by the State of Michigan to offer courses in general education.
 3. Nursery schools and child care centers, subject to the provisions in section 6.02, subsection D, and to the following additional provisions:

- a. The minimum parcel size for such facilities shall be one acre.
- b. Buildings shall be designed to be similar in character and architectural style to structures located on adjacent properties.
- c. Nursery schools and child care centers shall be licensed by and conform to regulations established by the State of Michigan Department of Social Services.
- 4. Municipal buildings and uses not requiring outside storage of materials or vehicles.
- 5. Public or private golf courses, including country clubs, subject to the provisions in section 6.02, subsection I.
- 6. Essential services, subject to the provisions in section 2.16, subsection A.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 12.03 - Development standards.

- A. *Site plan review.* Site plan review and approval is required for all uses, in accordance with section 24.02.
- B. *Area, height, bulk, and placement requirements.* Buildings and uses in the manufactured home park district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations, and section 6.03, subsection C, and manufactured housing commission requirements.
- C. *General development standards.* Buildings and uses in the manufactured home park district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 13.00. - C-1, NEIGHBORHOOD SHOPPING DISTRICT

Article 13.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor Area (sq. ft.)	
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard			Rear yard
District					Percent		Least one	Total of two		
C-1	m	m	1	20	30	30 ⁿ	20	40	30	800

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 13.01 - Statement of intent.

The intent of the neighborhood shopping district is to provide solely for the convenience shopping of persons residing in adjacent neighborhoods, and to permit only those uses which are necessary to satisfy the basic day-to-day retail and service needs to residents. Regulations are intended to minimize the impact of such development on nearby residential uses. Accordingly, neighborhood commercial facilities should be:

- Compatible in design with surrounding residential uses, and
- Designed as part of a planned shopping center or planned neighborhood business district.

In order to protect nearby residential areas and avoid traffic congestion, more intensive commercial uses which generate large volumes of traffic, or which have characteristics that are likely to have adverse effect on residential areas, are not permitted in this district.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 13.02 - Permitted uses and structures.

A. *Principal uses and structures.* In an area zoned C-1, neighborhood shopping district, no building or part of a 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. Retail businesses, including convenience stores, which supply commodities on the premises for persons residing in adjacent residential areas, such as: groceries, meat, dairy products, alcoholic beverages, baked goods or other foods, drugs, dry goods, notions, hardware, books, stationery and school supplies, records, and video cassette sales and rental, bicycles, flowers, hobby equipment, paints, periodicals, shoes, sporting goods, sundry small household articles, and tobacco products.
2. Establishments which perform services on the premises for persons residing in adjacent residential areas, such as: beauty and barber shops, watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.

3. Office buildings and uses, provided that goods are not manufactured, exchanged or sold on the premises.
 4. Medical and dental clinics or offices.
 5. Financial institutions, including banks, credit unions, and savings and loan associations.
 6. Laundry and dry cleaning customer outlets, coin operated laundromats, self-serve dry cleaning establishments, and similar operations.
 7. Nursery schools and child care centers, subject to the provisions in section 6.02, subsection D.
 8. Personal fitness centers.
 9. Ice cream parlors.
 10. Other uses similar to the above.
 11. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:
 - a. Parking for the use of patrons of the businesses in the C-1 district, subject to the provisions in article 4.00.
 - b. Signs, subject to the provisions in article 27.00, sign ordinance.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 24.03.
1. Restaurants and tea rooms, including restaurants that serve alcoholic beverages with meals, but not including drive-in, drive-through, or fast-food restaurants, or bars or lounges.
 2. Municipal buildings and uses not requiring outside storage of materials or vehicles.
 3. Essential services, subject to the provisions in section 2.16, subsection A.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 13.03 - Development standards.

- A. *Required conditions.* All buildings and uses in the neighborhood shopping district shall comply with the following required conditions:
1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. All business, servicing, or processing, except off-street parking and loading and outdoor sales of Christmas trees, shall be conducted within a completely enclosed building.
 3. All public entrances to businesses in the C-1 district shall face onto the principal street on which the property abuts, or shall be within 50 feet of such street, except that a public entrance to a parking area at the rear or side of a building shall be permitted.
 4. Exterior walls facing adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the buildings. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially zoned or used property.
 5. There shall be no outside storage of any goods, inventory, or equipment.
- B. *Site plan review.* Site plan review and approval is required for all uses in the neighborhood shopping district in accordance with section 24.02.

- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the neighborhood shopping district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the neighborhood shopping district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 7.00	Performance standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 14.00 - C-2, CENTRAL BUSINESS DISTRICT

Article 14.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor Area (sq. ft.)
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard	Rear yard	
C-2	m	m	3	40	35			20	800

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#); [Ord. No. 436, § I, 3-6-17](#))

Sec. 14.01 - Statement of intent.

The intent of the central business district is to promote orderly development, redevelopment, and continued maintenance of the original central business district, also referred to as "downtown" Flat Rock. These regulations are intended to promote development of a pedestrian-accessible mixed use district, consisting of a variety of retail, office, services, institutional, and residential uses. Because of the variety of uses permitted in the C-2 district, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Permitted uses should be complementary to each other, and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 14.02 - Permitted uses and structures.

- A. *Principal uses and structures.* In an area zoned C-2, central business district, no building or part of a 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. Retail businesses, including convenience stores, which supply commodities on the premises for persons residing in the district or in adjacent residential areas, such as: Groceries, meat, dairy products, alcoholic beverages, baked goods or other foods, dings, dry goods, notions, hardware, books, stationery and school supplies, records, and video cassette sales and rental, bicycles, flowers, hobby equipment, paints, periodicals, shoes, sporting goods, sundry small household articles, and tobacco products.
 2. Retail or service establishments which offer comparison goods for residents, such as: Bicycle sales, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, furniture stores, building material sales (including hardware, glass, paint, and lumber), household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.
 3. Department stores and specialty shops.
 4. Hotels.
 5. Establishments which perform services on the premises for persons residing in the district or adjacent residential areas, such as: Beauty and barber shops; watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.
 6. Office buildings and uses, including medical or dental clinics or offices.
 7. Offices, showrooms, or workshop of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, decorator or similar trade, subject to the following conditions:
 - a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - b. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales, or display.
 - c. There shall be no outside storage of materials or goods of any kind.
 8. Financial institutions, including banks, credit unions, and savings and loan associations.
 9. Private service clubs, fraternal organizations, banquet halls, and meeting halls.
 10. Laundry and dry cleaning customer outlets, coin operated laundromats, self-serve dry cleaning establishments, and similar operations.

11. Standard restaurants, bars, and lounges, including those featuring outdoor cafes, outdoor eating areas, and open fronts (i.e., window services).
 12. Multi-family residential uses when combined with business and office uses, provided that:
 - a. No business or office use shall be located on the same floor that is used for residential purposes, with the exception of legal home occupations.
 - b. Residential uses are permitted on any level above the ground floor.
 - c. Where there are nonresidential and residential uses in a building, the residential uses shall be provided with separate, private entrances.
 - d. Residential uses are subject to the density, building, and floor area requirements for R-3 districts in article 11.00 of the ordinance.
 13. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not limited to, the following:
 - a. Temporary outdoor displays of merchandise, subject to applicable standards for site plan review in section 24.02 and standards for approval in section 24.03C (special land use approval not required. temporary outdoor display items include, but are not limited to, Christmas trees, pumpkins, books, magazines, tools, clothing, produce, and food items.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.
1. Research and testing laboratories.
 2. Wholesale establishments.
 3. Storage facilities as a principal use in a building.
 4. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment, and home garden supplies, subject to the provisions in section 6.02, subsection P.
 5. Fast-food restaurants, but not including drive-in or drive-thru restaurants subject to the requirements identified in section 6.02H unless modified by the planning commission, based on existing site constraints or other compelling conditions.
 6. Motels and motel courts, subject to the provisions in section 6.02, subsection N.
 7. Automobile filling and service stations, including quick oil change or lubrication stations, subject to the provisions in section 6.02, subsection B.
 8. Commercial parking garages.
 9. Municipal buildings and uses not requiring outside storage of materials or vehicles.
 10. Expansion of existing service businesses which have features that are typically associated with light industrial operations, subject to the following conditions:
 - a. All operations shall be conducted within a fully enclosed building.
 - b. All operations shall comply with the performance standards set forth in article 7.00.
 - c. There shall be no outside storage of raw materials, supplies, finished products, or other materials.
 - d. Existing industrial-like uses shall be allowed to expand only if such uses are permitted principal uses in the M-1, light manufacturing district.
 - e. The external off-site impacts generated by the proposed use (i.e., traffic, noise, air and water pollution, etc.) shall be no greater than the off-site impacts that would be generated by a principal permitted use on the parcel.

11. Commercial businesses (excluding restaurants) with a drive-in/thru.
- [12. Reserved.]
13. Bed and breakfast establishments, subject to the conditions of section 6.02D.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 418, § IV, 1-3-12](#) ; [Ord. No. 436, § II, 3-6-17](#))

Sec. 14.03 - Development standards.

- A. *Required conditions.* Except as otherwise noted for specific uses, buildings and uses in the central business district shall comply with the following required conditions:
1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. All business, servicing, or processing of goods or materials, shall be conducted within a completely enclosed building.
 3. All public entrances to businesses in the C-2 district shall face onto the principal street on which the property abuts, or shall be within 50 feet of such street, except that a public entrance to a parking area at the rear or side of a building shall be permitted.
 4. Exterior walls facing adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the buildings. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property.
 5. There shall be no permanent outside storage of any goods, inventory, or equipment unless outdoor storage is provided for on an approved site plan. Amendments to the site plan to allow outdoor storage may be approved by the building official in accordance with the procedures outlined in section 24.02D, site plan administrative review. The building official will additionally consider the following standards:
 - a. The material proposed for permanent storage does not present a potential safety hazard to the building occupants, users, or public at-large.
 - b. The proposed permanent storage area does not represent a nuisance to surrounding property owners.
 - c. The location and presentation of the proposed permanent storage area is harmonious with the intent and character of the C-2 district.
 - d. The proposed storage area and materials do not encroach upon pedestrian or vehicular traffic routes or cause potential traffic conflicts.
 - e. The proposed storage area is appropriately screened in accordance with article 5.00 of the zoning ordinance.
 6. Facade renovations or building improvements must incorporate all city guidelines applicable to the district.
- B. *Site plan review.* Site plan review and approval is required for all uses in the central business district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the central business district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the central business district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#); [Ord. No. 436, § III, 3-6-17](#))

ARTICLE 15.00. - C-3, GENERAL COMMERCIAL DISTRICT

Article 15.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)				Minimum Usable Floor
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard		Rear yard	
District					Percent		Least one	Total of two		
C-3	m	m	2	30	35	30 ⁿ	10 ^q	20	30	800

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 15.01 - Statement of intent.

The intent of the general commercial district is to provide for a variety of commercial uses, including more intensive commercial uses not permitted in the C-1 district. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of residents. Because of the variety of business types permitted in the C-3 district, special attention must be focused on

site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Accordingly, general commercial facilities should be:

- Compatible in design with adjacent commercial development, and
- Designed as part of a planned shopping center or in coordination with development on adjoining commercial sites.

Furthermore, building sites in the general commercial district are intended to be:

- Larger than in the C-1 and C-2 districts,
- Located away from sensitive residential areas, and
- Served by a major thoroughfare.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 15.02 - Permitted uses and structures.

A. *Principal uses and structures.* In all area zoned C-3, general commercial district, no building or part of a 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. Retail businesses, including convenience stores, which supply commodities on the premises for residents, such as: groceries, meat, dairy products, alcoholic beverages, baked goods or other foods, drugs, dry goods, notions, hardware, books, stationery and school supplies, records, and video cassette sales and rental, bicycles, flowers, hobby equipment, paints, periodicals, shoes, sporting goods, sundry small household articles, and tobacco products.
2. Retail or service establishments which offer comparison goods for residents, such as: bicycle sales, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, furniture stores, fully enclosed building material sales (including hardware, glass, paint, and lumber), household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.
3. Department stores and specialty shops.
4. Hotels.
5. Establishments which perform services on the premises for persons residing in adjacent residential areas, such as: Beauty and barber shops; watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.
6. Office buildings and uses, including medical or dental clinics or offices.
7. Offices, showrooms, or workshop of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, decorator or similar trade, subject to the following conditions:
 - a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - b. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales, or display.
 - c. There shall be no outside storage of materials or goods of any kind.
8. Financial institutions, including banks, credit unions, and savings and loan associations.
9. Laundry and dry cleaning customer outlets, coin operated laundromats, self-serve dry cleaning establishments, and similar operations.
10. Private service clubs, fraternal organizations, banquet halls, and meeting halls.
11. Restaurants:

- a. Standard restaurants, bars, and lounges.
 - b. Fast-food, drive-in/through restaurants, subject to the requirements identified in section 6.02(H), unless modified by the planning commission, based on existing site constraints or other compelling conditions.
12. Ice cream parlors.
 13. Nursery schools and child care centers, subject to the provisions in section 6.02, subsection D.
 14. Personal fitness centers.
 15. Business schools and colleges, or vocational training centers, such as trade schools, dance schools, music and voice schools, and art studios.
 16. Funeral homes, when adequate assembly area is provided off-street for vehicles to be used on funeral processions. A caretaker's residence may be provided within the main building of the funeral home, subject to the provisions in section 2.04.
 17. Theaters.
 18. Dance halls, assembly halls, and similar places of assembly.
 19. Private indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses.
 20. Mini-warehouses, subject to the provisions in section 6.02, subsection M.
 21. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment, and home garden supplies, subject to the provisions in section 6.02, subsection P.
 22. New and used automobile, truck and tractor, boat, mobile home, recreation vehicle and trailer sales, subject to the provisions in section 6.02, subsection B.
 23. Automobile filling and service stations, including quick oil change or lubrication stations, subject to the provisions in section 6.02, subsection B.
 24. Research and testing laboratories.
 25. Wholesale establishments.
 26. Storage facilities as a principal use in a building.
 27. Other uses similar to the above.
 28. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:
 - a. Parking for the use of patrons of the businesses in the C-3 district, subject to the provisions in article 4.00.
 - b. Storage garages for commercial vehicles used by businesses in the C-3 district, provided that only one such garage shall be permitted for each business; the garage shall be located on the same lot as the business; and, the garage shall not occupy more than 25 percent of the total area of the lot.
 - c. Signs, subject to the provisions in article 27.00, sign ordinance.
 29. Commercial businesses (excluding restaurants) with a drive-in/through.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 24.03.
1. Automobile or car wash establishments, subject to the provisions in section 6.02, subsection C.

2. Open-front stores, subject to the provisions in section 6.02, subsection P.
3. Motels and motel courts, subject to the provisions in section 6.02, subsection N.
4. Veterinary offices and hospitals.
5. Commercial kennels, subject to the provisions in section 6.02, subsection K.
6. Open-air display and sales of nursery plants and materials, subject to the provisions in section 6.02, subsection P.
7. Mini-warehouses, subject to the provisions in section 6.02, subsection M.
8. Lumber yards or building material sales establishments having outside storage in partially open structures, subject to the following conditions:
 - a. The ground floor facing upon and visible from any adjoining street shall be used only for entrances, offices, sales, or display.
 - b. The entire site, exclusive of access drives, shall be enclosed with a six-foot high chain link fence or masonry wall, constructed in accordance with section 5.08.
9. Adult book or supply stores, adult motion picture theaters, adult live stag performing theaters, adult motion picture theaters, group "A" cabarets, and massage parlors or massage establishments, subject to the provisions in section 6.02, subsection A.
10. Commercial parking garages.
11. Coin-operated amusement device establishments.
12. Municipal buildings and uses not requiring outside storage of materials or vehicles.
13. Essential services, subject to the provisions in section 2.16, subsection A.
14. Regulated uses, subject to the following:
 - a. The establishment of a regulated use (whether the use is primary, secondary, or accessory) is prohibited if the use will be within:
 - i. Two thousand-foot radius of another regulated use or adult regulated use;
 - ii. One thousand-foot radius of the C-2, central business district; and
 - iii. One thousand-foot radius of any public park or public recreational facility, religious institution, or public or private elementary or secondary school.
 - b. Procure and retain all required state licenses and permits.
 - c. Procure and retain all required city permits and licenses.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 427, § II, 4-21-14](#))

Sec. 15.03 - Development standards.

- A. *Required conditions.* Except as otherwise noted for specific uses, buildings and uses in the general commercial district shall comply with the following required conditions:
1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. All business, servicing, or processing, except off-street parking and loading and outdoor sales of Christmas trees, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

3. All public entrances to businesses in the C-3 district shall face onto the principal street on which the property abuts, or shall be within 50 feet of such street, except that a public entrance to a parking area at the rear or side of a building shall be permitted.
 4. There shall be no outside storage of any goods, inventory, or equipment.
- B. *Site plan review.* Site plan review and approval is required for all uses in the general commercial district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the general commercial district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the general commercial district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 16.00. - HR, HIGH-RISE DISTRICT

Article 16.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor	
	Area (sq. ft.)	Width (feet)	In stories	In feet		Percent	Front yard	Side yard		Rear yard
District	Area (sq. ft.)	Width (feet)	In stories	In feet	Percent	Front yard	Least one	Total of two	Rear yard	Area (sq. ft.)
HR	174,240	200 ^r	9	108	^s	50 ^t	50 ^t	50 ^t	50 ^t	^y

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 16.01 - Statement of intent.

The intent of the high-rise district is to provide the opportunity for planned, intensive mixed use development consisting of office, commercial, and residential uses. The regulations set forth in this article are intended to promote construction of high-quality, high-profile buildings; accordingly, buildings in the high-rise district may be up to nine stories in height. Because of the character and intensity of development permitted, land zoned HR, high-rise district, should be located in the downtown area or adjacent to the I-75 freeway corridor or along a major thoroughfare.

The regulations set forth in this article are further intended to provide flexibility so as to: Encourage efficient use of the land in accordance with its inherent character; encourage innovation in land use planning; provide enhanced housing, employment, and shopping opportunities; and ensure compatibility of design and use.

In keeping with the basic intent, land zoned HR, high-rise district, should be located where necessary public services and utilities are available, and where existing or proposed roadways are able to accommodate the traffic generated.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 16.02 - Permitted uses and structures.

A. *Principal uses and structures.* In all area zoned HR, high-rise district, no building or part of a 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. Multiple-family or efficiency dwelling units for rent or sale.
2. All principal uses permitted in the C-2, central business district, as set forth in section 14.02, subsection A.
3. All principal uses permitted in the O-1, office district, as set forth in section 17.02, subsection A.
4. Assembly halls, display halls, convention centers, banquet halls, and similar places of assembly.
5. Theaters or nightclubs.
6. Research and design facilities having the character of an office provided that no manufacturing takes place on the premises.
7. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to, the following:
 - Parking for the use of patrons of the high-rise development, subject to the provisions in article 4.00.
 - Signs, subject to the provisions in article 27.00, sign ordinance.

B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.

1. Structures less than three stories in height.

2. Hospitals, subject to the provisions in section 6.02, subsection L.
3. Hotels.
4. Motels and motel courts, subject to the provisions in section 6.02, subsection N.
5. Commercial parking garages, provided that at least 50 percent of the spaces are intended for the use of patrons of the high-rise development.
6. Essential services, subject to the provisions in section 2.16, subsection A.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 16.03 - Development standards.

- A. *Required conditions.* All buildings and uses in the high-rise district shall comply with the site development standards set forth in section 6.04, subsection A, and with the following required conditions:
1. All permitted retail or service establishments shall deal directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
 3. There shall be no outside storage of any goods, inventory, or equipment.
 4. All utility lines, whether designated for primary service from the mail line or for distribution of services throughout the site, shall be placed underground at all points within the boundary of the site.
 5. All floors of a high-rise structure shall be served by elevators.
 6. Off-street parking located in the front or side yards adjacent to a street shall be set back a minimum of 25 feet from the planned right-of-way line, and the setback area shall be landscaped in accordance with article 5.00.
- B. *Site plan review.* Site plan review and approval is required for all uses in the high-rise district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the high-rise district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the high-rise district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards

Article 23.00	Schedule of regulations
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([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 17.00. - O-1, OFFICE DISTRICT/PR, PROFESSIONAL RESIDENTIAL

Article 17.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)				Minimum Usable Floor Area (sq. ft.)
	Area (sq. ft.)	Width (feet)	In stories	In feet		Percent	Front yard	Side yard		
District								Least one	Total of two	
O-1	m	m	2	25	35	30	10	20	30	80
PR	7,800 <small>h, m</small>	60	2	25	35 ^c	20 ^d	6	16 ^{e, f,} _g	45	1,000 ^l

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 17.01 - O-1, office district statement of intent.

The intent of the O-1, office district is to accommodate various types of administrative and professional offices, as well as personal service businesses, which can serve as a transitional use between more intensive land uses (such as thoroughfares and commercial uses) and less intensive residential uses.

This district is intended to prohibit those types of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, or other impacts that could negatively affect the use or enjoyment of adjoining property. Accordingly, modern low-rise office buildings in landscaped settings with ample off-street parking are considered most appropriate for this district.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 17.02 - Permitted uses and structures [in the O-1, office district].

- A. *Principal uses and structures.* In all areas zoned O-1, office district, no building or part of a 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 buildings for any of the following occupations: Administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, or writing.
 2. Office buildings and uses, provided that goods are not manufactured, exchanged or sold on the premises.
 3. Medical and dental clinics or offices.
 4. Financial institutions, including banks, credit unions, and savings and loan associations.
 5. Offices of a municipality or other public entity, including public utility buildings, provided there is no outside storage of materials or vehicles.
 6. Business schools and colleges, or vocational training centers, such as trade schools, dance schools, music and voice schools, and art studios.
 7. Private service clubs, fraternal organizations, and lodge halls.
 8. Electronic data processing and computer centers.
 9. Photographic studios.
 10. Other uses similar to the above.
 11. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:
 - a. Parking for the use of patrons of the O-1 district, subject to the provisions in article 4.00.
 - b. Signs, subject to the provisions in article 27.00, sign ordinance.
 - c. Essential services, subject to the provisions in section 2.16, subsection A.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.
1. An accessory use customarily related to a principal office use permitted by this section, including, but not limited to: A snack bar, a pharmacy or apothecary shop, sales of corrective garments or home health-care equipment, optical services, barber shop or beauty salon, or other retail or service business that is intended to serve the occupants and patrons of the principal use. Such uses may be permitted only if there is no exterior display or advertising and provided further that any such use shall be an incidental use in a building that accommodates a principal office use.
 2. Funeral homes, provided there is adequate assembly area for vehicles to be used in funeral processions. A caretaker's residence may be provided within the main building of the funeral home, subject to the provisions in section 2.04.
 3. Standard restaurant when located within an office building or as a part of a multiple-building complex.
 4. Medical or dental laboratories, excluding the manufacturing of pharmaceuticals or other products for wholesale distribution.
 5. Community buildings, such as educational, recreational, social, neighborhood, and community centers.
 6. Religious institutions, subject to the provisions in section 6.02, subsection S.

7. Nursing homes, convalescent homes, or rest homes, subject to the provisions in section 6.02, subsection O.
8. Hospitals, subject to the provisions in section 6.02, subsection L.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 17.03 - Development standards [for the O-1 office district].

- A. *Required conditions.* Unless otherwise noted for specific uses, buildings and uses in the office district shall comply with the following required conditions:
 1. All permitted retail or service establishments shall deal directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
 3. There shall be no outside storage of any goods, inventory, or equipment.
- B. *Site plan review.* Site plan review and approval is required for all uses in the office district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the office district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the office district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 17.04 - PR, professional residential statement of intent.

The intent of the professional residential district is to accommodate various types of administrative and professional offices, as well as personal service businesses, which can easily integrate into transitional residential areas. These type of offices and businesses generally have a low volume traffic and have limited daily customer contact and are thereby able to harmonize and blend with residential uses. The district is characteristically small and is usually situated in a transitional zone between central business areas and residential neighborhoods.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 17.05 - Permitted uses and structures [in the PR, professional residential district].

- A. *Principal uses and structures.* In all areas zoned PR, professional residential district, no building or part of a 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. All of the principal uses permitted in the R-1A, R-18 and R-1C single-family residential districts and the R-2 limited multiple-family residential.
 2. Office buildings for any of the following occupations: Administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, or writing.
 3. Medical and dental clinics or offices.

4. Business schools and colleges, or vocational training centers, such as trade schools, dance schools, music and voice schools, and art studios.
 5. Private service clubs, fraternal organizations, and lodge halls.
 6. Photographic studios.
 7. Offices of a municipality or other public entity, not including storage yards, transformer stations, exchanges or sub-stations, and provided there is no outdoor storage of materials or vehicles.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary) to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 17.06 - Development standards [for the PR, professional residential district].

- A. *Required conditions.* Whenever a use other than a single-family residential use in a PR district is located adjacent to a single-family residential district, a berm or an obscuring wall shall be required in accordance with section 5.03.
- B. *Site plan review.* Site plan review and approval is required for all uses in the professional residential district in accordance with section 24.02.
- C. *Area, height, bulk and placement requirements.* Buildings and uses in the professional residential district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the professional residential district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 18.00. - RE, RESEARCH AND ENGINEERING DISTRICT

Article 18.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)				Minimum Usable Floor Area (sq. ft.)
	Area (sq. ft.)	Width (feet)	In stories	In feet		Percent	Front yard	Side yard		
District								Least one	Total of two	
RE	20,000	100	3	40	30	35	20	35	35	—

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 18.01 - Statement of intent.

The intent of the RE, research and engineering district, is to provide locations for testing, research, prototype planning and development, and similar activities. 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.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 18.02 - Permitted uses and structures.

A. *Principal uses and structures.* In all areas zoned RE, research and engineering district, no building or part of a 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. Industrial or scientific research, design, and testing centers, together with related office buildings to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
2. Food research, pharmaceutical research, and similar operations, provided that the use of fish or meat products or the rendering or refining of animal fats and oils shall not be permitted.
3. Training or education centers which are intended to provide at the business, technical, or professional level.
4. Office buildings to accommodate executive, administrative, or professional occupations.
5. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to, the following:
 - a. Parking for the use of patrons of the business in the RE district, subject to the provisions in article 4.00.

- b. Signs, subject to the provisions in article 27.00, sign ordinance.
- 6. Essential services, subject to the provisions in section 2.16, subsection A.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and the provisions set forth in section 24.03.
 - 1. Pilot plant operations.
 - 2. 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 in a building that accommodates a principal use. Permitted 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 bookstores, office supply stores, computer stores, flower shops, gift shops, camera stores, or similar retail business.
 - b. Personal service establishments which are intended to serve workers or visitors in the district or nearby residents, such as beauty and barber shops, 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 or for carry-out, but not including drive-in or drive-through facilities.
 - d. Financial institutions, including banks, credit unions, and savings and loan associations.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 18.03 - Development standards.

- A. *Required conditions.* Unless otherwise noted for specific uses, buildings and uses in the research and engineering district shall comply with the following required conditions:
 - 1. All permitted retail or service establishments shall deal directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 - 2. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
 - 3. There shall be no outside storage of any goods, inventory, or equipment.
 - 4. All research, testing, design, or other activity shall comply with the performance standards set forth in article 7.00.
 - 5. For the purposes of determining landscaping and architectural design requirements, the yard adjacent to the freeway shall be consider the front yard for sites adjacent to I-75.
 - 6. Truck and trailer parking shall be screened from exposure to I-75 in accordance with the requirements for evergreen screening set forth in section 5.02, subsection E.
- B. *Site plan review.* Site plan review and approval is required for all uses in the research and engineering district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the research and engineering district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the research and engineering district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 7.00	Performance standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 19.00. - M-1, LIGHT MANUFACTURING DISTRICT

Article 19.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)				Minimum Usable Floor
	Area (sq. ft.)	Width (feet)	In stories	In feet		Percent	Front yard	Side yard		
District							Least one	Total of two		Area (sq. ft.)
M-1	20,000	100	—	40	—	40 ^{n, v}	10 ^{v, w}	20 ^{v, w}	35 ^{v, w}	—

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 19.01 - Statement of intent.

The intent of the M-1, light manufacturing 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. Permitted uses should be compatible with surrounding residential or commercial uses.

Accordingly, permitted manufacturing, distribution warehousing, and light industrial uses permitted in this district should be fully contained within well-designed buildings on amply landscaped sites, with adequate off-street parking and loading areas, and with proper screening around outside storage areas.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 19.02 - Permitted uses and structures.

- A. *Principal uses and structures.* In all areas zoned M-1, light manufacturing district, no building or part of a 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. The manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: Bakery goods, candy, ceramics, cosmetics, clothing, jewelry, instruments, optical goods, pharmaceuticals, toiletries, food products (except fish, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils), hardware, cutlery, and pottery.
 2. The manufacturing, compounding, assembling, or treatment of articles or goods from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, yarns, sheet metal, wax, wire, and wood (except that planning mills shall not be permitted).
 3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 4. The manufacture or assembly of musical instruments, toys, novelties, sporting goods, photographic equipment, and metal or rubber stamps, or other small molded rubber products.
 5. The manufacture or assembly of electrical appliances, electrical and electronic equipment, electronic instruments or precision devices, radios, and phonographs, including the manufacture of parts for such devices.
 6. Laboratories involved in basic research, experiment, design, testing, or prototype product development.
 7. Printing, lithography, blueprinting, and similar uses.
 8. Warehousing and wholesale operations.
 9. Tool, die, gauge, metal polishing, and machine shops.
 10. Data processing and computer centers, including electronic data processing and computer equipment service establishments.
 11. Building material sales, including establishments which sell hardware, glass, paint, and lumber, and which may require outdoor retail or wholesale display or sales area. Outdoor storage of materials and equipment shall comply with the following requirements:
 - a. Such storage shall be screened with fencing in accordance with section 5.08.
 - b. No materials shall be stored above the height of the screening.
 - c. Storage areas shall conform to the setback requirements for buildings in the M-1 district.
 - d. Proper access to all parts of the storage areas shall be provided for fire and emergency services.

12. Other research or light manufacturing uses similar to the above.
 13. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:
 - a. Parking for the use of patrons of the businesses in the M-1 district, subject to the provisions in article 4.00.
 - b. Signs, subject to the provisions in article 27.00, sign ordinance.
 14. Essential services, subject to the provisions in section 2.16, subsection A.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 24.03.
1. 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 in a building that accommodates a principal use. Permitted 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 business.
 - b. Personal service establishments which are intended to serve workers or visitors in the district or nearby residents, such as beauty and barber shops, 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.
 2. Automobile filling and service stations and repair garages, including quick oil change or lubrication stations, subject to the provisions in section 6.02, subsection B.
 3. Mini-warehouses, subject to the provisions in section 6.02, subsection M.
- C. *Uses not permitted.* The following uses shall not be permitted in the M-1 district because the external impacts commonly generated by such uses could potentially be detrimental to other uses in the district or to properties in adjoining districts: Junk yards; auto wrecking yards; establishments which handle waste or garbage; the incubation, raising, or killing of poultry; the slaughtering of animals; processing of rubber products; bulk storage plants; hot forging presses; steam and board hammers; foundries and boiler works; and machines or operations which cannot comply with the performance standards in article 7.00.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 19.03 - Development standards.

- A. *Required conditions.* Except as otherwise noted for specific uses, buildings and uses in the light manufacturing district shall comply with the following required conditions:
1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in article 7.00.
 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. All machinery shall comply with the standards in section 6.02, subsection W.

M-2	87,120	200	—	45 ^x	—	50 ^v	29 ^{v, w}	40 ^{v, w}	35 ^{v, w}	—
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NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 20.01 - Statement of intent.

The intent of the M-2, general manufacturing district is to provide locations for "heavy" industries, such as those which involve the use of heavy machinery, extensive amounts of contiguous land area, service by railroad lines or major thoroughfares, processing of chemicals or raw materials, manufacturing involving the assembly of quantities of parts from several locations, generation of industrial wastes, or similar characteristics.

It is expected that permitted activities or operations will produce minimal external impacts. Such uses should be located only where the impact generated will not be detrimental in any way to other uses in the district or to properties in adjoining districts. It is intended that industrial uses permitted in this district should be located where they can be best served with required public and private facilities, utilities, and services.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 20.02 - Permitted uses and structures.

A. *Principal uses and structures.* In all areas zoned M-2, general manufacturing district, no building or part of a 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. All principal uses permitted in the M-1, light manufacturing district, as set forth in section 19.02, subsection A.
2. The assembly or manufacture of automobiles, automobile bodies, and automotive parts and accessories; electrical fixtures, batteries and other electrical apparatus and hardware; cement, lime gypsum, plaster of Paris, and similar materials; and general assembly operations similar to the above.
3. Machine shops; metal buffing, plating and polishing shops; metal and plastic molding and extrusion shops; millwork and planing mills; painting and sheet metal shops; undercoating and rust-proofing shops; and welding shops.
4. Truck, tractor, and trailer sales, rental and repair, subject to the provisions in section 6.02, subsection P.
5. Truck terminals.
6. Heating and electric power generating stations.
7. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:
 - a. Parking for the use of patrons of the businesses in the M-2 district, subject to the provisions in article 4.00.
 - b. Signs, subject to the provisions in article 27.00, sign ordinance.

8. Essential services, subject to the provisions in section 2.16, subsection A.
- B. *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission; the imposition of special conditions which, in the opinion of the planning commission, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 24.03.
1. Drive-in theaters, subject to the provisions in section 6.02, subsection G.
 2. Junk, scrap, wrecking yards, or salvage yards where the operations are for the conversion of saleable materials, subject to the provisions in section 6.02, subsection J.
 3. Petroleum storage.
 4. Processing, refining, or storage of food and foodstuffs, except as prohibited in subsection C, following.
 5. Sewage disposal plants and landfills, subject to the provisions in section 6.02, subsection U, and of the city Code of Ordinances.
 6. Coal, coke, and fuel yards, subject to the provisions in section 6.02, subsection E.
 7. Adult outdoor motion picture theaters, subject to the provisions in section 6.02, subsection A and G.
 8. Private outdoor recreation uses, such as archery ranges, baseball, football or soccer fields, bicycle motocross (BMX) tracks, court sports facilities, golf driving ranges, swimming pools, and similar outdoor recreation uses, subject to the provisions in section 6.02, subsection Q.
- C. *Uses not permitted.* The following uses shall not be permitted in the M-2 district because the external impacts commonly generated by such uses could potentially be detrimental to other uses in the district or to properties in adjoining districts, or because the following uses would not be compatible with surrounding intensive industrial development:
1. Cement, lime, gypsum, or plaster manufacturing.
 2. Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
 3. Explosive manufacturing or storage.
 4. Fertilizer manufacturing.
 5. Compost or storage of garbage, offal, dead animals, refuse, or rancid fats.
 6. Incineration, glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
 7. Livestock feeding yards, slaughtering of animals, or stock yards.
 8. Petroleum or asphalt refining or manufacturing.
 9. Smelting or refining of metals from ores.
 10. Stem board hammers and forging presses.
 11. Storage, curing and tanning of raw, green, or salted hides or skins.
 12. Manufacturing involving the use of sulphurous, sulphuric, nitric, picric, carbolic, hydrochloric or other corrosive acids.
 13. Railroad classifications yards.
 14. Machines or operations which cannot comply with the performance standards in article 7.00.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 20.03 - Development standards.

- A. *Required conditions.* Except as otherwise noted for specific uses, buildings and uses in the general manufacturing district shall comply with the following required conditions:
1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in article 7.00.
 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. All machinery, including stamping plants, punch presses, press brakes, and other machines shall comply with the standards in section 6.02, subsection W.
 4. Outside storage may be permitted, subject to the following conditions:
 - a. Outside storage areas for building, contracting, or plumbing materials, sand, gravel, stone lumber, equipment, and other supplies, shall be located no closer than 150 feet to any street right-of-way line and no closer than 20 feet to all other property lines. Storage areas shall conform to all other setback requirements for buildings in the M-2 district.
 - b. Such storage shall be screened on all sides which abut any residential or commercial district by a wall or fence constructed in accordance with section 5.08.
 - c. No materials shall be stored above eight feet in height.
 - d. Proper access to all parts of the storage areas shall be provided for fire and emergency services.
 - e. Inside storage of waste materials shall be permitted only if the building is constructed of masonry with a four-hour fire rating and provided further that no part of the building shall be located any closer than 100 to any property line.
- B. *Site plan review.* Site plan review and approval is required for all uses in the general manufacturing district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the general manufacturing district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the general manufacturing district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 7.00	Performance standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 21.00. - M-3, RAILROAD INDUSTRIAL DISTRICT

Article 21.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)				Minimum Usable Floor
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard		Rear yard	
District	Area (sq. ft.)	Width (feet)	In stories	In feet	Percent	Front yard	Least one	Total of two	Rear yard	Area (sq. ft.)
M-3	40 acres	200	—	45 ^x	—	50	20	40	35	—

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 21.01 - Statement of intent.

The intent of the M-3, railroad industrial district is to permit the development and continued maintenance of railroad classification yards in locations where there will be impact on nearby residential, commercial, and industrial uses will be minimal.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 21.02 - Permitted uses and structures.

A. *Principal uses and structures.* In all areas zoned M-3, railroad industrial district, no building or part of a 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. Railroad classification yard and related facilities, including rail car storage, marshaling, switching and transfer facilities.
2. Facilities for fueling, washing, inspecting and maintenance of railroad cards, engines and other equipment.
3. Tool and equipment storage buildings, crew quarters, radio communication buildings, facilities and transmission towers.
4. Uses and structures accessory to the above, subject to the provisions in section 2.03, including, but not necessarily limited to the following:

- a. Office buildings containing the administrative functions of the railroad classification yard.
 - b. Parking for the use of patrons of the businesses in the M-3 district, subject to the provisions in article 4.00.
 - c. Signs, subject to the provisions in article 27.00, sign ordinance.
5. Essential services, subject to the provisions in section 2.18, subsection A.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 21.03 - Development standards.

- A. *Required conditions.* Except as otherwise noted for specific uses, buildings and uses in the railroad industrial district shall comply with the following required conditions:
- 1. All railroad operations shall comply with the performance standards set forth in article 7.00.
 - 2. All machinery, including stamping plants, punch presses, press brakes, and other machines shall comply with the standards in section 6.02, subsection W.
 - 3. Outside storage may be permitted, subject to the following conditions:
 - a. Outside storage or warehousing shall be permitted only if the storage is related to shipping and handling functions of the railroad.
 - b. Outside storage areas for buildings, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located no closer than 150 feet to any street right-of-way line and no closer than 20 feet to all other property lines. Storage areas shall conform to all other setback requirements for buildings in the M-3 district.
 - c. Such storage shall be screened on all sides which abut any residential or commercial district by a wall or fence constructed in accordance with section 5.08.
 - d. No materials shall be stored above eight feet in height.
 - e. Proper access to all parts of the storage areas shall be provided for fire and emergency services.
 - f. Inside storage of waste materials shall be permitted only if the building is constructed of masonry with a four-hour fire rating and provided further that no part of the building shall be located any closer than 100 to any property line.
- B. *Site plan review.* Site plan review and approval is required for all uses in the railroad industrial district in accordance with section 24.02.
- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the railroad industrial district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the railroad industrial district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading

Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 7.00	Performance standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 22.00. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Article 22.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor	
	Area (sq. ft.)	Width (feet)	In stories	In feet		Front yard	Side yard			Rear yard
District	Area (sq. ft.)	Width (feet)	In stories	In feet	Percent	Front yard	Least one	Total of two	Rear yard	Area (sq. ft.)
PUD	z	z	z	z	z	z	z	z	z	z

NOTE: See article 23.00, schedule of regulations for footnotes.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 22.01 - Statement of intent.

It is the intent of this district to authorize the use of planned unit development regulations for the purposes of: Encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the residents of Flat Rock; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with the city's future land use plan.

The provisions in this article are not intended as a device for ignoring the more specific standards of the zoning ordinance, or the planning upon which the ordinance is based. To that end, provisions in this article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable

standards in accordance with guidelines in this article to insure appropriate, fair, and consistent decision making.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 22.02 - Permitted uses and structures.

A. *Eligibility criteria.* To be eligible for planned unit development approval, the applicant must demonstrate that the following criteria will be met:

1. *Recognizable benefits.* The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
2. *Minimum size.* The minimum size of a planned unit development shall be ten acres of contiguous land, except that the minimum size shall be one-half acre within the boundaries of the downtown development authority (DDA). A site area smaller than one-half acre within the boundaries of the DDA may be eligible for planned unit development if it is determined by the planning commission that the intent of the PUD district can be achieved on a smaller site and the project is consistent with the objectives of the master plan for the downtown. The site area used to determine eligibility shall be the gross site area exclusive of public rights-of-way, provided that a minimum right-of-way of 86 feet shall be reserved for all adjacent roads.
3. *Use 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, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.
4. *Compatibility with future land use plan.* The proposed development shall not have an adverse impact upon the future land use plan of the city, and shall be consistent with the intent and spirit of this article.
5. *Economic impact.* The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
6. *Usable open space.* 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 this ordinance.
7. *Unified control.* 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 this ordinance.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions 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 or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the city building official.

B. *Project design standards.* Proposed planned unit developments shall comply with the following project design standards:

1. *Location.* A planned development may be approved in any location in the city, subject to review and approval as provided for herein.
2. *Permitted uses.* Any land use authorized in this ordinance may be included in a planned unit development as a principal or accessory use, provided that public health, safety and welfare are not impaired.

3. *Residential density.* The permitted density of residential uses within a planned unit development shall be determined by the planning commission. The density established by the planning commission shall be consistent with the future land use plan and the standards contained in this ordinance, and upon determination by the commission that such density will not adversely affect water and sewer services, stormwater 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.
4. *Applicable base regulations.* Unless waived or modified in accordance with the procedures and standards set forth in this article, the yard and bulk, parking, loading, landscaping, lighting, and other standards set forth in the districts listed below shall generally be applicable for uses proposed as part of a planned unit development:
 - a. Single-family residential uses shall comply with the regulations applicable in the R-1B, single-family residential district, article 9.00.
 - b. Multiple-family residential uses shall comply with the regulations applicable in the R-3, multiple-family residential district, article 11.00.
 - c. Commercial uses shall comply with the regulations applicable in the C-3, general commercial district, article 15.00.
 - d. High-rise uses shall comply with the regulations applicable in the HR district, article 16.00.
 - e. Office uses shall comply with the regulations applicable in the O-1, office district, article 17.00.
 - f. Industrial uses shall comply with the regulations applicable in the M-1, light manufacturing district, article 19.00.
 - g. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if conflict exists between provisions, the regulations applicable to the most dominant use shall apply.
5. *Regulatory flexibility.* To encourage flexibility and creativity in development consistent with the planned unit development concept, departures from compliance with the regulations in paragraph 4, above, may be granted as a part of the approval of the planned unit development. For example, such departures may include modifications of lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading and landscaping requirements; and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.
6. *Open space requirements.* Planned unit developments shall provide and maintain 25 percent of the gross area of the portion of the site that is designated for residential use as usable open space. Any previous land area within the boundaries of the site may be included as required open space except for land contained in public or private street rights-of-way. Planned unit developments within the boundaries of the DDA may be approved with less than 25 percent usable open space if the project complies the objectives of the master plan for the downtown and the intent of the PUD district.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

- a. Provide for the privately owned open space to be maintained by private property owners with an interest in the open space,
- b. Provide maintenance standards and a maintenance schedule,

- c. Provide for assessment of the private property owners by the City of Flat Rock for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
8. *Frontage and access.* Wherever the total floor area of the principal structure(s) is 70,000 square feet or greater, the development shall front onto a paved county or city primary road or state trunkline, and the main means of access to the development shall be via the primary road or state trunkline. The nearest edge of any entrance or exit drive shall be located no closer than 400 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
Wherever the total floor area of the principal structure(s) is 30,000 square feet or greater, but less than 70,000 square feet, the development shall front onto a paved thoroughfare with at least two lanes of traffic in each direction, and with full passing and deceleration lanes.
Construction of private drives or secondary access drives as a means of providing indirect access to a public road shall be permitted in accordance with section 2.10.
9. *Natural features.* The development shall be designed to promote preservation of natural animal or plant habitats of significant value exist on the site, the planning commission or city council may require that the planned unit development plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent of any preserved natural area may be counted toward meeting the requirements for open space.
10. *Utilities.* All utility lines serving the planned unit development, whether designed for primary service from main lines or for distribution of services throughout the site, shall be placed underground at all points within the boundaries of the site.
11. *Additional considerations.* The planning commission shall take into account the following considerations, which may be relevant to a particular project: Perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially zoned property.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 22.03 - Procedures and requirements.

The approval of a planned unit development application shall require an amendment to the zoning ordinance to revise the zoning map and designate the subject property as "planned unit development". Approval of a planned unit development, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendments.

Planned unit development applications shall be submitted in accordance with the procedures and requirements set forth in section 24.04. Section 24.04 calls for a two-step approval process as follows:

1. The applicant shall first submit a preliminary development plan which shall be reviewed in accordance with normal zoning amendment procedures. The planning commission shall review the preliminary development 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 preliminary development plan and grant the requested planned unit development zoning.
2. Following approval of the preliminary plan and rezoning to planned unit development, the applicant shall submit a final site plan for review by the planning commission in accordance with normal site plan review procedures.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 22.04 - Development standards.

- A. *Standards and requirements with respect to review and approval.* In considering any application for approval of any planned unit development proposal, the planning commission and city council shall make their determinations on the basis of the standards for site plan approval set forth in section 24.02, as well as the following standards and requirements:
1. *Conformance with the planned unit development concept.* The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of the planned unit development concept as described in section 22.01, as well as with specific project design standards set forth herein.
 2. *Compatibility with adjacent uses.* The proposed planned unit development 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:
 - a. Access to major thoroughfares.
 - b. Estimated traffic to be generated by the proposed development.
 - 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. Provisions for pedestrian traffic.
 3. *Protection of natural environment.* The proposed planned unit development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.
 4. *Compatibility with the future land use plan.* The proposed planned unit development shall be consistent with the general principles and objectives of the city's future land use plan.
 5. *Compliance with applicable regulations.* The proposed planned unit development shall be in compliance with all applicable federal, state, and local laws and regulations.
- B. *Phasing and commencement of construction.*
1. *Phasing.* 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 component to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

In addition, in developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least 35 percent of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. The purpose of this provision is to ensure that planned unit developments are constructed in an orderly manner and, further, to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentages shall be approximations as determined by the planning commission based on the floor area and

land area allocated to each use. Such percentages may be varied should the planning commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

Each phase of the project shall be commenced within 24 months of the schedule set forth on the approved plan for the planned unit development. If construction is not commenced within the required time period, approval of the plan shall become null and void, subject to the guidelines in section 24.04.

- C. *Area, height, bulk, and placement requirements.* Buildings and uses in the planned unit development district are subject to the area, height, bulk, and placement requirements in article 23.00, schedule of regulations.
- D. *General development standards.* Buildings and uses in the planned unit development district shall be subject to all applicable standards and requirements set forth in this ordinance, as specified below.

Article	Topic
Article 2.00	General provisions
Article 4.00	Off-street parking and loading
Article 5.00	Fencing and walls
Article 6.00	Site development standards
Article 7.00	Performance standards
Article 23.00	Schedule of regulations

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 23.00. - SCHEDULE OF REGULATIONS

Article 23.00	Lot Minimum		Maximum Building Heights		Maximum Coverage of Lot By All Buildings	Minimum Setback Measurement (In Feet)			Minimum Usable Floor
							Side yard		
District					Percent		Side yard		

PR	7,800 ^h _m	60	2	25	35 ^c	20 ^d	6	16 ^{e, f} _g	45	1,000 ^j
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([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 436, § V, 3-6-17](#))

Sec. 23.01 - Footnotes to the schedule of regulations.

- (a) *Exceptions to height standards.* The height standards shall not apply to certain structures listed in section 2.16, subsection B, provided that in no instance shall any structure in a residential district exceed 45 feet in height. The setback requirements for any building which exceeds the height standard for the district in which it is located (as shown in the schedule of regulations) shall be increased by one foot for each two feet by which the structure exceeds the height standard.
- (b) *Lot dimensions and proportions.* The minimum lot depth in residential districts is 120 feet. Lot depths in residential districts shall be no greater than three times the lot width.
- (c) *Lot coverage requirements for accessory structures.* See section 2.03, subsection D, for lot coverage requirements for accessory structures in residential districts.
- (d) *Front setback in single-family districts.* Where the front yard of more than 60 percent of the dwellings on one side of the street in any one block is less than required in a single-family district (R-1A through R-1B), the minimum front yard for any subsequent residential building constructed on the block shall be the average of the front yards for all existing buildings.
- (e) *Setback on side yards facing a street.* On corner lots there shall be maintained a front yard along each street frontage.
- (f) *Setback on corner lots abutting an interior lot.* Where a rear yard of a corner lot abuts a side yard of an interior lot or an alley separating two such lots, any accessory building on the corner lot shall be set back from the side street as far as the dwelling on the interior lot.
- (g) *Side yard setback for nonresidential uses.* The minimum side yard setback for nonresidential uses in a residential district shall be 25 feet on each side, provided the setback shall be increased by one foot for each of the following:
 - Each five feet or part thereof by which the nonresidential building exceeds 35 feet in overall dimension along the side yard, and
 - Each two feet in height in excess of 55 feet.
- (h) *Minimum lot area in the multiple-family districts.* Minimum land area required for each dwelling unit in the R-2 and R-3 districts shall be as follows:

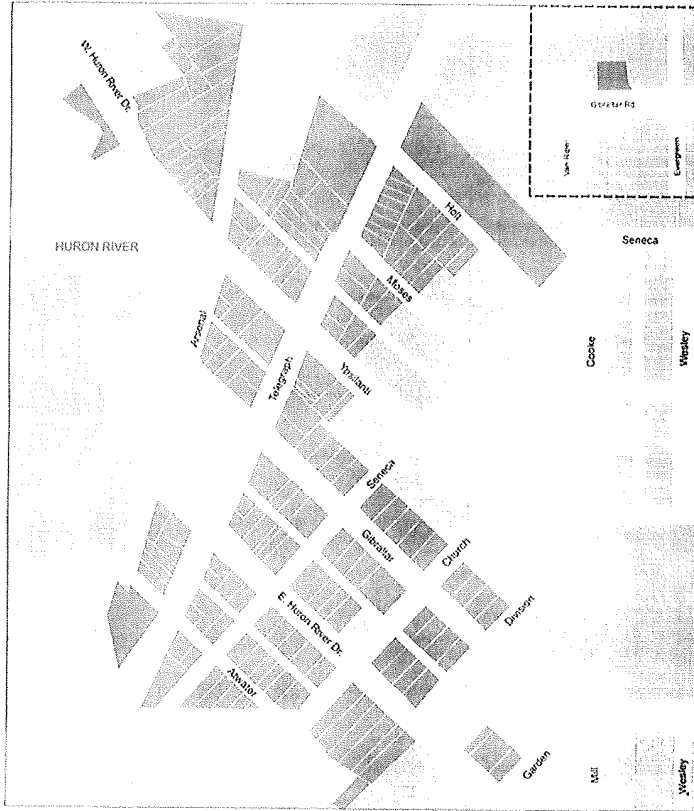
Dwelling Unit Type*	R-2 District		R-3 District	
	Land Area in Square Feet	Maximum DU/A	Land Area in Square Feet	Maximum DU/A
Efficiency Unit	7,500	5.80	4,250	10.24
One-bedroom Unit	8,500	5.12	4,750	9.17

Two-bedroom Unit	9,500	4.58	5,250	8.29
Three-bedroom Unit	10,500	4.14	5,750	7.57
Four or more bedroom Unit	11,500	3.78	6,250	6.96

* For the purposes of determining land area requirements, the following additional rooms shall be counted as a "bedroom": Den, family room, library, or study.

- (i) *Required setback between multiple-family buildings.* See section 6.03, subsection A, for required setbacks between multiple-family buildings.
- (j) *Reserved.*
- (k) *Minimum lot area in the RM district.* The minimum lot area for each unit in a mobile home park shall be 5,500 square feet. However, the total area of any lot may be reduced to 4,500 square feet by reducing the lot width to the permitted minimum, provided that the average lot area for the manufactured home park as a whole is 5,500 square feet. For each square foot of land gained through reduction of a lot below 5,500 square feet, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of the manufactured home park residents.
- (l) *Development standards in the RM district.* See section 6.03, subsection C, for development standards in the RM, manufactured home park district.
- (m) *Lot area and width in commercial and office districts.* Lot area and width requirements in the commercial and office districts shall be based on compliance with the setback and lot coverage standards.
- (n) *Front setback in certain nonresidential districts.* Where the front setbacks of two or more existing principal structures in any block (in the case of platted properties, or within 300 feet in the case of unplatted properties) are less than the minimum required in the schedule of regulations, then the zoning board of appeals may permit any building subsequently erected within the block (or 300 feet) to be set back a distance 110 less than the average of the front setbacks of the existing structures, provided that all existing comparable buildings must be on the same side of the street and in the same zoning district as the proposed use.
- (o) *Front setback in downtown Flat Rock.* In order to achieve quality site design, to maintain the continuity of the streetscape in the downtown area of Flat Rock, to provide adequate views of commercial uses, and to achieve functional pedestrian and vehicular circulation, the front yard setback in the C-2 district along Telegraph Road, between Atwater and Huron River Drive, shall be zero feet.
- (p) *Side setback in the C-2 district.* No side setback is required except for the following:
 - A corner lot, with a minimum setback for the side yard adjacent to the road is five feet and the maximum is ten feet.
 - A lot directly adjacent to a property zone specifically for residential use, where the minimum side setback of the adjacent side is ten feet.
- (q) *Parking in the side yard.* If the off-street parking is located in the side yard a side yard setback of 75 feet shall be required.
- (r) *Permitted density in the HR district.* See section 6.04, subsection A, for permitted density in the HR district.

- (s) *Lot coverage in the HR district.* Maximum lot coverage of principal and accessory buildings in the HR district, exclusive of the existing and future right-of-way, shall be 25 percent. A minimum of 25 percent of the total site area shall be developed as usable open space, in accordance with section 6.04, subsection A.
- (t) *Minimum setbacks in the HR district.* A minimum setback of 50 feet, plus an additional five feet for each story in excess of three stories, shall be required along all property lines in the HR district. The setback shall be increased to 100 feet along any property line which abuts property that is occupied by a conforming single-family residential structure. A minimum setback of 50 feet shall be required between all buildings in the HR district.
- (u) *Front yard setback in industrial parks.* In platted industrial park subdivisions that are designed so that lots face each other on both sides of an internal road, the minimum front yard setback shall be 25 feet. The required front yard shall be landscaped in accordance with section 5.03, subsection A, and shall not contain off-street parking areas, driveway storage areas, or off-street parking.
- (v) *Setback in industrial districts located adjacent to residential property.* A minimum setback of 40 feet shall be required where the adjacent land is zoned for residential use, except where a public street or railroad right-of-way provides a separation. The required setback shall be landscaped in accordance with section 5.02, subsection C. No building, loading or unloading areas, driveway storage areas, or off-street parking shall be permitted in this setback area.
- (w) *Setbacks adjacent to railroads.* Required setbacks may be reduced adjacent to a railroad right-of-way, subject to review and approval of the site plan.
- (x) *Minimum height in certain industrial districts.* The minimum height in the M-2 and M-3 districts may be increased by one foot for each five feet by which the building is set back in excess of 45 feet.
- (y) *Minimum floor area for senior citizen units.* A minimum floor area of 530 square feet per one-bedroom unit shall be required for residential developments in the M-2 district which are designed and intended for the exclusive use of senior citizens.
- (z) *Planned unit development regulations.* See article 22.00 for development standards in the PUD, planned unit development district.
- (aa) *Lot area.* Net lot area, as defined in section 1.03, shall be used to determine compliance with lot area requirements.
- (bb) *Front setbacks for standard C-2 lots.* Fifteen-foot minimum, 20-foot maximum. No new building is permitted to be located more than ten feet closer to the front lot line than the primary building on an immediately adjacent lot, except in the instance that an adjacent building is set back more than 30 feet, where the new building shall not be set back more than 20 feet,
- (cc) *Front setbacks for traditional downtown C-2 lots.* Lots with frontage on the sections of Arsenal Road, Atwater Road, E. Huron River Drive, Gibraltar Road, Telegraph Road, and W. Huron River Drive that are defined on Map 14.00 shall henceforth be considered traditional downtown lots. Traditional downtown lots shall have a five-foot minimum front setback and a ten-foot maximum front setback. Where 50 percent or more of the lots in any one block (an area between two adjacent streets) have been built upon, the building shall be located no further back than the predominant building line by using the average depth of the front yards of the built lots.
- (dd) *Front yards for corner C-2 lots.* Where a lot in the C-2 district is adjacent to one of the following streets, the yard adjacent to said street shall be considered the front yard. The front yard for lots that are adjacent to one or more of the following streets shall be determined by priority based on the following list: (1) Telegraph Road; (2) E. Huron River Drive; (3) Gibraltar Road; (4) Arsenal Road; (5) Atwater Road; (6) W. Huron River Drive.



12/29/2016

Front Yard Setbacks

City of Flat Rock, Michigan

C J District
Traditional Downtown Lots

Mckenna
CONSULTANTS

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 436, § IV, 3-6-17](#))

ARTICLE 24.00. - GENERAL PROCEDURES AND RELATED STANDARDS

Sec. 24.01 - Purpose.

The purpose of this article is to set forth procedures and standards concerning the following zoning functions:

- Site plan review
- Special land use review
- Planned unit development
- Variances and appeals
- Amendments
- Permits and certificates
- Fees
- Violations and penalties

Records

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.02 - Site plan review.

- A. *Intent.* The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the standards contained in this ordinance and other applicable local ordinances and state and federal laws, to achieve efficient use of the 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 to facilitate development in accordance with the city's land use objectives.
- B. *Applicability.*
1. *Site plan required.* Submission of a site plan shall be required in conjunction with any of the following:
 - Any use or development for which submission of a site plan is required by provisions of this ordinance.
 - Any proposal to construct, move, relocate, convert, or structurally alter a building; change or add a use; expand or decrease off-street parking; or fill, excavate, or grade land.
 - All nonresidential uses permitted in single-family districts such as, but not limited to, churches, schools, and public facilities.
 - Any change in use that could affect compliance with the standards set forth in this ordinance.
 - Any special land use, in accordance with section 24.03.
 2. *Site plan not required.* Submission of a site plan shall not be required for any proposal to construct, move, relocate, convert, or structurally alter a single-family detached house in a R-1A, R-1B, R1C, R-2, or R-M district, or a two-family dwelling in a R-2 or R-3 district. However, submission of a plot plan in accordance with the adopted Building Code shall be required for these uses.
- C. *Procedures and requirements.* Site plans shall be submitted in accordance with the following procedures and requirements:
1. *Applicant.* The applicant shall be submitted by the owner of an interest in land for which site plan 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 plan may be tabled due to lack of representation.
 2. *Application forms and documentation.* The application for site plan review shall be made on the forms and according to the guidelines provided by the department of building and safety.
 3. *Site plan preparation.* The site plan shall be prepared in the manner specified in this section and on the site plan application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review. At any time during the course of preparation of a site plan, the city staff shall, upon request, provide information concerning the zoning ordinance procedures and standards.
 4. *Submission of completed site plan.* The application materials, required fees, and sufficient copies of the completed site plan (as specified on the application form) shall be submitted to the department of building and safety. The site plan submitted to the department of building and safety. The site plan proposal will be placed on the planning commission agenda to be formally accepted for processing and for initial review, except where planning commission review is not required as outlined in section 24.02, subsection D.

5. *Distribution of plans.* The site plans and application shall also be distributed to appropriate city officials and the city planner for review. If deemed necessary by the director of building and safety, the plans may also be submitted to the city engineer for review.
6. *Review by the city planner and engineer.* The city planner and engineer shall review the site plan and application materials, and prepare written reviews, which shall specify any deficiencies in the site plan and make recommendations as appropriate.
7. *Planning commission consideration.* At the first regular meeting at which a site plan proposal is considered, the planning commission shall first determine whether to accept the plan for processing. If accepted for processing, the planning commission shall review the site plan in relation to applicable standards and regulations, and in relation to the intent and purpose of this ordinance. The commission shall consider the comments and recommendations from the city planner, the director of building and safety, city engineer, public safety officials, and other reviewing agencies.

If the planning commission determines that revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan.

8. *Site plan revision and submission of revised plan.* The applicant shall revise the site plan, based on the requirements and recommendations set forth in the written review. The applicant shall then submit sufficient copies of the revised plan (as specified on the application form) for further review. If planning commission review is required, the site plan and application materials shall be submitted as least 15 days prior to the planning commission meeting at which review is desired. If the plan is in compliance with required revisions, the plan shall be placed on the agenda of the next scheduled meeting of the planning commission for further review and possible action.
9. *Planning commission determination.* The planning commission shall make a determination on a final plan based on the requirements and standards in this ordinance. The planning commission is authorized to grant approval, grant approval subject to conditions, or reject a site plan, as follows:
 - *Approval.* Upon determination that a site plan is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, the planning commission shall approve the plan.
 - *Approval subject to 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. The conditions may include the need to obtain variances or obtain approvals from other agencies.

The applicant may re-submit the site plan to the planning commission for final review after conditions have been met. The planning commission may waive its right to review the revised plan, and instead authorized the director of building and safety to review and recommend approval of the re-submitted plan if all required conditions have been addressed.
 - *Denial.* Upon determination that a site plan does not comply with the standards and regulations set forth in this ordinance, or requires extensive revision in order to comply with said standards and regulations, the planning commission shall deny site plan approval.
10. *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 planning commission. The grounds for action taken upon each site plan shall also be recorded in the minutes.
11. *Application for building permit.* Prior to issuance of a building permit, the applicant shall submit proof of the following:
 - Final approval of the site plan.
 - Final approval of the engineering plans.

- Acquisition of all other applicable city, county, or state permits.
12. *Expiration of site plan.* If construction has not commenced within 18 months of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The planning commission may grant a 12-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 or a new application for site plan review shall be required.
 13. *Revocation of site plan approval.* Approval of a site plan may be revoked by the planning commission if construction is not in conformance with the approved plans. In such a case, the director of building and safety shall place the site plan on the agenda of the planning commission for consideration, and give written notice to the applicant at least ten days prior to the meeting. The applicant shall be given at least ten days prior to the meeting. The applicant shall be given the opportunity to present information to the planning commission and answer questions. The planning commission may revoke the approval of the site plan if it finds that a violation exists and has not been remedied prior to the hearing.
 14. *Performance guarantee.* The planning commission or director of building and safety may require that a performance guarantee be deposited with the city to insure faithful completion of improvements, in accordance with section 2.17.
- D. *Administrative review.*
1. *Applicability.* The director of building and safety may review and approve a proposed site plan when the proposed development constitutes:
 - a. An addition to an existing building and the square footage of the addition proposed is less than 25 percent or 3,000 square feet, whichever is less.
 - b. Remodeling, re-occupancy of a vacant building, or change in use and the remodeling, re-occupancy or change in use shall result in 30 percent or less of the existing exterior site conditions being modified.
 - c. Home occupation applications.
 2. *Application requirements and procedures.* The application requirements, fees, procedures and approval standards for administrative review of site plans shall be the same as for normal site plan review, as outlined in this article, except that the director of building and safety is authorized to grant approval, grant approval subject to conditions, or deny a site plan in accordance with the guidelines in this article. Prior to making a decision, the director of building and safety may seek the advice and counsel of the city planner, city attorney, and city engineer.
 3. *Require site plan review.* Notwithstanding the foregoing, planning commission review shall be required for all site plans that involve a request for variance, a special land use, a proposal that involves a discretionary decision, or a proposal that involves a nonresidential nonconforming use or structure.
- E. *Revisions to approved plans.* A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:
1. *Revisions initiated by the developer.* Revisions to an approved plan that are initiated by the developer and other revisions which are not considered minor in nature, based on criteria cited in this section, shall be reviewed by the planner commission in accordance with the site plan review procedures set forth in section 24.02, subsection C.
 2. *Minor revisions.* Minor revisions to an approved site plan may be reviewed by the director of building and safety. Minor revisions 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, and may include the following:
 - Revisions made necessary by unusual conditions on a site uncovered during the course of construction.

- Revisions made necessary by agencies or professionals (such as by county agencies) who are required to review site plans after they have received approval by the city.
 - Revisions made apparent prior to or during construction that would improve the function or appearance of the site.
3. *Revision of minor revisions.* The review of minor revisions shall follow the procedures for administrative review in section 24.02, subsection D.
- F. *Application data requirements.* The following information shall be included with all site plan submittals:
1. *Application form.* The application form shall contain the following information:
- Applicant's name and address.
 - Name and address of property owner, if different from applicant.
 - Common description of property and complete legal description.
 - Dimensions of land and total acreage.
 - Existing zoning.
 - Proposed use of land and name of proposed development, if applicable.
 - Proposed buildings to be constructed, including square feet of gross floor area.
 - Project value.
 - Employment opportunities created, if applicable.
2. *Site plan 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 inch = 50 feet for property less than three acres, and one inch = 100 feet for property three acres or more in size. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:
- Applicant's name, address, and telephone number.
 - Title block indicating the name of the development.
 - Scale.
 - Northpoint.
 - Dates of submission and revisions (month, day, year).
 - Location map drawn to scale with northpoint.
 - Legal and common description of property.
 - 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.
 - Identification and seal of architect or engineer who prepared plan. The seal of a land surveyor may be accepted if the site plan involves no building or engineering. The seal of a landscape architect may be accepted on landscaping plans.
 - Written description of proposed land use.
 - Zoning classification of petitioner's parcel and all abutting parcels.
 - Proximity to section corner and major thoroughfares.
 - Notation of any variances which have or must be secured.
 - Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre.
3. *Site data.*

- Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
- Front, side, and rear setback dimensions.
- Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
- Proposed site plan features, including buildings, roadway widths and names, and parking areas.
- Dimensions and centerlines of existing and proposed roads and road rights-of-way.
- Acceleration, deceleration, and passing lanes, where required.
- Proposed location of driveway entrances and on-site driveways.
- Cross-section of any proposed roads.
- Location of existing drainage courses, floodplains, lakes and streams, with elevations.
- Location of existing and proposed interior sidewalks and sidewalks in the right-of-way.
- Exterior lighting locations and method of shielding lights from shining off the site.
- Trash receptacles locations and method of screening, if applicable.
- Transformer pad location and method of screening, if applicable.
- Layout of off-street parking areas and indication of total number of spaces and typical dimensions of spaces.
- Method of surfacing driveways, parking areas, and other vehicle maneuvering areas.
- Information needed to calculate required parking in accordance with Zoning Ordinance standards.
- The location of lawns and landscaped areas, including required landscaped greenbelts.
- Landscape plan, including location, spacing and types of shrubs, trees, and other live plant material.
- Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot off the ground, before and after proposed development.
- Cross-section of proposed berms.
- Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
- Designation of fire lanes.
- Loading/unloading area.
- The location of any outdoor storage of materials and the manner by which it will be screened.

4. *Building and structure details.*

- Location, height, and outside dimensions of all proposed buildings or structures.
- Indication of the number of stores and number of commercial or office units contained in the building.
- Building floor plans.
- Total floor area.
- Location, size, height, and lighting of all proposed signs.

- Proposed fences and walls, including typical cross-section and height above the ground on both sides.
 - Building facade elevations, drawn to a scale of one inch equals four feet, or another scale approved by the director of building and safety and adequate to determine compliance with the requirements of this ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, 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.
5. *Information concerning utilities, drainage, and related issues.*
- Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to serve the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and, the location of gas, electric, and telephone lines.
 - Indication of site grading and drainage patterns.
 - Types of soils and location of floodplains and wetlands, if applicable.
 - Soil erosion and sedimentation control measures.
 - Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
 - Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.
6. *Information applicable to multiple-family residential development.*
- The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
 - Density calculations by type of residential unit (dwelling units per acre).
 - Lot coverage calculations.
 - Floor plans of typical buildings with square feet of floor area.
 - Garage and carport locations and details, if proposed.
 - Pedestrian circulation system.
 - Location and names of roads and internal drives.
 - Community building location, dimensions, floor plans, and facade elevations, if applicable.
 - Swimming pool fencing detail, including height and type of fence, if applicable.
 - Location and size of recreation open areas.
 - Indications of type of recreation facilities proposed for recreation area.
 - Colored rendering of typical building.
7. *Information applicable to manufactured home parks.*
- Location and number of pads for manufactured homes.
 - Distance between manufactured homes.
 - Proposed placement of manufactured home on each lot.
 - Average and range of size of manufactured home lots.
 - Density calculations (dwelling units per acre).
 - Lot coverage calculations.

- Garage and carport locations and details, if proposed.
 - Pedestrian circulation system.
 - Location and names of roads and internal drives.
 - Community building location, dimensions, floor plans, and facade elevations, if applicable.
 - Swimming pool fencing detail, including height and type of fence, if applicable.
 - Location and size of recreation open areas.
 - Indications of type of recreation facilities proposed for recreation area.
8. *Information applicable to commercial and industrial development.*
- Type of commercial or industrial use being proposed.
 - Indication of the estimated number of employees.
9. *Non-applicable items.* If any of the items listed are not applicable to a particular site, the site plan shall provide a list of each item considered not applicable, and the reason(s) why each listed item is not considered applicable.
10. *Other required data.* Other data may be required if deemed necessary by administrative officials or the planning commission to determine compliance with the provisions in this ordinance. Such information may include traffic studies, market analysis, environmental assessments, and evaluation of the demand on public facilities and services.
- G. *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 sufficient 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 property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this ordinance.
 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. *Functional considerations.* In commercial and industrial districts the nature, location, height, size and site layout shall be such that it will be a harmonious part of the district in which the use is located, taking into account prevailing shopping habits, convenience and access by patrons, the physical and economic relationship of one type of use to another, characteristic groupings of uses in a commercial or industrial district, and other similar economic and functional considerations.
 5. *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 23.00), unless otherwise provided in this ordinance.
 6. *Preservation of natural areas.* The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling, and grading.
 7. *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 users.

8. *Emergency vehicle access.* All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
9. *Ingress and egress.* Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
10. *Pedestrian circulation.* The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.
11. *Vehicular and pedestrian circulation layout.* The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways 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.
12. *Drainage.* Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater 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 city engineer.
13. *Soil erosion and sedimentation.* The proposed development shall include measures to prevent soil erosion and sedimentation.
14. *Exterior lighting.* Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
15. *Public services.* Adequate services and utilities, including water, 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.
16. *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.
17. *Vulnerability to 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 which 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, or nearby water bodies.

18. *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.
19. *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.
20. *Coordination with adjacent sites.* All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

21. *Barrier-free access.* All development shall comply with applicable federal, state, and local laws and regulations regarding barrier-free access.
- H. *Variance from site plan procedures.* The procedure for the review of a submitted site plan may be varied, where in the opinion of the director of building and safety, after consultation with the city planning, city engineer, and chairman of the planning commission, that the strict adherence to the requirements of this ordinance would place an undue hardship on the property owner because of existing conditions or that the site plan requirements would be far beyond the scope of the proposed project. In such a case, the site plan shall be accompanied by a site plan review fee. The building official shall ensure that the proposed development complies with all requirements of the ordinance, except the director of building and safety, after consultation with the city planner, city engineer, and chairman of the planning commission, may approve the site plan with a waiver and/or alternative solution provided that the development would be in substantial conformity with the spirit and intent of the zoning ordinance. Where unanimity between the director of building and safety, the city planner, the city engineer, and chairman of the planning commission cannot be reached, or in the opinion of the director of building and safety, the scope of the proposed development warrants formal review, the site plan shall be reviewed by the entire planning commission.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.03 - Special use review procedures and standards.

- A. *Intent.* The procedures and standards in this section are intended to provide a consistent and uniform method for review of proposed plans for special land uses. Special land uses are either public or private uses which possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district (see definitions, section 1.03). The review procedures and standards are intended to ensure full compliance with the standards contained in this ordinance and other applicable local ordinances, and state and federal laws, to achieve efficient use of the 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 to facilitate development in accordance with the city's land use objectives.
- B. *Procedures and requirements.* The following procedures and requirements shall be complied with in the review of special land use proposals:
1. *Summary of review process.* A two-step review process is required for all special land use proposals. Approval of the special land use itself is required in the first step. The second step involves review and approval of the site plan.
 2. *Applicant.* The application shall be submitted by the owner of an interest in land for which special land use approval is sought, or by owner's the designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.
 3. *Application forms and documentation.* The application for special land use review shall be made on the forms and according to the guidelines provided by the department of building and safety.
 4. *Application data requirements.* For all special land uses, a site plan shall be required in accordance with section 24.02. In addition, the applicant shall complete any forms and supply any other data as may be required by the planning commission, city planner, or the director of building and safety to make the determination required, including a written statement documenting compliance with the standards set forth in section 24.03, subsection C. Data requirements and regulatory guidelines for certain special land uses are set forth in article 6.00, site development standards applicable to specific uses.
 5. *Site plan preparation.* The site plan shall be prepared in the manner specified in section 24.02 and on the special land use application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review. At any

time during the course of preparation of a site plan, the city staff shall upon request provide information concerning the zoning ordinance procedures and standards.

6. *Submission of a completed plan and application.* The special land use application materials, required fees, and sufficient copies of the completed site plan (as specified on the application form) shall be submitted to the department of building and safety. The proposal will be placed on the planning commission agenda to be formally accepted for processing and to set a public hearing date.
7. *Distribution of plan and application.* The site plans and application for special land use, review shall be distributed to appropriate city officials and the city planner for review. If deemed necessary by the director of building and safety, the plans and application may also be submitted to the city engineer for review.
8. *Initial consideration by the planning commission.* At the first regular meeting at which a special land use application and plan is considered, the planning commission shall first determine whether to accept the proposal for processing. If accepted for processing, the planning commission shall schedule a public hearing in accordance with the guidelines see forth below.
9. *Public hearing.* Upon receipt of the complete plan and application for a special land use, a public hearing shall be scheduled. Notice of the public hearing shall be published in a newspaper which circulates in the city not less than 15 days before the date of the hearing, 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 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification. Such notification shall be made in accordance with the provisions of Section 103 of Michigan Public Act 110 of 2006, as amended. Accordingly, the notice shall:
 - Describe the nature of the special land use request.
 - Indicates the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - State when and where the special land use request will be considered.
 - Indicate when and where written comments will be received concerning the request.
 - Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for special land use regardless of whether the property or occupant is located in the zoning jurisdiction.
10. *Review by the city planner and engineer.* The city planner shall review the site plan and special land use request, and prepare written reviews as follows:
 - One review shall consider the special land use request, and determine whether the request is reasonable, based on the standards in this ordinance.

- A second review shall consider the site plan, and shall specify any deficiencies and make recommendations as appropriate. The city engineer shall also submit a written review of the site plan.

11. *Planning commission consideration.* Following the public hearing, the special land use proposal and site plan shall be reviewed by the planning commission in relation to applicable standards and regulations, and in relation to the intent and purpose of this ordinance. The commission shall consider the comments and recommendations from the city planner, director of building and safety, city engineer, public safety officials, and other reviewing agencies.

If the planning commission determines that revisions are necessary to bring the special land use application or site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit revised materials. Approval of the special land use request and site plan requires separate actions; consequently, the planning commission is not required to act on both simultaneously or at the same meeting. Approval of the special land use request should precede approval of the site plan.

12. *Submission of revised plan and special land use application.* If required, the applicant shall revise the application and/or site plan, based on the requirements and recommendations set forth in the written reviews. The applicant shall then submit sufficient copies of the revised application and/or plan (as specified on the application form) for further review. The site plan and application materials shall be submitted at least 15 working days prior to a scheduled meeting at which planning commission review is desired. If the plan and application are in compliance with required revisions, the proposal shall be placed on the agenda of the next scheduled meeting of the planning commission for further review and possible action.

13. *Planning commission determination.* The planning commission shall review the application for a special land use proposal, together with the public hearing findings and reports and recommendations from the city planner, the director of building and safety, city engineer, public safety officials, and other reviewing agencies. The planning commission is authorized to approve, approve with conditions, or deny a special land use proposal as follows:

- *Approval.* Upon determination that a special land use proposal is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, approval shall be granted.
- *Approval with conditions.* The planning commission may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to insure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. 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.
- *Denial.* Upon determination by the planning commission that a special land use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise will

be injurious to the public health, safety, welfare, and/or orderly development of the city, a special land use proposal shall be denied.

The planning commission is further authorized to make a determination on the final site plan, subject to the guidelines specified in section 24.02C.

14. *Recording of planning commission action.* Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the planning commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.
 15. *Application for building permit.* Prior to issuance of a building permit, the applicant shall submit proof of the following:
 - Final approval of the special land use application and site plan.
 - Final approval of the engineering plans.
 - Acquisition of all other applicable city, county, or state permits.
 16. *Expiration of site plan.* If construction has not commenced within 18 months of final approval, the approval becomes null and void and a new application for special land use review shall be required. The planning commission may grant one 12-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 expiration date or a new application for special land use review shall be required.
 17. *Revocation of special land use approval.* Approval of a special land use proposal and site plan may be revoked by the planning commission if construction is not in conformance with the approved plans. In such a case, the director of building and safety shall place the special land use on the agenda of the planning commission for consideration, and give written notice to the applicant at least five days prior to the meeting. The applicant shall be given the opportunity to present information to the planning commission and answer questions. The planning commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.
- C. *Standards for granting special land use approval.* Approval of a special land 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 24.02, applicable site development standards for specific uses set forth in article 6.00, and the following standards:
1. *Compatibility with adjacent uses.* The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - 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 land use shall be compatible with and in accordance with the general principles and objectives of the city's master plan and shall promote the intent and purpose of this ordinance.

3. *Public services.* The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools.
4. *Impact of traffic.* The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - Proximity and access to major thoroughfares.
 - Estimated traffic generated by the proposed use.
 - Proximity and relation to intersections.
 - Adequacy of driver sight distances.
 - Location of and access to off-street parking.
 - Required vehicular turning movements.
 - Provisions for pedestrian traffic.
5. *Detrimental effects.* The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operations, and shall not be located or designed so as to be 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.
6. *Enhancement of surrounding environment.* The proposed special land use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
 - The provision of landscaping and other site amenities. Provision of additional landscaping over and above the requirements of this ordinance may be required as a condition of approval of a special land use.
 - The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
7. *Isolation of existing uses.* The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special land use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.
8. *Based on need.* The planning commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.04 - Planned unit development (PUD) 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 unit development proposals. The planned unit development 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 22.00, and other applicable local 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.* The approval of a planned unit development application shall require an amendment to the zoning ordinance to revise the zoning map and designate the subject property as "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 amendments.

A two-step approval process is required for planned unit development proposals. The first step involves detailed review of a preliminary development plan by the planning commission, followed by review and approval of the rezoning by the city council. The second step involves review of the final site plan in accordance with normal site plan review procedures. Review procedures and standards are described in detail as follows:

1. *Applicant.* The application shall be submitted by the owner of an interest in land for which planned unit development 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 plan may be tabled due to lack of representation.
2. *Application forms and documentation.* The application for planned unit development shall be made on the forms and according to the guidelines provided by the department of building and safety.
3. *Application data requirements.* Application for planned unit development shall include all data requirements specified in section 24.04, subsection C. In addition, the applicant shall complete any forms and supply any other data as may be required by the planning commission, city council, city planner, or the director of building and safety to make the determination required herein. At any time during the course of preparation of a planned unit development application, the city staff shall upon request provide information concerning the zoning ordinance procedures and standards.
4. *Submission of completed plan and application.* The planned unit development application materials, required fees, and sufficient copies of the completed preliminary development plan shall be submitted to the department of building and safety. The proposal will be placed on the planning commission agenda to be formally accepted for processing and to set a public hearing date.
5. *Distribution of plan and application.* The preliminary development plan and application shall be distributed to appropriate city officials, the city planner, and the city engineer for review.
6. *Initial consideration by the planning commission.* At the first regular meeting at which a preliminary development plan and application are considered, the planning commission shall first determine whether to accept the proposal for processing. If accepted for processing, the planning commission shall schedule a public hearing in accordance with the guidelines set forth below.
7. *Public hearing.* Upon receipt of a preliminary development plan and application for a planned unit development, at least one public hearing shall be scheduled notice of the public hearing shall be published in a newspaper which circulates in the city not less than 15 days before the date of the hearing. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication provider, and each railroad operating within the district or zone affected that registers its name and mailed address with the city clerk for the purpose of receiving notice of public hearings.
 - If an individual property or ten or fewer adjacent properties are included in the request, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all persons to whom real property is assessed within 300 feet of the boundary of the property that is the subject of the request, and to the occupants of all structures within 300 feet regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or spatial areas owned or leased by different persons, notice may be given to

the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date of the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
 5. Indicate the places and times at which the proposed text and any maps may be examined.
- If 11 or more adjacent properties are included in the request, a notice must be published as required above.

The notice shall do all of the following:

1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
 5. Indicate the places and times at which the proposed text and any maps may be examined.
8. *Review by city planner and city engineer.* The city planner and engineer shall review the preliminary development plan and planned unit development application materials, and prepare written review, which shall specify any deficiencies and make recommendations as appropriate.
 9. *Planning commission consideration.* Following the public hearing, the preliminary development plan and planned unit development application shall be reviewed by the planning commission in relation to applicable standards and regulations, compliance with the planned unit development regulations, and consistency with intent and spirit of this section. The commission shall consider the comments and recommendations from the city planner, director of building and safety, city engineer, public safety officials, and other reviewing agencies.

If the planning commission determines that revisions are necessary to bring the planned unit development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised preliminary development plan.

10. *Submission of revised plan and planned unit development application.* The applicant shall revise the preliminary development plan and application materials, based on the requirements and recommendations set forth in the written review. The applicant shall then submit sufficient copies of the revised application and/or plan for further review. The site plan and application and/or plan for further review. The site plan and application materials shall be submitted at least 15 working days prior to a scheduled meeting at which planning commission review is desired. If the plan

and application are in compliance with the required revisions, the proposal shall be placed on the agenda of the next scheduled meeting of the planning commission for further review and possible action.

11. *Planning commission determination.* The planning commission shall review the preliminary development plan and application for planned unit development, together with the public hearing findings and reports and recommendations from the city planner, director of building and safety, city engineer, public safety officials, and other reviewing agencies. The planning commission shall then make a recommendation to the city council, based on the requirements and standards of this ordinance, including the development standards in section 22.04. The planning commission may recommend approval, approval with conditions, or denial as follows:

- *Approval.* Upon determination by the planning commission that the preliminary development plan and application for planned unit development are in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, the planning commission shall recommend approval.
- *Approval with conditions.* The planning commission may recommend that the city council impose reasonable conditions with the approval of a preliminary development plan and application for planned unit development, to the extent authorized law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designated to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this ordinance. In the event that the planned unit development is approved subject to specified conditions (PUD agreement), such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in this section.
- *Denial.* Upon determination by the planning commission that a planned unit development 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 planning commission shall recommend denial.

The planning 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.

12. *Submission of plan for city council review.* After the planning commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised preliminary development plan with draft PUD agreement and application for city council review. The site plan and supporting materials shall be submitted at least 15 working days prior to a scheduled meeting at which city council review is desired.

13. *City council determination.* The city council shall make a determination based on review of the preliminary development plan together with the findings of the planning commission, and the reports and recommendations from the city planner, director of building and safety, 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 planned unit development proposal in accordance with the guidelines described previously in subsection B.11.

14. *Recording of planning commission and city council action.* Each action taken with reference to a planned development shall be duly recorded in the minutes of the planning commission or city council as appropriate. The grounds for the action taken shall also be recorded in the minutes.

15. *Effect of approval.* Approval of a preliminary development plan and application for planned unit development shall constitute an amendment to the zoning ordinance. Final site plans and

subsequent improvement and use of the site shall be in conformity with the planned unit development amendment and any conditions imposed in the PUD agreement. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in section 24.06. 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 preliminary development plan unless an amendment thereto is adopted by the city upon request of the applicant or his successors.

16. *Final site plan review and approval.* Following approval of the preliminary plan and rezoning to planning unit development, the applicant shall submit final site plans for all or a portion of the total development for review by the planning commission in accordance with normal site plan review procedures. The planning commission shall insure that the final site plan is in conformity with the preliminary development plan as previously approved and that proposed phasing is in compliance with section 22.04B.
 17. *Application for building permit.* Prior to issuance of a building permit for all or a portion of the total development, the applicant shall submit proof of the following:
 - Approval of the final site plan and planned unit development application.
 - Final approval of the engineering plans.
 - Acquisition of all other applicable city, county, or state permits.
 18. *Expiration of site plan.* If construction has not commenced within 18 months of final approval, the approval becomes null and void and a new application for planned unit development shall be required. The city council may grant one 12-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 approval expiration date. In the event that an approved planned unit development plan becomes null and void, the city shall initiate proceedings to amend the zoning classification of the site.
 19. *Performance guarantee.* The planning commission, city council, or director of building and safety may require that a performance guarantee be deposited with the city to insure faithful completion of improvements, in accordance with section 2.17.
 20. *Revision of approved plans.* General revisions to approved final plans for a planned unit development may be revised in accordance with the procedures set forth in this section for review and approval of the original plan. Minor changes may be permitted by the planning commission following normal site plan review procedures outlined in section 24.02, subject to the finding that:
 - 1) Such changes will not adversely affect the initial basis for granting approval, and
 - 2) such minor changes will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in section 22.01.
- C. *Application data requirements.* Applications for planned unit development shall include all data requirements specified in this subsection. All information required in this subsection shall be kept updated until a certificate of occupancy has been issued.
1. *Requirements for preliminary development plan review.* The following information shall be provided prior to preliminary development plan review:
 - The name, address, and telephone number of all persons with an ownership interest in the land on which the planned unit development will be located together with a description of the nature of each entities interest (for example, fee owner, optionee, leasee, or land contract vendee).
 - The name, address and telephone number of all engineers, attorneys, architects, and land surveyors associated with the project.
 - The name, address and telephone number of the developer or proprietor of the planned unit development project.

- The legal description of the land on which the planned unit development project will be developed, together with appropriate tax identification numbers.
 - The acreage of the land on which the planned unit development project will be developed.
 - 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, appropriate 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 facility or public areas; and other types of land use.
 - A written description of the proposed project, including description of the types of proposed PUD uses, approximate number of buildings and residential units to be developed, and projected population.
 - A map showing the existing zoning designations for the subject property and all land within one quarter mile.
 - A map showing the existing use of the subject property and all land within one quarter mile.
 - A map and written explanation of the relationship of the proposed planning unit development to the city's master land use plan.
 - Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include:
 - * Topography, particularly unusual slopes and unique ground forms. The planning commission may require submission of a topographic survey at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
 - * Existing vegetation, including tree stands and specimen or landmark trees.
 - * Water courses, wetlands, and drainage courses.
 - * Types of soils.
 - * Streets and rights-of-way, utility easements, and other rights-of-way or easements.
 - An analysis of the traffic impact of the proposed planned development on existing and proposed streets.
 - Information concerning the proposed method of serving the site with public facilities, including sanitary sewage treatment, public water, and stormwater drainage.
 - An analysis of the fiscal impact of the proposed planned development on the City of Flat Rock and the school district in which the development is located.
 - Evidence of market need for proposed use(s) and feasibility of the project.
 - A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.
2. *Requirements for final site plan review.* In addition to the requirements for preliminary development plan review, applications for final site plan approval shall include all data requirements for final site plan approval shall include all data requirements for the site plan review as specified in section 24.02.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.05 - Variances and appeals.

- A. *Intent.* The purpose of this section 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 board of appeals has been established by section 25.04 of this ordinance or by the Michigan Zoning Enabling Act, Michigan Act 110 of 2006, as amended.

Generally, an appeal may be taken to the zoning board of appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the planning commission or any administrative official or body charged with enforcement of this ordinance. Furthermore, where due to special conditions a literal enforcement of the provisions of this ordinance would involve practical difficulties or cause unnecessary hardships, within the meaning of this ordinance, the zoning board of appeals, shall have the power to authorize certain variances from the rules or provisions of this ordinance, with such conditions and safeguards as it may determine are necessary so that the spirit of this ordinance is observed, public safety secured, and substantial justice done.

- B. *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the zoning board of appeals, after notice of appeal has been filed, 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 which may be granted by the zoning board of appeals or by the circuit court, on application and upon notification of the building official, and on due cause shown.

- C. *Application procedures.*

1. *Application to the zoning board of appeals.* Variances and appeals of any nature in which zoning board of appeals action is sought shall be commenced by a person filing an "Application to the Zoning Board of Appeals" with the department of building and safety, on such forms and accompanied by such fees as may be specified. The application shall specify the grounds upon which the appeal is based and shall be signed. Applications involving a request for a variance shall specify the requirements from which a variance is sought and the nature and extent of such variance. Applications involving a specific site shall be accompanied by a sketch which includes the following information, where applicable.

- Applicant's name, address, and telephone number.
- The address of the parcel that is the subject of the appeal.
- Scale, northpoint, and dates of submission and revisions.
- Zoning classification of petitioner's parcel and all abutting parcels.
- Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
- Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- Location of existing drainage courses, floodplains, lakes and streams, and woodlots.
- All existing and proposed easements.
- Location and size of watermains, well sites, and building service, existing and proposed.
- Any additional information required by the zoning board of appeals to make the determination requested based on the criteria set forth in section 24.05, subsection D.

Where an application involves a variance sought in conjunction with a regular site plan review, the application data requirements for site plan review as set forth in section 24.02 shall be complied with.

2. *Review by the zoning board of appeals.* The department of building and safety shall forward the application, along with any supporting materials and plans to the zoning board of appeals.

In accordance with the requirements of Michigan Public Act 110 of 2006, as amended, the zoning board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties involved, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney.

Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper which circulates in the city and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice shall be 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 300 feet of the boundary of the property in questions, and to the occupants of all structures within 300 feet of the property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the interpretation request will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification. Accordingly, the notice shall:

- Describe the nature of the interpretation request.
- Indicates the property which is the subject of the interpretation request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- State when and where the interpretation request will be considered.
- Indicate when and where written comments will be received concerning the interpretation request.

3. *Decision by the zoning board of appeals.* The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirement, decision, or determination of the administrative 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 in an ordinance adopted pursuant to Michigan Public Act 110 of 2006, as amended, except that a concurring vote of two-thirds of the members of the board shall be required to grant a variance from uses of land permitted in the ordinance.

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. The board may impose conditions with an affirmative decision, pursuant to Section 5.10 of Michigan Public Act 110 of 2006, as amended. The decision of the zoning board of appeals shall be final, but a person having an interest affected by the zoning ordinance may appeal to the circuit court.

4. *Record of appeal.* 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:
 - The relevant administrative records and the administrative orders issued thereon relating to the appeal.
 - The notice of the appeal.

- Such documents, exhibits, plans, photographic or written reports as may be submitted to the board for its consideration.

The written findings of fact, the decisions, 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 chairman of the board, thereby effecting the decision and any conditions imposed thereon.

5. *Approval period.* If construction has not commenced within 18 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. The period of approval may be automatically extended by 12 months if the variance was sought in conjunction with a site plan for which approval has been extended by the planning commission.

D. *Standards for variances and appeals.* Variances and appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section.

1. *General criteria.*

- 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.
- 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 a 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.
- The requested variance or appeal can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
- 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. Examples of exceptional or extraordinary circumstances include exceptionally narrow or shallow lots or lots having an unusual shape, where such conditions existed at the time enactment of this ordinance. The conditions resulting in a variance request cannot be self-created.
- A variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property owners in the same zoning district. The desire of the applicant for increased financial return shall not of itself be deemed sufficient cause for granting a variance.
- The granting of a variance or appeal will not be materially detrimental to the public welfare or materially injurious to other nearby properties or improvements.
- The granting of a variance or appeal will not increase the hazard of fire or flood or endanger public safety.
- The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.
- The granting of a variance or appeal will not impair public health, safety, comfort, morals, or welfare.
- The granting of a variance or appeal will not alter the essential character of the neighborhood.
- The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property or increase congestion on public streets.
- In deciding upon an appeal from an action taken by an administrative official or body, the zoning board of appeals shall determine if the administrative official or body has made an

error in any order, requirement, decision, or determination in the enforcement and/or interpretation of the zoning ordinance.

2. *Specific criteria applicable to variances.* In consideration of all requests for variances, the zoning board of appeals shall review each case individually in relation to the following criteria:
- 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.
 - 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.
 - 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.
 - 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.
 - The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land use. 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.
 - That the conditions related to the use of a specific parcel of land for which the variance is sought are not of a recurrent or general nature such that it would be more reasonable to adopt a general regulation in the zoning ordinance to address the condition.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.06 - Amendments.

- A. *Initiation of amendment.* The city council may from time to time, at its own initiative or upon recommendation from the planning commission or on petition, amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.
- 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 department of building and safety, on the forms and accompanied by the fees specified. The petition shall explicitly described 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, and telephone number.
 2. Scale, northpoint, 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 100 feet of the site.

5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
 6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
 7. Location of existing drainage courses, floodplains, lakes and streams, and woodlands.
 8. All existing and proposed easements.
 9. Location of sanitary sewer or septic systems, existing and proposed.
 10. Location and size of watermains, well sites, and building service, existing and proposed.
- C. *Review procedure.* 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. *Planning commission review.* The petition shall be placed on the agenda of the next regularly scheduled meeting of the planning commission. The planning commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 306, and other applicable sections of Michigan Public Act 110 of 2006, as amended.

Before submitting its recommendations for the petition to the city council, the planning commission shall hold at least one public hearing. Notice of the public hearing shall be published in a newspaper which circulates in the city not less than 15 days before the date of the hearing. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication provider, and each railroad operating within the district or zone affected that registers its name and mailed address with the city clerk for the purpose of receiving notice of public hearings.

- If an individual property or ten or fewer adjacent properties are included in the request, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all personas to whom real property is assessed within 300 feet of the boundary of the property that is the subject of the request, and to the occupants of all structures within 300 feet regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date of the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

5. Indicate the places and times at which the proposed text and any maps may be examined.
- If 11 or more adjacent properties are included in the request, a notice must be published as required above.

The notice shall do all of the following:

1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
 5. Indicate the places and times at which the proposed text and any maps may be examined.
- The city council shall grant a public hearing on the proposed request to an interested property owner who requests a hearing by certified mail, addressed to the city clerk. Written notice of the public hearing shall be given to the interested property owner. The notice is considered to be given when personally delivered or deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
 5. Indicate the places and times at which the proposed text and any maps may be examined.
2. *Action by the planning commission and city council.* Following the hearing on the proposed amendment, the planning 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 of receipt of the completed petition.

The city council may hold additional hearings if the council considers it necessary. The city council may by majority vote of its membership:

- Adopt the proposed amendment,
- Reject the proposed amendment,
- Refer the proposed amendment back to the planning 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.

- Protest. Whenever a written protest against a proposed amendment is presented in writing to the city clerk, signed by the owners of at least 20 percent of the area included in the proposed change, or by the owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of land included in the proposed change, excluding publicly-owned land in calculating the 20 percent required, such amendment shall not be passed except by the favorable vote of three-fourths of the entire city council.
 - Notice of adoption. Following adoption of an amendment to this ordinance by the city council, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include: 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 time and place where a copy of the ordinance may be purchased or inspected.
 - Reconsideration of a proposed amendment. No application for a map amendment which has been denied by the city council shall be reconsidered unless there have been changes in the facts, evidence, and/or conditions in the case. Determination of whether there have been such changes shall be made by the planning commission at the time the application is submitted for processing.
3. *Review considerations.* The planning commission and city council shall, at minimum, consider the following before taking action on any proposed amendment:
- Will the proposed amendment be in accordance with the basic intent and purpose of the zoning ordinance?
 - Will the proposed amendment further the comprehensive planning goals of the city?
 - Have conditions changed since the zoning ordinance was adopted, or was there a mistake in the zoning ordinance, that justify the amendment?
 - Will the amendment correct an inequitable situation created by the zoning ordinance, rather than merely grant special privileges?
 - Will the amendment result in unlawful exclusionary zoning?
 - Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
 - If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
 - If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
 - If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
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 15 days after adoption, in accordance with Section 401(7) of Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the city clerk and the department of building and safety. A master zoning map shall be maintained by the director of building and safety, which shall identify all map amendments by number and date.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.07 - Permits and certificates.

A. *Permits.*

1. *Scope of requirements.* A zoning permit shall be required prior to the erection, alteration, enlargement, repair (excluding normal maintenance), renovation, demolition or removal of any building or structure, and/or the excavation, filling, or grading of lots. No plumbing, electrical, drainage or other permit shall be issued unless the director of building and safety has determined that the proposed use and any improvements proposed on the plans are in conformance with the provisions of this ordinance.

A zoning permit shall also be required for the new use of land, whether the land is currently vacant if a change in land use is proposed.

A zoning permit shall also be required for any change in use of existing building or structure to a different class or type.

For the purposes of this section, the terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code, the Housing Law of Michigan (Public Act 167 of 1917, as amended), or this ordinance or other applicable ordinances of the city.

2. *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 are in conformance with the provisions of this ordinance and with the building code.

Applications for permits required by this section shall be filed with the director of building and safety, and shall be accompanied by the fee established by resolution of the city council. Each application shall be accompanied by a written detailed explanation of the proposed improvements, and, if applicable, dimensioned plans drawn to scale. The plans shall be of sufficient detail to allow the director of building and safety to determine whether the proposed improvements are in conformance with this ordinance, the State Construction Code Act (Michigan Public Act 230 of 1972, as amended), and other applicable laws and ordinances. At minimum, the plans shall illustrate the following:

- The shape, location, and dimensions of the lot.
- Existing buildings or structures, plus the shape, size, and location of all buildings or structures to be erected, altered, or moved.
- The existing and intended use of the parcel and all existing and proposed buildings or structures.
- On residential parcels, the number of dwelling units contained within each building.
- The names and widths of abutting roads and road rights-of-way.
- The name and address of all persons having a freehold interest in the premise upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.
- All information required by the building code.
- Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance will be complied with.

A site plan submitted and approved in accordance with section 24.02 satisfy the requirements of this section.

3. *Conformity with applicable ordinances and approved plans.* The director of building and safety shall issue permits only if, after thorough inspection of the application materials and plans, he finds that the proposal is in conformance with this ordinance, the State Construction Code Act, Michigan Public Act 230 of 1972, as amended, and other applicable laws and ordinances, except

where the director of building and safety receives notice of a variance having been granted by the zoning board of appeals or building/fire board of appeals.

Permits issued on the basis of plans and application materials approved by the director of building and safety authorized only the use, layout, and construction set forth in such plans and application materials. Use, layout, or construction at variance with approved plans and application materials shall be deemed in violation of this ordinance, and subject to penalties in accordance with section 24.09. These provisions shall not preclude minor modifications, subject to the provisions in section 24.02, subsection E.

4. *Expiration of permits.* A permit issued pursuant to the provisions of this ordinance shall expire 180 days from the date of issuance if the proposed work has not begun, in accordance with the State Construction Code Act. The building official shall mail or deliver written notice to the applicant indicating that:

- The permit has been cancelled, and
- Work shall not proceed until a new building permit has been obtained.

5. *Required inspection.* It shall be the responsibility of the holder of any permit to notify the department of building and safety in writing of the time when a building or site is ready for inspections. The first inspection shall be required when excavation for the foundation has been completed and forms are in place. The second inspection shall be required when the building is completed.

Sheds and garages that are less than 800 square feet in area shall require only one inspection, as soon as wall studs are in place. Only one inspection shall be required for a change in land or building use, at the time the change in use has been completed.

Failure to notify the department of building and safety of the time for such inspection shall result in cancellation of the permit. Before re-issuing a permit, full payment of fees shall be required.

B. *Certificates of occupancy.* It shall be unlawful to occupy or permit the occupancy of any land, building, or structure for which a permit has been issued, or to occupy or permit the occupancy of any building or structure hereafter altered, extended, erected, repaired, reoccupied, or moved, unless and until a certificate of occupancy has been issued by the director of building and safety for such use, in effect indicating that the provisions of this ordinance have been complied with and all outstanding fees have been paid. The following guidelines shall apply to the issuance of certificates of occupancy:

1. *General requirements.*

- *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings or structures or parts thereof, or existing uses of land if, after inspection, the director of building and safety finds that such buildings, structures, or parts thereof, or uses of land, are in conformity with the provisions of this ordinance.
- *Temporary certificates.* A temporary certificate of occupancy may be issued 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 this ordinance and the building code, and provided further that no threat to public safety exists. The director of building and safety may require that a performance guarantee be provided in accordance with section 2.17 as a condition of obtaining a temporary certificate. The date of expiration shall be indicated on the temporary certificate; failure to obtain a final certificate of occupancy within the specified time shall constitute a violation of this ordinance, subject to the penalties set forth in section 24.09. In no case shall a temporary certificate of occupancy remain in force for a period exceeding six months total or five days after the principal building of the site is completed.
- *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, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new certificate of occupancy.
3. *Records of certificates.* A record of all certificates of occupancy shall be kept by 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 for and issuance of certificates.* Certificates of occupancy shall be applied for in writing to the department of building and safety. The director of building and safety shall inspect a building or structure within five working days after notification of completion of a building or structure or other improvements. The director of building and safety shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land is in conformance with the provisions of this ordinance. If the director of building and safety denies approval of a certificate, the applicant shall be notified in writing of the denial and the reasons for denial.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.08 - 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 proposal, request for a variance, request for 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 2.17.

There shall be no fee in the case of applications filed in the public interest by a municipal department or city official.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.09 - Violations and penalties.

1. *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 this ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.
2. *Violation.* Any person, firm, corporation, or agent, or any employee, contractor, or sub-contractor of same, who fails to comply with any of the provisions of this ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this ordinance by the director of building and safety or other enforcement official, shall be deemed in violation of this ordinance.
3. *Penalties.* Any violation of this ordinance shall constitute a municipal civil infraction. 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 the ordinance

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 compliance with the requirements of this ordinance.

4. *Authority to pursue court action.* The city council or its duly authorized representative 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 this ordinance, and to correct, remedy, or abate such noncompliance with or violation of any of the provisions of this ordinance, 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 council in such a suit to abate the violation.
5. *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 this ordinance, or to correct, remedy, or abate such noncompliance.
6. *Rights and remedies preserved.* Any failure or omission to enforce the provisions of this ordinance, and any failure or omission to prosecute any violations of this ordinance, shall not constitute a waiver of any rights and remedies provided by this ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this ordinance.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 24.10 - 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 planning 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. 128-B, § I, 9-20-10](#))

ARTICLE 25.00. - ADMINISTRATIVE ORGANIZATION

Sec. 25.01 - 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 city entities:

- a. City council.
- b. Planning commission.
- c. Zoning board of appeals.
- d. Zoning enforcement officials, including the director of building and safety.

The purpose of this article is to set forth the responsibilities and scope of authority of these entities.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 25.02 - 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 110 of 2006, 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.* City council review and approval shall be required for all planned unit developments, in accordance with section 24.04.
- C. *Setting of fees.* In accordance with section 24.08 of this ordinance, 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 city administrative official shall assess the fee based on the estimated costs of processing a 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. 128-B, § I, 9-20-10](#))

Sec. 25.03 - 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 33 of 2008, as amended, the Michigan Planning Enabling Act.
- 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, compensation of members, and operation of the planning commission shall be in accordance with Act 33 of 2008, as amended.

In accordance with Section 21 of Act 33, the planning commission shall hold at least four regular meetings each year, and by resolution shall determine the time and place of meetings. The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

- 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 accordance with section 24.02. As provided for in section 24.02, 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 section 24.03. As provided for section 24.03, the planning commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of special land use approval.
4. *Planned unit development review.* The planning commission shall be responsible for holding hearings and review of all applications for planned unit development in accordance with section 27.04. 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 basic plan.* The planning commission shall be responsible for formulation and adoption of a master plan as a guide for the development of the city, in accordance with Michigan Public Act 33 of 2008, as amended.
6. *Review of matters referred by the city council.* The planning commission shall be responsible for review of plats of 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. *Annual report on operation of the zoning ordinance.* The planning commission shall at least once per year prepare for the city council a report on the administration and enforcement of the zoning ordinance including recommendations as to the enactment of amendments or supplements to the ordinance.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 25.04 - 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 110 of 2006, as amended, the Michigan Zoning Enabling Act.
- B. *Membership and operation.*
 1. The zoning board of appeals shall consist of five members, and not more than two alternate members appointed by the mayor, by and with the consent of the city council. Appointments of the first regular members shall be for the terms of one, two and three 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 regular member shall hold office for the full three-year term. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies shall be filled for the remainder of the term. Compensation of regular and alternate members shall be established by the city council. The regular and alternate members shall be citizens of the United States and residents of the City of Flat Rock. One regular member of the zoning board of appeals may be a member of the planning commission. One regular member may be a member of the city council but shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the city council may not serve as a member of the zoning board of appeals. The regular and alternate members shall not hold any elective office. An alternate member shall be appointed for a three-year term. The alternate member shall be called by the chairman of the ZBA to sit as a regular member of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more meetings. The chairman shall also call an alternate member to serve in place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. Once appointed, the alternate member 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 ZBA. The alternate member shall attend all meetings of the ZBA and shall vote only in cases appointed as a regular member.

2. The ZBA shall not conduct business unless a majority of the regular members of the board are present. The ZBA shall annually elect its own chairman, vice-chairman and secretary. The secretary shall submit a copy of the minutes from every ZBA meeting to the city clerk.
 3. A member of the ZBA may be removed by the city council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
 4. A member of the ZBA who is also a member of the city planning commission or city council shall not participate in a public hearing on or vote on the same manner that the member voted on as a member of the planning commission or city council. However, the member may consider and vote on other unrelated matters involving the same property.
- C. *Meetings and records.* Regular meetings of the ZBA shall be held at such times as specified in the ZBA's rules and procedures, and special meetings shall be held at the call of the chairman or upon request from three members of the ZBA.

The ZBA shall keep minutes of its proceedings showing the vote of each member upon every question decided by it, or if any member is absent or fails to vote. 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 city clerk. The reason for recommending or denying variances or appeals shall appear in the minutes.

- D. *Procedures.* The ZBA shall adopt procedures and establish rules for the filing of appeals and requests for other action. Such procedures and rules shall comply with the application procedures outlined in section 24.05, subsection C., of this ordinance, and Sections 604 of Michigan Public Act 110 of 2006.
- 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, except that a concurring vote of two-thirds of the members of the board shall be necessary to grant a variance from uses of land permitted in the ordinance.
- 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 districts 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 section 24.05. 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 of 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 that is material and with good reason was not presented to the ZBA.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 25.05 - Director of building and safety and other enforcement officials.

- A. *Overview.* As specified throughout this ordinance, certain actions necessary for the implementation of this ordinance shall be administered by the director of building and safety (also referred to as the "building official") and other city administrative officials, or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer that ordinance precisely as it is written and shall not make changes or vary the terms of this ordinance.
- B. *Responsibilities of the director of building and safety.* In addition to specific responsibilities outlined elsewhere in this ordinance, and in addition to specific responsibilities related to enforcement and administration of the adopted building code, the director of building and safety shall have the following responsibilities:
- Provide citizens and public officials with information relative to this ordinance and related matters.
 - Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
 - Review all applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines in sections 24.02, 24.03 and 24.04.
 - Forward to the planning commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this ordinance, and other applications which must be reviewed by the planning commission.
 - Forward to the zoning board of appeals all materials related to application for appeals, variances, of other matters on which the zoning board of appeals is required to act.
 - Forward to the city council all recommendations of the planning commission concerning matters on which the city council is required to take final action.
 - Periodically report to the planning commission on the status of city's zoning and planning administration.

- Maintain up-to-date zoning map, zoning ordinance text, and office records by recording all amendments and filing all official minutes and documents in an orderly fashion.
- Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this ordinance, and update this record as conditions affecting the nonconforming status of such uses changes.
- Review and investigate permit applications to determine compliance with the provisions of the zoning ordinance.
- Issue building or other appropriate permits when all provisions of this ordinance and other applicable ordinances have been complied with.
- Issue certificates of occupancy in accordance with section 24.07 when all provisions of this ordinance and other applicable ordinances have been complied with.
- Perform inspections of buildings, structures, and premises to insure proposed land use changes or improvements are and will remain in compliance with this ordinance.
- Investigate alleged violations of this ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.
- Perform other related duties required to administer this ordinance.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 26.00. - SEVERABILITY, REPEAL, EFFECTIVE DATE

Sec. 26.01 - Severability.

This ordinance and the various parts, 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. 128-B, § I, 9-20-10](#))

Sec. 26.02 - Repeal of existing ordinance.

The zoning ordinance adopted by the City of Flat Rock on the 21st day of May, 1990, and all amendments thereto, shall be repealed on the effective date of this ordinance. The repeal of the above ordinance and its amendments 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.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 26.03 - Adoption and effective date.

A. *Chronology of action pursuant to adoption.*

1. Public hearing by planning commission: May 24, 2010.

2. First reading by the city council: September 13, 2010.
 - [3. Reserved.]
 4. Second reading and adoption of the zoning ordinance text and map by the city council: September 20, 2010.
- B. *Effective date.* Made and passed by the city council of the City of Flat Rock, Wayne County, Michigan on this 20th day of September, 2010, and effective immediately upon publication of notice or ordinance adoption by the city clerk in a newspaper of general circulation in the City of Flat Rock, pursuant to the provisions of Section 401 of Michigan Public Act 110 of 2006, as amended.

([Ord. No. 128-B, § I, 9-20-10](#))

ARTICLE 27.00. - SIGN ORDINANCE

Sec. 27.01 - Purpose.

The purpose of this ordinance is to establish requirements for signs and other displays that are needed for identification or advertising, subject to the following objectives:

- A. *Safety.* The requirements with regard to placement, installation, maintenance, size and location of signs are intended to minimize unnecessary distractions to motorists, maintain unobstructed vision for motorists, protect pedestrians, and otherwise minimize any threat to public health or safety.
- B. *Aesthetics.* Signs should enhance the aesthetic appeal of the city. Thus, this ordinance is intended to:
 1. Regulate oversized signs that are out-of-scale with surrounding buildings and structures,
 2. Prevent an excessive accumulation of signs which cause visual clutter, and
 3. Encourage signs that enhance the appearance and value of the business districts.
- C. *Equal protection and fairness.* This ordinance is designed to be fair to each property owner by establishing uniform standards that provide adequate exposure to the public for all property owners.
- D. *Land use planning objectives.* The placement and design of signs should further the land use planning objectives of the city. Signs should protect neighborhood character and the value of surrounding properties.

This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the adopted zoning ordinance.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 27.02 - Scope of requirements.

A sign may be erected, constructed, painted, or altered in the city only in conformance with the standards and procedures set forth in this ordinance, subject to issuance of a permit except as otherwise provided herein.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 27.03 - Definitions.

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Animated sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Accessory sign: A sign which pertains to the use of the premises on which it is located.

Awning sign: A sign which is painted on, printed on, or attached flat against the surface of an awning.

Banner sign: A sign made of fabric, cloth, paper, or other non-rigid material that is typically not enclosed in a frame.

Bulletin board: A type of "changeable copy" sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.

Changeable copy sign (automatic): A sign on which the message changes automatically (for example, electronic or electric time and temperature signs).

Changeable copy sign (manual): A sign on which the message is changed manually (for example, by physically replacing the letters).

Community special event sign: Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.

Construction sign: A temporary sign identifying the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on which the sign is located.

Directional sign: A sign which is intended to direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

Electronic message center (EMC) sign: A sign, or part of a sign, that changes content by a method other than physically removing and replacing the sign or its components. EMC's often incorporate rotating panels, LED light or rays, or other similar methods of technologies that permit a sign face to display different content through electric input.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flashing sign: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Freestanding sign: A sign which is erected upon or supported by the ground, including "pole signs" and "pedestal signs."

Gasoline price sign: A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground sign: See "pedestal sign."

Illegal sign: A sign that does not meet the requirements of this ordinance and which has not received legal nonconforming status.

Incidental sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, signs advertising copy services (i.e. "copies 5 cents"), no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

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

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee sign: A sign attached to or supported by a marquee structure.

Moving sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

Mural: A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

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

Neon sign: See "outline tubing sign."

Noncommercial message sign: A sign that is not related to or connected with trade and traffic or commerce in general and includes an election (political) sign or a sign expressing an opinion or other point of view.

Nonconforming sign:

- (1) A sign which is prohibited under the terms of this ordinance, but was erected lawfully and was in use on the date of enactment of this ordinance, or amendment thereto.
- (2) A sign which does not conform to the requirements of this ordinance, but for which a variance has been granted.

Non-motorized pathway: A minimum ten-foot wide paved pathway, designated by the city on the non-motorized pathway master plan, for the purposes of accommodating transient bicyclists, pedestrians, and other forms of non-motorized transportation throughout the city. The pathway shall be constructed to city engineering standards.

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

Off-premises advertising sign: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located.

On-premises advertising sign: A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.

Outline tubing sign: A sign consisting of glass tubing, filled with a gas such as neon, which: glows when electric current is sent through it.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pedestal sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message is painted or posted. A pedestal sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

Pole sign: A type of freestanding sign that is elevated above the ground on a pole.

Poster panel: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Political sign: A temporary sign relating matters to be voted on in a local, state, or national election or referendum.

Portable sign: A sign designed to be moved easily and not permanently affixed to the ground or to a structure.

Projecting sign: A sign, other than a flat wall sign, that projects more than 12 inches from the face of the building or structure upon which it is located. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted.

Public sign: A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

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

Real estate sign: A temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.

Residential entranceway sign: A sign which marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

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

Rotating sign: See "moving sign."

Sandwich sign: A sign that consists of two boards upon which a message is posted, and which are hinges at the top and are open at the bottom so that the boards can lean against each other when placed on the ground.

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, illumination, logos or trademarks for the purpose of informing or attracting the attention of persons.

Temporary sign: A sign not constructed or intended for long term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

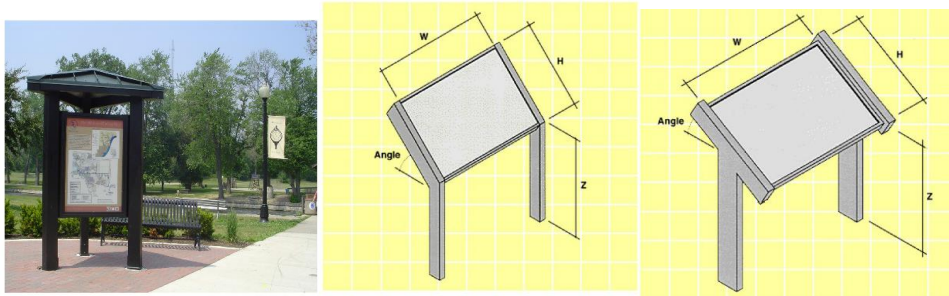
Time and temperature signs: Signs which display the current time and/or temperature.

Underhanging signs: Signs which are located on the underside of a roof structure which extends out over a sidewalk adjacent to a building.

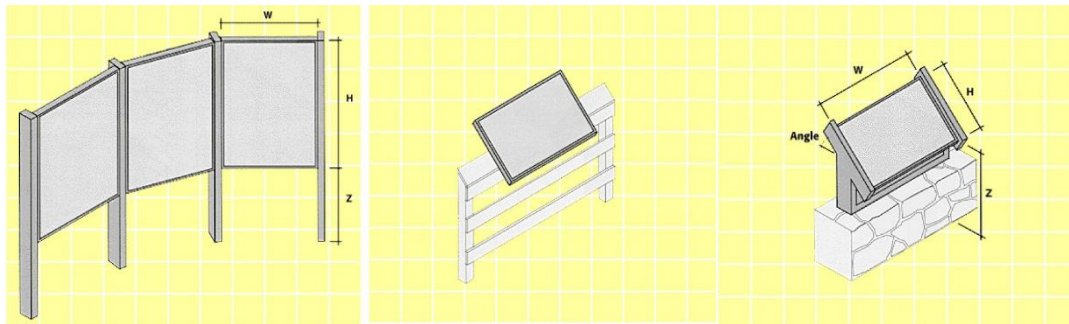
Vehicle signs: Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

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

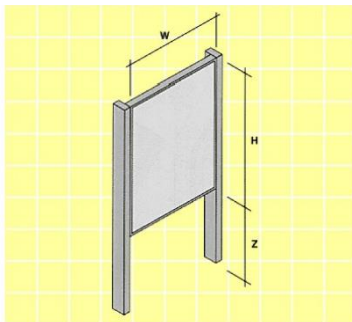
Wayside exhibit: A freestanding sign with single or multiple faces for the purposes of relaying directional, historical, environmental, cultural, or educational information to persons utilizing designated non-motorized pathways and are subject to design regulations as noted in this ordinance. Wayside exhibits include: Upright (kiosk); Low Profile; and Trail Side signs (See Exhibit 1).



Low Profile



Low Profile



Upright

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

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 435, § I, 12-19-16](#))

Sec. 27.04 - Enforcement.

A. *Plans, specifications, and permits.*

1. *Permits.* It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted by the section, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the city council.

2. *Applications.* Application for a sign permit shall be made upon forms provided by the building official. The following information shall be required:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - c. Position of the sign in relation to nearby buildings, structures, and property lines.
 - d. Plans and specifications showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
 - e. Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
 - f. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
 - g. Information concerning required electrical connections.
 - h. Insurance policy or bond, as required in this article.
 - i. Written consent of the owner or lessee of the premises upon which the sign is to be erected.
 - j. Other information required by the building official to make the determination that the sign is in compliance with all applicable laws and regulations.
3. *Review of application.*
 - a. *Planning commission review.* Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the planning commission as a part of the required site plan review. Proposed signs shall be shown on the site plan.
 - b. *Building official review.* The building official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
 - c. *Issuance of a permit.* Following review and approval of a sign application by the planning commission or building official, as appropriate, the building official shall have the authority to issue a sign permit.
4. *Exceptions.* A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for certain exempt signs listed in section 27.05, subsection A.

B. *Inspection and maintenance.*

1. *Inspection of new signs.* All signs for which a permit has been issued shall be inspected by the building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable zoning ordinance and building code standards.

In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the building official when such fastenings are to be installed so that inspection may be completed before enclosure.
2. *Inspection of existing signs.* The building official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the building official shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.

3. *Correction of defects.* If the building official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.
- C. *Removal of obsolete signs.* Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

- D. *Nonconforming signs.* No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with section 3.05 of the zoning ordinance, except that nonconforming signs shall comply with the following regulations:
1. *Repairs and maintenance.* Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50 percent of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.
 2. *Nonconforming changeable copy signs.* The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.
 3. *Substitution.* No nonconforming sign shall be replaced with another nonconforming sign.
 4. *Modifications to the principal building.* Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, the nonconforming sign shall be removed.
- E. *Appeal to the zoning board of appeals.* Any party who has been refused a sign permit for a proposed sign may file an appeal with the zoning board of appeals, in accordance with section 24.05 of the zoning ordinance. In determining whether a variance is appropriate, the zoning board of appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the zoning board of appeals may decline to grant a variance even if certain of the circumstances are present.
1. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
 2. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
 3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
 4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as, but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
 5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
7. A sign which exceeds the permitted height or area standards of the ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 27.05 - General provisions.

- A. *Permitted exempt signs.* A sign permit shall not be required for the following signs, which shall be permitted subject to applicable provisions herein:
1. Address numbers with a numeral height no greater than six inches for residences and 18 inches for businesses.
 2. Nameplates identifying the occupants of the building, not to exceed two square feet.
 3. Memorial signs or tablets.
 4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
 5. Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
 6. Flags bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization.
 7. Incidental signs, provided that total of all such signs shall not exceed two square feet.
 8. Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
 9. One private parking lot and driveway identification sign, not to exceed three square feet per sign and six feet in height.
 10. Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed six square feet.
 11. Real estate signs which advertise the rental, sale or lease of the property on which they are located, subject to the requirements in section 27.05, subsection C.
 12. Portable real estate "open house" signs with an area no greater than four square feet.
 13. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six square feet.
 14. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
 15. Plaques or signs designating a building as a historic structure.
 16. "No Trespassing," "No Hunting," and "No Dumping" signs.
 17. Signs used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations on the site, subject to the following conditions:
 - a. Directional signs shall not contain logos or other forms of advertising.
 - b. Directional signs shall not exceed four square feet in area, or four feet in height.

- c. Directional signs may be located in the front setback are.
- 18. Temporary window signs, subject to the requirements in section 27.05, subsection C.
- 19. Temporary sandwich signs, subject to the requirements in section 27.05, subsection C.
- B. *Prohibited signs.* The following signs are prohibited in all districts:
 - 1. Any sign not expressly permitted.
 - 2. Signs which incorporate flashing or moving lights; however, time and temperature or stock market signs shall be permitted.
 - 3. Banners, pennants, festoons, spinners, and streamers, except where specifically permitted elsewhere is this ordinance (see temporary sign standards).
 - 4. String lights used for commercial purposes, other than holiday decorations and as otherwise permitted elsewhere in this ordinance (see temporary sign standards).
 - 5. Moving signs, including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
 - 6. Any sign or sign structure which:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c. Is capable of causing electric shock to person who come in contact with it; or
 - d. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
 - 7. Any sign erected on a tree or utility pole, except signs of a government or utility.
 - 8. Obsolete signs, as specified in section 3.01.
 - 9. Portable signs, except where expressly permitted in this ordinance.
 - 10. Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.
 - 11. Any sign which obstructs free access to or egress from a required door, window, fire escape, or other required exit.
 - 12. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
 - 13. Any sign containing obscene, indecent, or immoral matter.
 - 14. Any sign unlawfully installed, erected, or maintained.
 - 15. Roof signs.
 - 16. Projecting signs.
 - 17. Real estate signs no longer valid due to the sale, rental, or lease of the property.
- C. *Temporary signs.* Temporary signs may be erected in accordance with the use, size, height, number, and placement regulations of section 27.05, subsection C. Permits for such signs shall be required and shall specify a maximum length of time such sign may be used.

TEMPORARY SIGN STANDARDS—PERMIT REQUIRED

Type of Sign	Districts Permitted	Type of Sign Permitted	Total Maximum Size	Maximum Height	Maximum Number per Parcel	Permit Required	Required Setback	Permitted Duration
Construction Sign	All	Freestanding or Wall	64 square feet	15 feet	1	Yes	[a]	From: issuance of building permit To: issuance of C. of O.
Real Estate - sale or lease of unplatted vacant land	All	Portable Freestanding	64 square feet	10 feet	1 [b]	Yes	[a]	Remove within 30 days of sale or lease.
Real Estate Development Sign	All	Portable Freestanding	64 square feet	10 feet	1[b]	Yes	[a] [h]	Remove within 30 days after all units or lots are sold or leased.
Community Special Event	All	[e]	[e]	[e]	[e]	Yes	[a]	Duration of the event.
Pennants or Banners	Commercial	Plastic or Fabric	Banners: 32 square feet	15 feet	Banners: 2 per parcel	Yes	[d]	Not to exceed 4 weeks in any 6-month period.

String Lights	Commercial	Not Applicable	Not Applicable	15 feet	Not Applicable	Yes	[a]	Not to exceed 4 weeks in any 6-month period.
Balloon Signs or Inflated Devices with or without a structural frame	Commercial	Freestanding or roof mounted	Not Applicable	30 feet	1	Yes	[a]	Not to exceed 14 consecutive days in any consecutive 90-day period.
Sandwich	Commercial	Portable Freestanding	12 square feet each side	4 feet	1[b]	Yes	[d]	1 year - then new permit required.
Real Estate - sale or lease of individual home or residential lot	Residential	Portable Freestanding	10 square feet	5 feet	1[b]	No	[a]	Remove within 30 days of sale or lease.
Real Estate - sale or lease of individual business or vacant lot	Office, Commercial, Industrial	Portable Freestanding or Wall	10 square feet	5 feet.	1[b]	No	[a]	Remove within 30 days of sale or lease.
Grand Opening Sign	Commercial	Freestanding or Wall	10 square feet	5 feet	1	No	[a]	60 consecutive days.
Garage Sale Sign	Residential	Freestanding or Wall	10 square feet	5 feet	2	No[i]	[d]	3 consecutive days.

Noncommercial Message Sign	All	Portable Freestanding or Wall	10 square feet	5 feet	Unlimited	No	[d]	60 consecutive days.
Temporary Window	Commercial	Paper or Fabric	[f]	Not Applicable	[f]	No	—	Maximum display period: 30 days [g].

C. of O. = Certificate of Occupancy

Footnotes

- [a] The temporary sign shall comply with the setback requirements for the district in which it is located.
- [b] On a corner parcel two signs, one facing each street, shall be permitted.
- [c] One sign shall be permitted for each frontage on a secondary or major thoroughfare.
- [d] The temporary sign may be located in the required setback area, but shall not be located within the road right-of-way. Sandwich signs may not be located within the public right-of-way, and must be located within the required setback area, except, sandwich signs may have a zero setback if located within the boundaries of the downtown development area. In no event shall a sign be located so as to obstruct a motorist's view.
- [e] Community special event signs may include ground or wall signs, banners, pennants, or similar displays; the number, size and height of such signs shall be subject to planning commission approval.
- [f] The total of all window signs, temporary and permanent, shall not exceed one-third of the total window area. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.
- [g] Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.
- [h] Real estate development signs shall not be erected within 100 feet of any occupied dwelling unit.
- [i] A permit shall be required for garage sales, in accordance with chapter 80 of the city Code, the garage sales ordinance.

D. *Off-premises advertising signs.* Freestanding off-premises advertising signs shall be permitted in the M-2, general manufacturing district, subject to the following:

1. *Maximum size.* No such sign shall exceed 300 square feet in area per sign face.
2. *Maximum height.* The maximum height for such signs shall be 25 feet.
3. *Minimum setbacks.*
 - a. Off-premises accessory signs shall comply with the setback requirement for the district in which they are located.
 - b. No part of any such sign shall be located closer than 300 feet to any park, school, church, hospital, cemetery, convention center, or government building.

4. *Distance from other signs.*

- a. There shall be a minimum of 1,500 feet between off-premises advertising signs along an interstate freeway and a minimum of 1,000 feet between off-premises advertising signs along any other public road or highway.
- b. No off-premises advertising sign shall be located closer than 1,000 feet to another off-premise advertising sign, measured on a direct line from sign to sign.

E. *Non-motorized pathway signs.*

1. *Purpose.* These regulations are intended to permit signs and other displays that are needed for the purposes of providing identification, historical information, directional and mapping along designated non-motorized pathway systems, subject to the following:

- By reason of their size, location, spacing, construction or manner of display, non-motorized pathway signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
- Non-motorized pathway signs shall enhance the aesthetic appeal of the designated non-motorized pathways within the city. Thus, these regulations are intended to regulate trailside, low profile, upright, informational kiosks, and historical signs. These regulations are also intended to prevent excessive accumulation of signs, which cause visual clutter.
- The placement and design of signs should further the land use planning objectives of the city. Signs should protect neighborhood character and the value of surrounding property.
 - a. *Permitted placement.* Non-motorized pathway signs shall not be permitted in all zoning districts, which contain a non-motorized pathway as indicated on the official non-motorized pathway master plan map, as amended.
 - b. *Number.* The number of non-motorized pathway signs shall not exceed one upright (kiosk) sign for every one-half mile of linear path and no more than two low profile signs on privately owned property. The location and spacing of low profile signs shall be determined by the planning commission. The number of signs permitted within publicly owned parks and property shall be determined by the planning commission.

2. *Size.* The maximum size of each such sign shall be as follows:

- a. *Upright.* Single or multiple faced kiosk-style exhibits:
 - Shall not exceed 12 feet in height;
 - Panel sizes shall be no larger than 12 square feet (24 inches x 36 inches or 36 inches x 48 inches);
 - Shall be limited to a maximum of three panels for each exhibit;
 - Shall be constructed to approved industry standards;
 - Shall be setback a minimum of five feet from the edge of the designated trail. Roof edges shall be a minimum of three feet from the trail edge;
 - Shall be placed on an accessible pad.
- b. *Vertical angle.* Low profile exhibits:
 - Shall not exceed five feet in height;
 - Panel sizes shall be no larger than six square feet;
 - Shall be limited to one panel for each exhibit;
 - Shall be constructed to approved industry standards;
 - Shall be a minimum of 32 inches in height from the bottom of the exhibit panel to the finished grade;

- Shall be angled at 30 degrees or 45 degrees;
 - Shall be accessible.
- c. *Trail-side.*
- Panel sizes shall be five and one-half inches in width and 11 and one-half inches in height;
 - Shall be setback a minimum of three feet from the trail edge;
 - Shall be constructed to adopted standards;
 - Shall be a minimum of 32 inches in height from the bottom of the exhibit panel to the finished grade;
 - Shall be angled at 30 degrees;
 - Shall be accessible.
3. *Location.* Signs shall comply with the setback requirements as noted above and shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety. Wayside exhibits shall accessible hard-surfaced pads.
4. *Panels.* Panels shall be constructed of porcelain enamel, fiberglass embedded or digital print, subject to planning commission approval.
5. *Advertising.* Non-motorized pathway signs shall not be permitted on a parcel for the purposes of advertising events, the sale of merchandise, commercial business establishments, or any other form of public or private promotion.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 27.06 - Sign design standards.

A. *Construction standards.*

1. *General requirements.* All signs shall be designed and constructed in a safe and stable manner in accordance with the city's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
2. *Building code.* All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted building code. Sandwich signs shall be designed to collapse upon being struck by a vehicle or with excessive wind pressure.
3. *Framework.* All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

B. *Illumination.*

1. *General requirements.* Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it.
2. *Non-glare, shielded lighting.* Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or streets.
3. *Traffic hazards.* Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
4. *Bare bulb illumination.* Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on changeable copy signs and theatre marquees.
5. *Sandwich signs.* Sandwich signs shall not be illuminated.

C. *Location.*

1. *Within a public right-of-way.* No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.
2. *Compliance with setback requirements.* All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted herein.
3. *Sight lines for motorists.* Signs shall comply with the requirements for unobstructed motorist visibility in section 2.09 of the zoning ordinance.
4. *Sandwich signs.* Sandwich signs shall not be mounted on a motor vehicle.

D. *Measurement.*

1. *Sign area.* Sign area shall be computed as follows:
 - a. *General requirements.* Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.
 - b. *Individual letters.* Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
 - c. *Freestanding sign.* The area of a double-faced freestanding sign shall be computed using only one face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.
 - d. *Pedestal sign.* The area of a pedestal sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.
 - e. *Cylindrical sign.* The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.
2. *Setback and distance measurements.* The following guidelines shall be used to determine compliance with setback and distance measurements:
 - a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
 - b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
 - c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.

([Ord. No. 128-B, § I, 9-20-10](#))

Sec. 27.07 - Residential district signs.

The following signs shall be permitted in all districts zoned for residential use (see generalized schedule of sign standards):

- A. *Nameplate and street address.* A nameplate sign and street address shall be permitted in accordance with section 5.01, subsection A.
- B. *Real estate signs.* Real estate signs shall be permitted in accordance with 5.01, subsection C.
- C. *Garage sale signs.* Garage sale signs shall be permitted in accordance with 5.01, sub-section C.

- D. *Residential entranceway or identification signs.* Permanent residential entranceway or identification signs shall be permitted in accordance with section 5.10, subsection B. There shall be no more than one such sign located at each entrance to a subdivision or other residential development.
- E. *Signs for nonconforming uses.* Each nonconforming nonresidential use in a residential district shall be permitted one wall-mounted sign, subject to the following requirements:
1. The maximum size for such a sign shall be two square feet.
 2. No such sign shall be intentionally lighted.
- F. *Signs for special approval uses.* Except as otherwise noted, all uses which are permitted subject to special approval in residential districts shall comply with the following sign standards:
1. *Number.* There shall be no more than one sign per parcel, except on a corner parcel, two signs, one facing each street shall be permitted.
 2. *Size.* The maximum size of each such sign shall be 36 square feet.
 3. *Location.* Freestanding signs shall be located no closer than 25 feet from any right-of-way line, and at least 15 feet from all other property lines, driveways, and approaches.
 4. *Height.* The maximum height of any freestanding sign shall be eight feet.
 5. *Churches.* Churches and other religious institutions shall be permitted one additional sign for each school, parsonage, or other related facility. The maximum sign size for a parsonage, convent, or other similar residential facility shall be 16 square feet.

One additional sign shall also be permitted per parcel for the purposes of advertising special church events, such as bingo or church picnics. Any such sign shall conform to the standards for area, location, and height for church signs as outlined in this section.
 6. *Residential uses.* Residential uses permitted subject to special approval which are located in a single-family dwelling shall be permitted one wall-mounted sign, not to exceed two square feet in area.
- G: *Signs for nonresidential uses in a residential district.*
1. *Freestanding signs.* Freestanding signs are permitted for nonresidential uses in a residential district, subject to the regulations in section 27.08D, freestanding signs, for freestanding signs in the O-1 district.
 2. *Electronic message center (EMC) signs.* Except as otherwise noted, permitted residential uses in a residential district, including, but not limited to, public and private parks, churches, and municipal buildings and uses, shall be permitted one EMC sign in accordance with section 27.08, subsection J, and subject to the following requirements:
 1. The minimum lot area shall be one acre.
 2. EMC signs shall not be located within 50 feet of an adjacent residential lot line.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 435, § II, 12-19-16](#))

Sec. 27.08 - Nonresidential district signs.

The following signs shall be permitted in districts zoned for nonresidential use (see generalized scheduled of sign standards):

- A. *Signs for residential district uses in a nonresidential district.* Signs for nonconforming residential district uses in a nonresidential district shall be governed by the sign regulations for residential district uses set forth in section 27.07.

- B. *Signs for nonconforming nonresidential uses.* Signs for nonconforming nonresidential uses in an office, commercial or industrial district (for example, a nonconforming commercial use in an industrial district) shall be governed by the sign regulations which are appropriate for the type of use, as specified in this section.
- C. *Wall signs.* Wall signs shall be permitted in office, commercial and industrial districts subject to the following regulations:
1. *Number.* One wall sign shall be permitted per street frontage on each parcel. However, in the case of a multi-tenant building or shopping center, one wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.
 2. *Size.* The total area of a wall signage shall not exceed one and one-half square feet per lineal foot of building frontage, not to exceed the limits specified in the following table:

Zoning District in which Sign is Located	Maximum Sign Area
O-1	64 square feet
C-1, C-2	90 square feet
C-3, HR, M-f, M-2, M-3, RE, PUD	125 square feet

In the case of a multi-tenant building or shopping center, these size requirements shall apply to each business individually.

3. *Location.* One wall sign may be located on each side of a building that faces a street.
 4. *Vertical dimensions.* The maximum vertical dimension of any wall sign shall not exceed one-third of the building height.
 5. *Horizontal dimensions.* The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths of the width of the building.
 6. *Height.* The top of a wall sign shall not be higher than whichever is lowest:
 - a. The maximum height specified for the district in which the sign is located.
 - b. The top of the sills at the first level on windows above the first story.
 - c. The height of the building facing the street on which the sign is located.
- D. *Freestanding signs.* Freestanding pedestal or pole signs shall be permitted in office, commercial, and industrial districts subject to the following regulations:
1. *Number.* One freestanding sign shall be permitted per street frontage on each parcel. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.
 2. *Size.* The total area of the freestanding sign shall not exceed one-half of a square foot per lineal foot of lot frontage, not to exceed the limits in the following table:

Zoning District in which Sign is Located	Maximum Sign Area
O-1	64 square feet
C-1, C-2	90 square feet
HR, M-1, M-2, M-3, RE	125 square feet
C-3, PUD	150 square feet

The size standards specified above may be increased by 25 square feet for pedestal signs.

3. *Setback from the right-of-way.*
 - a. Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than 15 feet to the existing or planned right-of-way line, except as noted in item 3.b. If a parcel is served by a private road or service road, no portion of a freestanding sign shall be closer than five feet to the edge of the road.
 - b. Signs may be located closer than 15 feet to the existing or planned right-of-way line, provided that any such sign shall not exceed 32 square feet in size.
4. *Setback from residential districts.* Freestanding signs shall be located no closer to any residential district than indicated in the following table:

Zoning District in which Sign is Located	Required Setback from Residential District
O-1, C-1, C-2	50 feet
C-3, M-1, M-2, M-3, RE	100 feet

5. *Height.* The height of a freestanding sign shall not exceed 20 feet, except that freestanding signs shall not exceed 27 feet in the C-3 and M-2 districts.
- E. *Marquee signs.* Marquee signs shall be permitted for theaters located in commercial districts subject to the following requirements:
1. *Construction.* Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.
 2. *Vertical clearance.* A minimum vertical clearance of ten feet shall be provided beneath any marquee.
 3. *Projection.* Limitations imposed by this ordinance concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for the district in which they are located.

4. *Number.* One marquee shall be permitted per street frontage.
 5. *Size.* The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage.
 6. *Compliance with size requirements for wall signs.* The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
- F. *Awnings and canopies.* Signs on awnings and canopies in commercial, office, and industrial districts shall be permitted, subject to the following standards:
1. *Coverage.* The total area of the lettering and logo shall not exceed 25 percent of the total area of the awning or canopy that is visible from the street.
 2. *Compliance with size requirements for wall signs.* The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
 3. *Projection.* Limitations imposed by this ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.
- G. *Gasoline price signs.* Gasoline price signs shall be permitted subject to the following standards:
1. *Number.* One gasoline price sign shall be permitted for each gas station.
 2. *Size.* The area of the gasoline price sign shall be counted toward the total sign area permitted under this section (section 8.01).
 3. *Setback.* Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.
- H. *Temporary signs.* Temporary signs shall be permitted in accordance with section 5.01, subsection C. Banners and pennants shall be permitted in the commercial districts only.
- I. *Window signs.* Temporary and permanent window signs shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs (including incidental signs) shall not exceed one-quarter of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel.
- Temporary window signs shall comply with the requirements in section 5.01, subsection C.
- J. *Electronic message center signs.* Electronic message center (EMC) signs are permitted in the C-3 general commercial district, the C-2 central business district when the parcel has frontage along Telegraph Road, and for nonresidential uses in residential districts subject to the requirements in section 27.07G. EMC signs are subject to the following conditions:
1. *Sign type.* EMC signs are only permitted as a part of freestanding signs.
 2. *Size.* The area of an EMC shall be included in the maximum sign area permitted for freestanding signs in the district. The EMC must not exceed 80 percent of the sign area on which it is located, as provided by this ordinance.
 3. *Number.* One EMC sign is permitted per parcel.
 4. *Frequency of display change.* EMC signs must not allow the display or message to change more frequently than once every 12 seconds.
 5. *Manner of display change.* The changing of a message on an EMC sign must be achieved without visual effects, with a transition period of not more than one second. Video, animation, scrolling, fading, pulsing, blinking and other similar effects are prohibited.

6. *Illumination and light trespass.* EMC signs must have an automatic dimmer installed that will automatically adjust the brightness level of the display to minimize glare and driver distraction. Illumination levels shall not exceed 0.3 footcandles at the property line, measured five feet from the ground.
- K. *Underhanging signs.* One underhanging sign shall be permitted for each business, subject to the following conditions:
 - a. *Vertical clearance.* A minimum vertical clearance of eight feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
 - b. *Orientation.* Underhanging signs shall be designed to serve pedestrians rather than vehicular traffic.
 - c. *Size.* Underhanging signs shall not exceed ten square feet in area.
 - L. *Projecting signs.* One projecting sign shall be permitted for each business, subject to the following conditions:
 1. *Districts permitted.* Projecting signs shall only be permitted in the C-2, central business district.
 2. *Vertical clearance.* A minimum vertical clearance of eight feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
 3. *Projection.* Projecting signs shall not project more than 48 inches from the building face.
 4. *Size.* Projecting signs shall not exceed six square feet in area.
 5. *Design.* Projecting signs shall be considered visually interesting, using elements such as irregular, round, oval, or three-dimensional shapes with painted or carved letters.
 6. *Mounting.* Mounting hardware must consist of ornamental wrought iron brackets of decorative and ornamental shapes.
 7. *Encroachment.* Projecting signs which encroach the public right-of-way are subject to applicable agency review.

GENERALIZED SCHEDULE OF SIGN STANDARDS FOR RESIDENTIAL USES*		
Type of Sign	Number	Area
Nameplate	1[a]	2 square feet
Street Address	1	6 inches height
Church	1	36 square feet
Real Estate Signs	1	10 square feet
Garage Sale Signs	2	10 square feet
Residential Entranceway Signs	1[b]	24 square feet

Wall Sign for Nonconforming Uses	1	2 square feet
Noncommercial Message Sign	Unlimited	10 square feet

* Specific sections in this ordinance should be consulted for details.

Footnotes

- [a] One additional sign shall be permitted for each school, parsonage, or other related facility.
- [b] One sign is permitted at each entrance to a subdivision or residential development.

GENERALIZED SCHEDULE OF SIGN STANDARDS FOR NONRESIDENTIAL USES*						
	Office Uses In the 0-1 District		Commercial Uses in the C-2 or C-2 District		Commercial or Industrial Uses in the C-3, HR, M-1, M-2, M-3, RE, and PUD Districts	
Type of Sign	Number	Maximum Area	Number	Maximum Area	Number	Maximum Area
Wall	1[a]	1½ square feet per foot of building front, up to 64 square feet	1[a]	1½ square feet per foot of building front, up to 90 square feet	1[a]	1½ square feet per foot of building front, up to 125 square feet
Freestanding	1[b]	1½ square feet per foot of building front, up to 64 square feet	1[b]	1½ square feet per foot of building front, up to 90 square feet	1[b]	1½ square feet per foot of building front, up to 125 square feet [c] [g]
Window Sign	N.A.	¼ of window area [d]	N.A.	¼ of window area [d]	N.A.	¼ of window area [d]
Awning or Canopy Sign	1	25% of awning area [d]	1	25% of awning area [d]	1	25% of awning area [d]
Gasoline Price Sign	1	20 square feet	1	20 square feet	1	20 square feet

Marquee Sign	N.P.	-	1[e]	½ square feet per foot of building front	1[e]	½ square feet per foot of building front
Electronic Message Center	N.P.	—	1[i]	See Section 27.08J	101	See Section 27.08J
Projecting	N.P.	—	1 [h]	See Section 27.08 (L)	N.P.	—
Real Estate	1	10 sq. ft. [f]	1	10 square feet [f]	1	10 square feet [f]

* Specific sections in this ordinance should be consulted for details.

N.A. = Not Applicable

N.P. = Not Permitted

Footnotes

- [a] In the case of a multi-tenant building, one wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one sign on each side of the building. Where several tenants use a common entrance in a multi-tenant building, only one wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.
- [b] Only one freestanding sign shall be permitted for multi-tenant buildings or shopping centers, but the sign area may be allocated for use by individual tenants.
- [c] The maximum size for a freestanding sign in the C-3 and PUD districts is 200 square feet.
- [d] The area of permanent window signs and awnings and canopy signs shall be counted in determining compliance with the standards for total area of wall signs.
- [e] Marquee signs shall be permitted for theaters located in commercial districts. The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs,
- [f] Real estate signs offering unplatted vacant land for sale or lease may be up to 64 square feet in area.
- [g] The maximum size standards may be increased by 25 square feet for pedestal signs.
- [h] Permitted only in the C-2 district.
- [i] Permitted in the C-2 district when the parcel has frontage on Telegraph Road.
- [j] Permitted in the C-3 district.

([Ord. No. 128-B, § I, 9-20-10](#) ; [Ord. No. 435, § III, 12-19-16](#))