

CHAPTER 154: ZONING

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GENERAL PROVISIONS

§ 154.001 PREAMBLE.

Pursuant to the authority conferred to the City of Garden City by Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended, the City Council of the City of Garden City hereby adopts the following regulations and restrictions on the use of land and structures for the purpose of promoting and protecting the public health, safety, and general welfare of its inhabitants. These regulations are designed to protect and conserve the character, social, and economic stability of the residential, commercial, industrial, and other use areas; to secure the most appropriate location and relationships among uses of land and structures; to limit the overcrowding of land and congestion of population; to provide adequate light, air, and reasonable access; to facilitate adequate and economical provision of energy, transportation, water, sanitary sewer, education, recreation and public services and facilities.

(Ord. 92-005, passed 2-17-92)

§ 154.002 SHORT TITLE.

This chapter shall be known and may be cited as "The City of Garden City Zoning Ordinance" or "The City of Garden City Zoning Regulations." Within the following text it may be referred to as the "Ordinance," "this chapter," or the "Zoning Regulations."

(Ord. 92-005, passed 2-17-92)

§ 154.003 PURPOSE.

This chapter is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the city and is given immediate effect upon its publication.

(Ord. 92-005, passed 2-17-92)

§ 154.004 RULES OF CONSTRUCTION.

The following rules of construction apply to the text of these Zoning Regulations.

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

(Ord. 92-005, passed 2-17-92)

§ 154.005 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

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

ADULT BOOK OR SUPPLY STORE. An establishment having 10% or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** as defined herein, or an establishment with a segment or section devoted to the sale or display of such material. 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.

ADULT PHYSICAL CULTURE ESTABLISHMENT. Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. A tattoo parlor as defined herein is specifically included as an **ADULT PHYSICAL CULTURE ESTABLISHMENT**. The following uses shall not be included within the definition of an **ADULT PHYSICAL CULTURE ESTABLISHMENT**.

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional.
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (3) Continuing instruction in martial or performing arts, or in organized athletic activities.
- (4) Hospitals, nursing homes, medical clinics, or medical offices.
- (5) Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only.
- (6) Adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas.

ADULT MODEL STUDIO. Any place where models who display specified anatomical areas as defined in this section, are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

ADULT MOTION PICTURE ARCADE. Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas as defined in this section.

ADULT MOTION PICTURE THEATER. An enclosed building wherein still or motion pictures, videotapes or similar materials are presented or viewed, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

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 in this section, for observation by patrons of the theater. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

ALLEY. A dedicated public vehicular or pedestrian way, usually between or behind buildings, which affords a secondary means of access to abutting property.

ALTERATION. Any change, addition or modification to a structure or type of 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 **HOSPITAL, VETERINARY**, as defined in this section.

APARTMENT. See **DWELLING, MULTIPLE-FAMILY**, as defined in this section

ARCADE. Any place, premises, establishment or room within a building which provides on its premises six or more machines which may be operated or used as a game, contest or for amusement of any description. For the purposes of this definition, **MACHINE** shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

ATTACHED WIRELESS TELECOMMUNICATION FACILITY; ANTENNAS. Any wireless telecommunication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, and the like, utilized to receive and transmit federally or state-licensed telecommunications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

AUTOMOBILE. Any motorized vehicle capable of conveying passengers or material by land usually on wheels or tracks, including cars, trucks, pickup trucks, vans, motorcycles, snowmobiles and similar vehicles.

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 or a restaurant as an accessory use, provided it is clearly incidental to the filling

station use. Parking requirements for filling station/convenience store or restaurant operations shall be computed by adding together the parking space requirements for each separate use.

AUTOMOBILE REPAIR. Major or minor repair of automobiles shall be defined as follows.

(1) **MAJOR REPAIR.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing of the automobiles on the premises overnight.

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

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

AUTOMOBILE REPAIR GARAGE. An enclosed building where major automobile repair services may be carried out.

AUTOMOBILE OR VEHICLE SALES. A building or premises used primarily for the sale automobiles and/or vehicles including the house trailers, recreational vehicles, trucks and other vehicles.

AUTOMOBILE AND/OR VEHICLE RENTAL ESTABLISHMENT. A building or premises used primarily for the lease or rental of automobiles and/or vehicles, including house trailers, recreational vehicles, trailers and other vehicles.

AUTOMOBILE WASH OR CAR WASH ESTABLISHMENT. An establishment contained within a building or premises or portion thereof where automobiles are washed.

BASEMENT. That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average finished grade to the floor below is greater than the vertical distance from the average finished 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.

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

BERM. See **LANDSCAPING** as defined in this section.

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

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 chapter.

BORDER TREATMENT. A low barrier of natural or artificial materials located near the perimeter of a residential lot. Artificial materials commonly included in **BORDER TREATMENT** construction include wood, wire, metal, or any other material or combination of materials commonly used in fence construction. Natural materials commonly used for creation of a **BORDER TREATMENT** include deciduous and evergreen shrubs.

BUILDABLE AREA. See **BUILDING ENVELOPE** as defined in this section.

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

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

BUILDING, ACCESSORY. See **ACCESSORY USE, BUILDING, OR STRUCTURE** as defined in this section.

BUILDING, TEMPORARY. A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements of current adopted building codes of the city.

BUILDING ENVELOPE. The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this chapter.

BUILDING HEIGHT. The vertical distance measured from the finished grade to:

- (1) The highest point of the coping of a flat roof;
- (2) The deck line of a mansard roof; or
- (3) The average height between the eaves and the ridge for the highest gable, hip studio or gambrel roof; or

(4) Seventy-five percent of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be measured from the average finished ground level of the building wall (see Appendix B, Illustration 1, Building Height Requirements).

BUILDING LINE. A line parallel to the front lot line at the minimum required front setback line (see Appendix B, Illustration 2, Building Line).

BUILDING OFFICIAL. The City Official(s) designated by the City Manager to administer and enforce the Building Codes of the city.

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

CABARET. An establishment where live entertainment such as, but not limited to, comedy or theater, is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas as defined in this section, for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

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

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

CHURCH OR SYNAGOGUE. Any structure wherein persons regularly assemble for religious activity.

CIGAR LOUNGE. Any establishment where patrons smoke cigars and which is operating under a cigar bar exemption from the state's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. This establishment shall not include any establishment licensed by the state for the consumption of marijuana in any form.

CITY. The City of Garden City, Wayne County, Michigan.

CITY COUNCIL. The City Council of the City of Garden City, Wayne County, Michigan.

CITY MANAGER. The City Manager of the City of Garden City, Wayne County, Michigan.

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

CLINIC, VETERINARY. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic shall not include customary pens or cages for the overnight boarding of animals, nor such related facilities as laboratories, testing services, and offices.

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

COMMERCIAL USE. The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this chapter, **COMMERCIAL USE** shall not include industrial, manufacturing, or wholesale businesses.

COMMISSION. The Planning Commission of the city as organized under Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended.

CONDOMINIUM. A system of separate ownership of individual units in multi-unit projects according to Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this chapter, **CONDOMINIUM** terms shall be defined as follows.

(1) **CONDOMINIUM ACT.** Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272, as amended.

(2) **CONDOMINIUM LOT.** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in Appendix A, Schedule of Regulations.

(3) **CONDOMINIUM SUBDIVISION PLAN.** Drawings and information which show the size, location, area, and

boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements and other information required by § 66 of Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272, as amended.

(4) **CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.

(5) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

(6) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

(7) **CONVERTIBLE AREA.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

(8) **COMMON ELEMENTS.** Portions of the condominium project other than the condominium units.

(9) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added, pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.

(10) **GENERAL COMMON ELEMENTS.** Common elements other than the limited common elements, intended for the common use of all co-owners.

(11) **LIMITED COMMON ELEMENTS.** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

(12) **MASTER DEED.** The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the by-laws for the project and the condominium subdivision plan.

(13) **SITE CONDOMINIUM PROJECT.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this chapter.

CONGREGATE HOUSING. See **HOUSING FOR THE ELDERLY** as defined in this section.

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

CONVALESCENT HOME. See **NURSING HOME** as defined in this section.

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

CO-OP or COOPERATIVE HOUSING. A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

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

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

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

(1) **GROSS DENSITY.** The number of units per acre of total land being developed.

(2) **NET DENSITY.** The number of units per acre of land devoted to residential use.

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

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

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

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

DRIVE-THROUGH. A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

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 chapter.

(1) **DWELLING, ACCESSORY APARTMENT.** A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by persons related to the occupant of the principal residence by blood, marriage or legal adoption, or domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. May also be referred to as an in-law apartment or granny flat.

(2) **DWELLING, MANUFACTURED HOME.** A structure, built in a factory to HUD Title 6 standards and 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 as defined and regulated in the Mobile Home Commission Act, PA 96 of 1987, as amended. Recreational vehicles as described and regulated in this section shall not be considered **MANUFACTURED HOME DWELLINGS** for the purpose of this chapter.

(3) **DWELLING, MODULAR.** A building or portion of a building designed and constructed for long-term residential use as a dwelling which is secured permanently to a foundation on land owned by the same owner of the modular dwelling and not located in a Manufactured Home Park. The modular dwelling shall also be characterized by all of the following.

(a) The structure is produced and substantially assembled in a factory in accordance with City of Garden City building code standards.

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

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

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

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

(b) **EFFICIENCY UNIT** or **STUDIO APARTMENT.** 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.

(5) **DWELLING, ONE-FAMILY OR SINGLE-FAMILY.** An independent, detached residential dwelling designed for and used or held ready for use by one family only.

(6) **DWELLING, SINGLE-FAMILY ATTACHED or TOWNHOUSE.** 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 sometimes known as row houses.

(7) **DWELLING, SITE BUILT:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials and panelized wall, roof and floor section when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

(8) **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.

(9) **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.

EARTH-SHELTERED HOME. A building constructed partially below the surrounding average finished grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

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

EFFECTIVE DATE. The effective date of any amendments to this chapter if the amendments created a nonconforming situation.

ENGINEER, CITY. The **CITY ENGINEER** is the person or firm authorized to advise the City Administration, City Council, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The **CITY ENGINEER** may be a consultant or an employee of the city.

ENFORCEMENT OFFICIAL. The person or persons with the responsibility for enforcing and administering requirements of applicable sections of this chapter. The **ENFORCEMENT OFFICIAL** may be referred to as the Zoning Administrator, Building Official, or other appropriate party. Such titles do not refer to a specific individual, but generally to the office, department, or city official(s) most commonly associated with the administration of the regulation being referenced.

ERECTED. Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments or city-certified cable television companies or 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 alarms 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, or wireless telecommunication facilities that are solely used for private commercial purposes.

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

EXEMPTION. An exclusion from the normal Zoning rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A variance is not required for uses or structures which are permitted because of an exception.

FAMILY.

(1) One or more persons related by blood, 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.

(2) 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 and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated duration of a school term or terms or other similar determinable period.

FARM. A parcel of land containing at least ten acres, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products, including necessary farm structures within the prescribed limits and the storage of related equipment used. A **FARM** shall exclude the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

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 includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

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

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

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** as defined in this section.

FLOOR AREA, USABLE RESIDENTIAL. The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

FLOOR AREA, USABLE NONRESIDENTIAL. Eighty percent of the gross floor area.

FORTUNE TELLING AND SIMILAR USES. Telling fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, medium-ship, seer-ship, prophecy, augury, astrology, palmistry, necromancy, mind-reading telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic of any kind or nature.

FOSTER CARE HOME. See **STATE LICENSED RESIDENTIAL FACILITY** as defined in this section.

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

FRATERNAL ORGANIZATION. See **CLUB** as defined in this section.

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

GARAGE, PUBLIC. See **AUTOMOBILE REPAIR GARAGE** as defined in this section.

GAS STATION. See **AUTOMOBILE FILLING STATION** and **AUTOMOBILE SERVICE STATION** as defined in this section.

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

GREENBELT. See **LANDSCAPING** as defined in this section.

GROUP DAY CARE HOME. A private home which more than six but no 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.

GROUP HOME. See **STATE LICENSED RESIDENTIAL FACILITY** as defined in this section.

GYM or GYMNASIUM. A room or building equipped for gymnastics, exercise or sport.

HAZARDOUS MATERIALS AND CHEMICALS. All highly flammable materials or products which may react to cause a fire or explosion hazard; or which because of their toxicity, flammability, or liability for explosion, render fire fighting abnormally dangerous or difficult. This also includes flammable liquids or gases which are chemically unstable and which may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials and chemicals shall include flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases that have a degree of hazard rating in the health, flammability or reactivity of 3 or 4 as ranked by NFPA 704 and as adopted by the city.

HAZARDOUS USES. All uses which involve the storage, sale, manufacture, or processing of materials and/or chemicals which are defined as hazardous materials and chemicals in this chapter. These uses include, but are not limited to, all high hazard uses listed in the current adopted Building Code of the city.

HEALTH OR EXERCISE CLUB. A building or portion of a building designed and equipped for the conduct of sports, physical exercise, organized classes, martial arts, personal training, or other customary and usual recreational activities that occur in an entirely enclosed building. Such uses are operated for profit or not-for-profit, and which can be open only to bona fide members and guests of the organization or open to the public for a fee. Such uses may also include saunas, locker rooms, showers, or personal services. Such uses shall not include court sports facilities with spectator seating for organized sporting events or activities that utilize firearms such as a gun range.

HIGHWAY. See **STREET** as defined in this section.

HOME OCCUPATION. An occupation or profession conducted entirely within a dwelling by the inhabitant thereof, where the

use is clearly incidental to the principal use of the dwelling as a residence.

HOOKAH CLUB. Any establishment where patrons share shisha, tobacco or another legal inhalant from a hookah, water pipe or similar device, which is either shared communally or from one placed at each table or bar, and which is operating under a tobacco specialty retail store exemption from the state's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. This establishment shall not include any establishment licensed by the state for the consumption marijuana in any form.

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

HOSPITAL, VETERINARY. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary hospital may include pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and 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, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

HOUSING FOR THE ELDERLY. A facility 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.

(1) **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.

(2) **DEPENDENT HOUSING FACILITIES.** Facilities such as nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

(3) **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 in which either the husband or wife is 70 years of age or older.

(4) **SENIOR APARTMENTS.** Multiple-family dwelling units occupied by persons 55 years of age or older.

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 chapter.

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

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

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

INGRESS AND EGRESS. Generally used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

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

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

KENNEL. Any lot or premises on which 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.

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

LANDSCAPING. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative, man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features, such as fountains, pools, statues, and beaches 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.

- (1) **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 chapter.
- (2) **GRASS.** Any of a family of plants with narrow leaves normally grown as permanent lawns in Wayne County.
- (3) **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 chapter.
- (4) **GROUND COVER.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- (5) **HEDGE.** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- (6) **HYDRO-SEEDING.** A method of planting grass in which a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- (7) **INTERIOR PARKING LOT LANDSCAPING.** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- (8) **MULCH.** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- (9) **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.
- (10) **SCREEN or SCREENING.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, the material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- (11) **SHRUB.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
- (12) **SOD.** An area of grass-covered surface soil held together by matted roots.
- (13) **TREE.** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more.
 - (a) **DECIDUOUS TREE.** A variety of tree that has foliage that is shed at the end of the growing season.
 - (b) **EVERGREEN TREE.** A variety of tree that has foliage that persists and remains green throughout the year.
- (14) **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 25 feet or less.
- (15) **SHADE TREE.** For the purposes of this chapter, a **SHADE TREE** is a deciduous tree which has a mature crown spread of 15 feet or greater, and has a trunk with at least five feet of clear stem at maturity.
- (16) **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.

LIGHTING, ROPE. Lighting that is primarily used as a decorative lighting fixture, featuring small light bulbs linked together and encased in a clear, flexible material to create a rope.

LIGHTING, STRING. A series of lights located along a coated wire (e.g., holiday lights).

LIGHTING, TUBE. A gas-filled tubing which, when subjected to an electric current, becomes luminescent in a color characteristic of the particular gas used (e.g., neon, argon, xenon, and similar gases). The tube is commonly bent into various forms for use as decoration and/or signage. Common fluorescent light bulbs are not considered tube lighting.

LOADING SPACE. A space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

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

- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, or portion thereof.

- (4) A condominium lot.
- (5) A piece of land described by metes and bounds.

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

LOT, CONTIGUOUS. Lots adjoining each other.

LOT, CORNER. A lot abutting on and at the intersection of two or more streets. For the purposes of this definition, the street lot line shall be the line separating the lot from the street or road right-of-way.

LOT COVERAGE. The part or percentage of the lot that is occupied by buildings or structures.

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

LOT, DOUBLE FRONTAGE or THROUGH LOT. A lot other than a corner lot having frontage on two 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.

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

LOT, INTERIOR. Any lot other than a corner lot with only one lot line fronting on a street.

LOT LINES. The lines bounding a lot are as follows.

(1) **FRONT LOT LINE.** In the case of a lot not located on a corner, the line separating the lot from the public or private road right of way. In the case of a corner lot or double frontage lot, the **FRONT LOT LINE** shall be that line that separates the lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.

(2) **REAR LOT LINE.** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet in length, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition can not be easily applied, the Zoning Administrator shall designate the rear lot line.

(3) **SIDE LOT LINE.** Any lot line other than the front or rear lot lines. A **SIDE LOT LINE** separating a lot from a road right-of-way is a **SIDE STREET LOT LINE**. A **SIDE LOT LINE** separating a lot from another lot or lots is an **INTERIOR SIDE LOT LINE**. In cases in which the side lot line definition cannot be easily applied, the Zoning Administrator shall designate the **SIDE LOT LINE(S)**.

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 County Register of Deeds, or accepted by the County Department of Equalization, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan, and likewise recorded with the County Register of Deeds. A **LOT OF RECORD** may also be identified by attachment to a sidwell or tax parcel identification number.

LOT WIDTH. The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see Appendix B, Illustration 4, Lot Width and Setback). At no time shall the measured lot width at the street line be less than half of the required lot width.

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

MANUFACTURED HOME. See **DWELLING, MANUFACTURED HOME**, as defined in this section.

MANUFACTURED HOME LOT. An area within a manufactured home park which is designated for the exclusive use of a specific manufactured home.

MANUFACTURED HOME 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 thereof, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Manufactured Home Commission rules and Public Act 419 of 1976, being M.C.L.A. Sec. 125.2301 et seq., as amended.

MARGINAL ACCESS ROAD. See **SECONDARY ACCESS DRIVE** as defined in this section.

MASSAGE ESTABLISHMENT or UNLICENSED MASSAGE PARLOR. A place where manipulated massage or

manipulated exercises are practiced for pay upon the human body by any unlicensed individual using mechanical, therapeutic, or bathing devices or techniques. A **MASSAGE ESTABLISHMENT** may include, but is not limited to, establishments commonly known as massage parlors, sauna baths, turkish bathhouses, and steam baths. **MASSAGE ESTABLISHMENTS**, as defined herein, shall not include properly licensed hospitals, medical clinics or nursing homes, therapeutic massage facilities, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

MASSAGE THERAPIST. An individual specifically trained and licensed pursuant to Public Act 471 of 2008, as amended.

(1) **THERAPEUTIC MASSAGE.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

MASTER PLAN. A document which is prepared under the guidance of the City 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. Specifically, it refers to the **MASTER PLAN** adopted by the Planning Commission in September, 1980, as amended.

MEDICAL MARIJUANA CLINIC AND/OR COUNSELING CENTER. A facility for the assessment and certification of clients under a physician's care, to obtain a medical marijuana qualified user card in accordance with the State of Michigan Initiated Law 1 of 2008, being M.C.L.A. §§ 333.26423 et seq., legislation adopted pursuant thereto, and subsequent amendments. Product, including seeds and plants, not to be dispensed, kept, or stored on the premises.

MEDICAL MARIJUANA FACILITY. Any site, facility, location, use, cooperative or business, including vending machines at or from which marijuana, as that term is defined in the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016 (M.C.L.A. 333.27101 et seq.) is distributed, compensated, exchanged, processed, delivered, given away, or cultivated, including by any primary caregiver who has been issued and possesses a registry identification card also as provided in Initiated Law 1 of 2008 (M.C.L.A. 333.26423 et seq.) for a qualifying patient who has been issued and possesses a registry identification card as provided in Initiated Law 1 of 2008, or any of the following facilities:

(1) **MEDICAL MARIJUANA GROW OPERATION.** A commercial facility licensed under Public Act 281 of 2016 that cultivates, dries, trims, or cures marijuana for sale to a processor or provisioning center. A medical marijuana grow operation shall be further classified as a Class A, Class B, or Class C grow facility. Class A grow operations are defined as facilities that grow up to 500 marijuana plants, Class B grow operations are defined as facilities that grow up to 1,000 marijuana plants, and Class C grow operations are defined as facilities that grow up to 1,500 marijuana plants.

(2) **MEDICAL MARIJUANA PROCESSING FACILITY.** A commercial facility licensed under Public Act 281 of 2016 that purchases marijuana from a licensed grow operation and extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

(3) **MEDICAL MARIJUANA SAFETY COMPLIANCE FACILITY.** A commercial facility licensed under Public Act 281 of 2016 that receives marijuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

(4) **MEDICAL MARIJUANA SECURE TRANSPORTER.** A commercial facility licensed under Public Act 281 of 2016 that stores marijuana and transports marijuana between marijuana facilities for a fee.

(5) **MEDICAL MARIJUANA PROVISIONING CENTER.** A commercial facility licensed under Public Act 281 of 2016 that purchases marijuana from a licensed grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly, or through the patients' registered primary caregivers. The term "provisioning center" shall include any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marijuana registration process in accordance with the Michigan Medical Marijuana Act is not a provisioning center for purposes of this chapter.

MEDICAL MARIJUANA GROWING CENTERS. Any site, facility, location, use, cooperative or business, including vending machines at or from which marijuana, as that term is defined in Initiated Law 1 of 2008 (M.C.L.A. 333.26423 et seq.) is distributed, compensated, exchanged, processed, delivered, given away, or cultivated to or for an individual that is a qualifying patient who has been issued and possesses a registry identification card as provided in Initiated Law 1 of 2008 or a primary caregiver who has been issued and possesses a registry identification card also as provided in Initiated Law 1 of 2008.

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

MORTUARY or **FUNERAL HOME.** An establishment where the dead are prepared for burial or cremation, and where wakes or funerals may be hold.

MOTEL. A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. **MOTELS** typically provide exterior entrances and on-site parking for

each unit. A **MOTEL** may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

NATURAL FEATURES. Soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING BUILDING. A building or portion thereof which was lawfully in existence at the effective date of this chapter, or amendments thereto, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which the building is located.

NONCONFORMING LOT. A lot which was lawfully in existence at the effective date of this chapter, or amendments thereto, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.

NONCONFORMING SIGN. A sign which was lawfully in existence on the effective date of this chapter, or amendments thereto, that does not conform to one or more regulations set forth in this chapter.

NONCONFORMING USE. A use which was lawfully in existence at the effective date of this chapter, or amendment thereto, and which does not now conform to the use regulations of this chapter for the zoning district in which it is now located.

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

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

NURSERY, DAY NURSERY, or NURSERY SCHOOL. See **CHILD CARE CENTER** as defined in this section.

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

NURSING HOME, CONVALESCENT HOME or REST HOME. A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Public Act 139 of 1956, as amended.

OCCUPANCY, CHANGE OF. A discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or the expansion of a use.

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

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

OPEN AIR BUSINESS. Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, **OPEN AIR BUSINESS** shall include the following.

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

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

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

(4) Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

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

OUTDOOR DISPLAY. The keeping in an unenclosed area, outside the principal building or structure, of any goods, material, merchandise, automobiles, and/or vehicles.

OUTDOOR STORAGE. The keeping, in an unenclosed area, of any goods, material, merchandise or vehicles (excluding permitted new or used car establishments) in the same place for more than 24 hours. All storage must be directly related to principal use of the business and shall not pose a threat to public health and safety.

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

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

PARKING LOT, OFF-STREET. An area within a lot or parcel which provides vehicular parking spaces along with adequate space for maneuvering, to provide safe and convenient access for entrance and exit of more than three vehicles.

PARKING SPACE. An area of definite length and width as designated in this chapter for parking an automobile or other

permitted vehicle, and which is fully accessible for such purposes.

PERFORMANCE GUARANTEE. A financial guarantee to ensure that specific improvements, facilities, or work required by this chapter shall be completed in compliance with the ordinance, regulations and approved plans and specifications of the development.

PERSON. An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization or any other legal entity serving as a unit.

PERVIOUS SURFACE. A surface that permits full or partial absorption of storm water.

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

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

PLANNER, CITY. The person or firm designated by the City Council and Planning Commission to advise the City Council, City Manager, City Planning Commission, and city staff on planning,

zoning, land use, housing, and other related planning and development issues. The **CITY PLANNER** may be a consultant or an employee of the city.

PLANNING COMMISSION. The Planning Commission as organized under Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended.

POOL OR BILLIARD HALL. An establishment wherein the substantial or significant portion of all usable floor area is devoted to the use of pool or billiard tables.

PRE-RELEASE ADJUSTMENT CENTER. An establishment which provides shelter, supervisory and social services to convicts in a pre-release parole preparation program, as authorized by the State Corrections commission or the Federal Bureau of Prisons.

PRIVATE STREET or ROAD. See **ROAD** as defined in this section.

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.

PUBLIC LODGING HOUSE. A commercial establishment or place in which five or more members of the public, whether travelers or not, are charged for or are provided sleeping quarters in the form of cots or beds in the same room.

PUBLIC SAFETY OFFICIAL. Refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the city.

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

RECREATION FACILITY. An establishment which provides courts, fields, tracks, lanes, alleys, pools or other specialized sport facilities, and which may include spectator seating in conjunction with the sports facilities. Such uses shall not include activities that utilize firearms such as a gun range.

(1) **INDOOR RECREATION FACILITY.** Any **RECREATION FACILITY** where all sports facilities are completely enclosed within a building or structure.

(2) **OUTDOOR RECREATION FACILITY.** Any **RECREATION FACILITY** where all or a portion of the sports facilities are not completely enclosed within a building or structure.

(3) **PRIVATE RECREATION FACILITY.** Any **RECREATION FACILITY** owned and/or operated by a non-government entity affiliated private individual, business, club or organization as a for-profit or non-profit facility.

(4) **PUBLIC RECREATION FACILITY.** Any **RECREATION FACILITY** owned and/or operated by a government entity.

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

RECREATIONAL VEHICLES. Shall include the following.

(1) **BOAT and BOAT TRAILER.** Shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

(2) **FOLDING TENT TRAILER.** A folding structure, mounted on wheels and designed for travel and vacation use.

(3) **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.

(4) **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.

(5) **TRAVEL TRAILER.** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a **TRAVEL TRAILER** by the manufacturer. **TRAVEL TRAILERS** generally include self-contained sanitary, water, and electrical facilities.

(6) **OTHER RECREATIONAL EQUIPMENT.** Includes snowmobiles, jet skis, all-terrain or special terrain vehicles, plus the normal equipment used to transport them on the highway.

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

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

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

RESTAURANT. 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 fast-food restaurant, a standard restaurant, a bar/lounge, or combination thereof, defined as follows. When characteristics of two or more restaurant types are contained within a single business establishment, the requirements for each type of restaurant must be satisfied proportionate to the amount of floor area used by each type of restaurant within the establishment.

(1) **BAR or TAVERN.** 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, LOUNGE** or **TAVERN** is part of a large dining facility, it shall be defined as that part of the structure so designated or operated.

(2) **RESTAURANT, FAST-FOOD.** A fast-food establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line, or in the customer's motor vehicle for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site. Carry-out, drive-in, drive-through and delivery restaurants are different types of **FAST-FOOD RESTAURANTS**.

(a) **RESTAURANT, CARRY-OUT.** A fast-food 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 off the premises.

(b) **RESTAURANT, DELIVERY.** A fast-food 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 off the premises. No drive-in, drive-through, counter or other customer accessible service area is available on the **DELIVERY RESTAURANT** site. Food is delivered to customers after the customer telephonically transmits an order; customers do not visit the **DELIVERY RESTAURANT** site to obtain food.

(c) **RESTAURANT, DRIVE-IN.** A fast-food 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.

(d) **RESTAURANT, DRIVE-THROUGH.** A fast-food 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.

(3) **RESTAURANT, STANDARD.** A business establishment whose method of operation involves one of the following.

(a) The delivery of prepared food by waiters or waitresses to customers seated at tables within a completely enclosed building.

(b) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

(c) Carry-out orders may also be filled by a standard restaurant provided that additional parking facilities are provided for the carry-out facilities consistent with the requirements for carry-out restaurants.

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

RIGHT-OF-WAY. The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

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

(1) **ARTERIAL ROAD.** A road which carries high volumes of traffic and serves as an avenue for circulation of traffic into, out of, or around the city. An arterial road may also be a major thoroughfare.

(2) **COLLECTOR STREET.** A road whose principal function is to carry traffic between minor and local roads and arterial roads, but may also provide direct access to abutting properties.

(3) **CUL-DE-SAC.** A road that terminates in a vehicular turn-around.

(4) **LOCAL STREET.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

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

(6) **MINOR ROAD.** A road whose sole function is to provide access to abutting properties.

(7) **PRIVATE ROAD.** Any road which is to be privately maintained and has not been accepted for maintenance by the city, county, state or the federal government, but which meets the requirements of this chapter or has been approved as a private road by the city under any prior ordinance.

(8) **PUBLIC ROAD.** Any road or portion of a road which has been dedicated to and accepted for maintenance by the city, county, state or the federal government.

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

ROOMING HOUSE. See **BOARDING HOUSE** as defined in this section.

ROPE LIGHTING. See **LIGHTING, ROPE.**

SCREENING. 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.

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

SECONDHAND STORE. Any building, structure, premises, or part thereof used solely or partially for the sale of used or secondhand clothing, furniture, books or household goods, or used solely or primarily for the sale of used or secondhand household appliances or business equipment.

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

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

SETBACK. The distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure on the lot. The **MINIMUM REQUIRED SETBACK** is the minimum distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this chapter.

SETBACK MEASUREMENT LINE. A line drawn parallel to the centerline of the road on the Zoning Map from which the front setback shall be measured.

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

SIGN. Any device, structure, fixture, or placard which uses figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of **SIGN** includes interior and exterior **SIGNS** which are visible from any public street, sidewalk, alley, park, or public or public property, but no **SIGNS** which are primarily directed at persons within the premises upon which the **SIGN** is located. Various types of **SIGNS** and sign-related terms are defined and regulated by Chapter 153 of this Code.

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

SMOKE SHOP. A retail establishment where 50% or more of the retail floor area, defined as wall to wall, is used for the display, promotion, or sale of the inhalants and inhalant-related products listed below; or a retail establishment where the sale of inhalants and inhalant-related products listed below constitutes greater than 50% of the establishment's merchandise:

(1) Cigarettes, cigars and packaged tobacco or shisha;

(2) Tobacco or shisha for smoking paraphernalia products including, but not limited to, pipes for smoking tobacco,

cigarette holders and cigarette rolling papers;

(3) Tobacco promotional merchandise, including, but not limited to, posters, shirts, jackets, and hats advertising tobacco or shisha products;

(4) Vapor containing nicotine and/or flavoring and vape-related products, including, but not limited to, electronic cigarettes, vape pens and vape cartridges; and

(5) Shisha that may or may not contain tobacco and/or flavoring and shisha-related products, including, but not limited to, hookahs, water pipes, or any instrument for heating or vaporizing and then smoking shisha.

SPECIAL EVENT. An occurrence or noteworthy happening of seasonal, civic or religious importance, which is organized and sponsored by a nonprofit community group, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. **SPECIAL EVENTS** typically run for a short period of time (less than two 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. Uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special land uses include regulated land uses. After due consideration of the impact of such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, special land uses may be permitted following review and approval, subject to the terms of this chapter.

SPECIALLY DESIGNATED DISTRIBUTOR'S ESTABLISHMENT. A retail establishment of less than 25,000 gross square feet of usable retail space, or any retail establishment where more than 10% of the distribution space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to distribute alcoholic liquor, or other than beer and wine under 20% by volume, in the original package for consumption off the premises.

SPECIALLY DESIGNATED MERCHANT'S ESTABLISHMENTS. Retail establishments of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than 10% of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission, to sell beer and wine for consumption off the premises

SPECIFIED ANATOMICAL AREAS. Portions of the human body defined as follows.

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola.

(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.

(3) Fondling or other erotic touching of the genitals, pubic region, buttocks, or female breast.

STATE LICENSED RESIDENTIAL FACILITY. Any structure constructed for residential purposes, that is licensed by the state pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures.

(1) **ADULT FOSTER CARE FACILITY.** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 228 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four types of Adult Foster Care Homes are provided for by these rules.

(a) **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.

(b) **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 home.

(c) **CONGREGATE FACILITY.** Residence for more than 20 adults.

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

(2) **FOSTER FAMILY GROUP HOME.** A private residence that houses more than four but less than seven minor children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Social Services.

(3) **FOSTER FAMILY HOME.** A private residence that houses four or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, a Foster Family Home does not require 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 in this section, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see Appendix B, Illustration 5, Basic Structural Terms, and Illustration 6, Basement and Story).

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

(2) 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.

(3) In an earth sheltered home, any separate level below ground shall be considered a full story.

STORY, HALF. The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 200 square feet with a minimum clear height of seven feet, six inches.

STREET. See **ROAD** as defined in this section.

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

STRING LIGHTING. See **LIGHTING, STRING.**

STRUCTURAL ADDITION. Any alteration that changes the location of the exterior walls or area of a building.

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

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and extending at least nine inches above the ground surface. Structures include, but are not limited to principal and accessory buildings, towers, decks, fences/privacy screens, walls, antennas, swimming pools, and signs.

SUBDIVISION PLAT. The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, and the City Subdivision Control Regulations.

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

SWIMMING POOL. Any permanent, non-portable structure or container, located either partially or totally below grade, designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A **SWIMMING POOL** shall be considered an accessory structure for purposes of computing lot coverage,

TATTOO PARLOR. Any business having as its principal activity the application or placing, by any method, permanent or semi-permanent, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within, or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

TEMPORARY USE OR BUILDING. A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this chapter.

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

THERAPEUTIC MASSAGE. A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

THERAPEUTIC MASSAGE FACILITY or PHYSICAL THERAPY FACILITY. A place where a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; a registered physical or occupational therapist or speech pathologist who treat patients referred by a licensed physician and operate only under the physician's direction; or a massage therapist licensed pursuant to Public Act 471 of 2008, as amended, utilize their hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

THOROUGHFARES, MAJOR. See **ROAD** as defined in this section.

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

(1) An increase in mortality.

- (2) An increase in serious irreversible illness.
- (3) Serious incapacitating, but reversible illness.
- (4) Substantial present or potential hazard to human health or the environment.

TRANSITION ZONE. Generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

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

TUBE LIGHTING. See **LIGHTING, TUBE.**

UNLICENSED MASSAGE PARLOR or MASSAGE ESTABLISHMENT. A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by any unlicensed individual using mechanical, therapeutic, or bathing devices or techniques. A **MASSAGE ESTABLISHMENT** may include, but is not limited to, establishments commonly known as massage parlors, sauna baths, turkish bathhouses, and steam baths. **MASSAGE ESTABLISHMENTS**, as defined herein, shall not include properly licensed hospitals, medical clinics or nursing homes, therapeutic massage facilities, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

UNDERLYING ZONING. The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel Planned Development.

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

- (1) **USE, ACCESSORY.** See **ACCESSORY USE, BUILDING, OR STRUCTURE** as defined in this section.
- (2) **USE, CONDITIONAL.** See **CONDITIONAL USE** as defined in this section.
- (3) **USE, NONCONFORMING.** See **NONCONFORMITY** as defined in this section.
- (4) **USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of that district.
- (5) **USE, PRINCIPAL.** The main use of land and buildings and the main purpose for which land and buildings exist.
- (6) **USE, SPECIAL LAND.** See **SPECIAL LAND USE** as defined in this section.

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

VETERINARY HOSPITAL. See **HOSPITAL, VETERINARY** as defined in this section.

VARIANCE. A modification of the literal provisions of this chapter granted by the Zoning Board of Appeals when strict enforcement of this chapter would cause practical difficulties or unnecessary 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.

WALL. An upright structure serving to enclose, divide, or protect an area, typically constructed of wood, masonry, or stone materials.

WALL, OBSCURING. A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this chapter.

WAREHOUSE. A building used primarily for storage of goods and materials.

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

WIRELESS TELECOMMUNICATION FACILITY. All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to radio and television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen-band radio facilities, short-wave facilities, ham and amateur radio facilities, television reception antennas, satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

WIRELESS TELECOMMUNICATION FACILITY; COLOCATION. The location by two or more wireless telecommunications providers, public authorities or other duly authorized parties of wireless telecommunications facilities on a common structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single-use telecommunications facilities and/or support structures within the city.

WIRELESS TELECOMMUNICATION SUPPORT STRUCTURE; TOWER. Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennas or facilities, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted

pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures which appear to be something other than a mere support structure.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter. 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 chapter. (see Appendix B, Illustration 7, Yard Terms, and Illustration 8, Yards).

(1) **YARD, FRONT.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or setback measurement line (where appropriate) and the nearest line of the principal building. Unless otherwise specified, each yard with street frontage shall be considered a front yard.

(2) **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**.

(3) **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.

ZONING ADMINISTRATOR. The City Official(s) authorized to administer the Zoning Regulations on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, ending notices of public hearings, and similar work.

ZONING DISTRICT. A portion of the city 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.

ZONING BOARD OF APPEALS. The Garden City zoning Board of Appeals, created pursuant to the provisions of Public Act 207 of 1921, as amended.

(Ord. 92-005, passed 2-17-92; Am. Ord. 98-006, passed 6-29-98; Am. Ord. 99-003, passed 2-8-99; Am. Ord. 01-005, passed 5-21-01; Am. Ord. 02-012, passed 8-5-02; Am. Ord. 08-004, passed 11-5-07; Am. Ord. 09-007, passed 4-20-09; Am. Ord. 10-011, passed 10-26-09; Am. Ord. 10-016, passed 6-7-10; Am. Ord. 12-010, passed 11-19-12; Am. Ord. 17-002, passed 9-25-17; Am. Ord. 18-020, passed 8-6-18; Am. Ord. 20-003, passed 7-6-20; Am. Ord. 21-004, passed 2-8-21; Am. Ord. 22-001, passed 1-24-22)

§ 154.006 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 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 chapter, or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition with the Building Department, on the forms and accompanied by the fees specified. The petition shall explicitly describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information.

- (1) Applicant's name, address, 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) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- (6) Location of existing drainage courses, floodplains, lakes and streams, and wood lots.
- (7) All existing and proposed easements.
- (8) Location of sanitary sewer system, existing and proposed.
- (9) Location and size of water mains and building service leads, existing and proposed.

(C) *Review procedures.* After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures.

- (1) *Planning Commission review.*

- (a) 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 in division (C)(3) of this

section and hold a public hearing in accordance with Public Act 110 of 2006, as amended.

(b) Notice of the public hearing shall be given in the manner prescribed by Public Act 110 of 2006, Sections 103 and 202. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning to the owner of the property in question at least 15 days before the hearing.

(c) In addition, any petition for amendment shall require a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the city. Notice of the time and place of the hearing shall also be given by mail to each utility company, telecommunication service provider, and railroad operating within the district affected, and airport manager of each airport that registers its name and mailing address with the City Clerk for purpose of receiving the notice of public hearing.

(2) *Action by the Planning Commission and City Council.*

(a) 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.

(b) The City Council may, by majority vote of its membership, at its next regularly scheduled meeting do one of the following.

1. Adopt the proposed amendment with or without amendments. If amended as to any manner of substance, Council shall not adopt until the amendment has been subject to all of the procedures required above.

2. Reject the proposed amendment.

3. Whenever a written protest against a proposed amendment is presented in writing to the City Clerk, signed by the owners of at least 20% of the area included in the proposed change, or by the owners of at least 20% 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% requirement, the amendment shall not be passed except by the favorable vote of three-fourths of the entire City Council.

4. No application for a map amendment which has been denied by the City Council shall be reconsidered for one year 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.

(a) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

(b) Will the proposed amendment further the comprehensive planning goals of the city?

(c) Have conditions changed since the Zoning Ordinance was adopted, or was there a mistake in the Zoning Ordinance, that justify the amendment?

(d) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?

(e) Will the amendment result in unlawful exclusionary zoning?

(f) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?

(g) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?

(h) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

(4) *Notice and record of amendment adoption.* Following adoption of an amendment by the City Council, notice shall be published in a newspaper of general circulation in the city within 15 days after adoption; in accordance with Public Act 110 of 2006, as amended. The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the item and place where a copy of the ordinance may be purchased or inspected. A record of all amendments shall be maintained by the city. A master Zoning Map shall be maintained by the Zoning Administrator, which shall identify all map amendments by number and date.

(Ord. 92-005, passed 2-17-92; Am. Ord. 11-005, passed 4-11-11; Am. Ord. 20-003, passed 7-6-20)

GENERAL ZONING REGULATIONS

§ 154.020 ADMINISTRATIVE REGULATIONS.

(A) *Scope of regulations.* No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this chapter. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this chapter, and construction is begun within six months of the effective date, the building or structure may be completed in accordance with the approved plans. The effective date shall be February 17, 1992. Furthermore, upon completion, the building may be occupied and a certificate of occupancy for the use for which the building was originally designated, subject thereafter to the provisions of §§ 154.050 through 154.054 concerning nonconformities. Any subsequent text or map amendments shall not affect previously

issued valid permits.

(B) *Minimum requirements.* The provisions of this chapter 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 chapter 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 chapter. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern.

(D) *Vested right.* Nothing in this chapter 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, any rights as may exist through enforcement of this chapter 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) *Conformity with yard and bulk regulations.*

(1) The owner of a building or the property on which it is located shall maintain all required setbacks, open space, and other minimum yard and bulk requirements for as long as the building is in existence.

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

(F) *Division and consolidation of land.* No zoning lot shall hereafter be divided into two or more zoning lots, and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each division or sale conform with all regulations of the zoning district in which the property is located.

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

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

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.021 PERMITTED USES.

Only the following uses of land, buildings, or structures shall be allowed in the city.

(A) Uses lawfully established, on the effective date of this chapter, except that the previous Zoning Ordinance text and Zoning Map shall remain in effect for a period of 90 days following publication of the notice of adoption of the new Zoning Ordinance, for the sole purpose of processing site plan review, special use, and variance applications received by the city prior to the date and time of adoption of the new Zoning Ordinance text and Zoning Map.

(B) Uses for which a building permit had been issued in accordance with §§154.465 and 154.466.

(C) Permitted uses in the applicable zoning districts, subject to the requirements specified.

(D) Conditional and special uses in the applicable zoning districts, subject conditions and requirements specified.

(E) Temporary uses subject to the requirements specified in § 154.025.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.022 ACCESSORY BUILDINGS AND STRUCTURES.

(A) *General requirements.*

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

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

(3) *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 permanent structures which actually cover a portion of the lot shall be included in computations to determine compliance with maximum lot coverage standards, where applicable.

(5) *Location in proximity to easements or rights-of-way.* Accessory buildings, structures, or uses shall not be located

within a dedicated easement or right-of-way, except as permitted in the regulations for essential services.

(6) *Use of accessory structures.* Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units (except for permitted accessory structures) or for any business, profession, trade or occupation. Any garage shall be used only for the storage of vehicles by the occupants of the residence to which it is accessory.

(B) *Attached accessory buildings.* Unless otherwise specified in this subchapter, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. The floor area of a garage attached to a principal residence shall not exceed 50% of the floor area of the residence or 720 square feet.

(C) *Detached accessory buildings.*

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

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

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

(b) *Side yard setback.* The accessory building shall comply with the side yard setback for the district in which it is located, except that the minimum side yard setback for accessory buildings in single-family districts shall be three feet.

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

(d) *Distance from other buildings.* Detached accessory buildings shall be located at least ten feet from the principal building on the site or any principal building on an adjacent lot. The Zoning Board of Appeals may permit an accessory building to be located within four feet of the principal building, upon finding that there will be no threat to public health and safety, and that fire safety standards related to the fire ratings of walls, emergency access, and similar standards will be complied with.

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

(3) *Size and lot coverage.* Detached accessory buildings may occupy up to 50% of the required rear yard, provided that the total of all accessory buildings shall not exceed 1,200 square feet in area.

(4) *Height.*

(a) 1. Detached accessory buildings in residential districts shall not exceed 21 feet in height as measured from the ground level to the top of the ridge.

2. Sidewalls of the accessory buildings shall not exceed ten feet in height.

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

(D) *Accessory structures.*

(1) *General requirements.* Accessory structures (for example, swimming pools, tennis courts, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this chapter.

(2) *Solar panels.* Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to the setback requirements for accessory buildings.

(3) *Added lot coverage for swimming pools and decks.* Swimming pools and decks may cover the lot an added amount up to 40% of the lot.

(Ord. 92-005, passed 2-17-92; Am. Ord. 93-016, passed 7-6-93; Am. Ord. 94-003, passed 7-5-94; Am. Ord. 04-003, passed 4-4-04; Am. Ord. 19-011, passed 10-3-19) Penalty, see § 154.999

§ 154.023 USE OF STRUCTURE AS DWELLING UNIT.

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

(B) *Caretaker residence.* No dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker and his/her immediate family. Any living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted Building Code, and provided with plumbing, heating,

bathroom, and kitchen facilities. In no case shall the living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his/her immediate family.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.024 RESIDENTIAL DESIGN STANDARDS.

(A) *Compliance with design standards.* All dwellings, including modular dwellings and manufactured homes dwellings, shall be erected or constructed only if in compliance with the following residential design standards. The Zoning Administrator shall have the authority to determine if the following requirements are being complied with.

(B) *General requirements.*

(1) *Area and bulk regulations.* All dwellings shall comply with the minimum floor area requirements specified for the zoning district where the structure is located.

(2) *Foundation.* All dwellings 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 manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured home to its permanent foundation.

(3) *Other regulations.* Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards, 24 CFR 3280, as amended and with the Mobile Home Commission Act, PA 96 of 1987, as amended.

(4) *Use.* All dwellings shall be used only for the purposes permitted in the zoning district in which they are located.

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

(6) *Utility connections.* All dwellings shall be connected to the public sewer and water systems.

(7) *Compatibility with other residences.* New dwellings, shall be aesthetically compatible in design and appearance with other residences in the vicinity. To assess compatibility, the Zoning Administrator shall evaluate the dwelling's architectural design and character which shall include, but not be limited to, the position of windows, exterior wall colors and color combinations, type of materials, architectural design elements, architectural style, variety and percentage of materials, and other features of the new structure in relation to existing structures within 1,000 feet.

(8) *Roof pitch.* The pitch 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 (i.e., French provincial, Italianate, and the like). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.

(9) *Exterior materials.* The exterior siding shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from the exterior surface shall be no greater than from white semi-gloss exterior enamel and provided further that any exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. A minimum of two different types of materials shall be used on all dwellings.

(10) *Elevation widths.* All single-family dwellings shall have a minimum width across front, side, and rear elevations of 24 feet and comply in all respects with the building code.

(11) *Roof overhang.* All dwellings shall be designed with a roof overhang of not less than six inches on all sides, with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.

(12) *Exterior doors.* All dwellings shall have not less than two exterior doors which shall not be located on the same side of the building.

(13) *Storage area.* All single-family, attached single-family and two-family dwellings shall contain a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separately constructed building of equal or of better quality than the principal dwelling. The required storage area shall be equal to 10% of the square footage of the dwelling or 200 square feet, whichever shall be less.

(14) *Garage.* All single-family dwellings shall provide an attached or detached garage for the parking of two vehicles.

(15) *Front porch.* All single-family dwellings shall provide a porch on the front elevation. The front porch shall have a width equal to no less than 20% of the dwelling's front elevation and a depth of no less than five feet. The base, skirt or apron of all porches and stairs must be fully enclosed with a solid material. Lattice or balusters which are framed may be used only in combination with columns or piers.

(16) *Landscaping.* All dwellings shall provide a minimum of one tree in the front yard and one shrub for every six feet of front elevation width planted along the front foundation. All areas disturbed during construction on a single-family dwelling lot shall be fully graded and planted with grass, ground cover, shrubbery or other suitable live plant material extending to any abutting street pavement edge. Grass areas in the front yard of all single-family dwellings shall be planted with sod.

(17) *Manufactured home dwelling regulations.* Manufactured home dwellings shall only be located in a manufactured home park. The foregoing standards shall not apply to a manufactured home dwelling located in a licensed manufactured home park except to the extent allowed by state or federal law, or otherwise specifically required in the city Zoning Ordinance pertaining to such parks.

(Ord. 92-005, passed 2-17-92; Am. Ord. 21-004, passed 2-8-21) Penalty, see § 154.999

§ 154.025 TEMPORARY STRUCTURES AND USES.

Temporary buildings and structures shall comply with the following general requirements.

(A) *Temporary structures used for residential purposes.* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any temporary building shall not be used as a residence without prior review and approval by the Public Safety and Building Officials, and subject to the following conditions.

(1) Permits may be issued by the Building Official for up to six months in duration, provided that the applicant provides a month-by-month schedule for the completion of the reconstruction. Permits may be renewed for another six-month period subject to the following conditions.

(a) The applicant must submit a progress report that demonstrates that reconstruction of the main dwelling is proceeding as expeditiously as possible.

(b) The applicant shall identify any conditions that may have delayed the progress of reconstruction of the main dwelling.

(c) The applicant shall provide a month-by-month schedule for completion of the reconstruction.

(2) The total duration of a temporary permit shall not exceed 12 months.

(3) Temporary structures shall comply with the setback standards for the district in which they are located.

(4) The Building Official shall approve electrical and utility connections to any temporary structure.

(5) An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.

(6) The applicant shall furnish the city with a performance guarantee in the amount of \$500 to assure removal of the temporary structure.

(B) *Temporary structures used for nonresidential purposes.* Temporary structures 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 specific construction project, and only after review and approval by the Building Official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.

(C) *Permits.* A permit shall be required prior to locating any temporary structure on a parcel. The permit shall specify a date for removal of the temporary structure, but the period of approval shall not exceed one year or the time limit specific in this section.

(D) *Use as an accessory structure.* A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

(E) *Special events and other temporary uses.* The Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses, as defined in § 154.005 of this chapter, subject to the following general conditions.

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

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

(3) Electrical and utility connections shall be approved by the Building Official.

(4) The applicant shall furnish the city with a performance guarantee in the amount of \$500 to assure removal of the temporary structure.

(F) *Conditions and maximum durations which apply to specific temporary uses.*

(1) *Carnival, circus, or festival.*

(a) *Maximum duration.* Ten days.

(b) *Operator or sponsor.* Nonprofit entity.

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

(2) *Christmas tree sales.*

(a) *Maximum duration.* 45 days.

(b) *Clean-up.* Stumps, branches, other equipment, and debris shall be restored to its original grade and condition (holes filled, lights completely removed from site. Leftover trees shall be removed and property removed and general cleanup performed to the satisfaction of the city), within two weeks after Christmas.

(3) *General sidewalk sales.*

(a) *Maximum duration.* Seven days.

(b) *Location.* Commercial districts only.

(4) *Seasonal outdoor sales and storage.*

Maximum duration. 180 days.

(5) *Other outdoor sales and storage (if not listed above).*

Maximum duration. To be determined by the Planning and Zoning Administrator; not to exceed 180 days.

(G) *Other temporary structures.* Any temporary structure located on commercial or industrial zoned property shall be required to obtain a zoning permit prior to placement on a parcel in the city.

(1) *Collection boxes.*

(a) *Maximum duration.* 180 days; one collection box per property.

(b) *Location.* Commercial and industrial districts only.

(c) *Ownership.* The name of the charity, a contact name, and phone number must be posted on the collection box.

(d) *Additional requirements.* Must be located on site so as not to interfere with vehicle and pedestrian traffic; area must be policed and kept clean with no pile up of goods.

(2) *Waste dumpsters.*

(a) *Maximum duration.* 180 days, one dumpster only per property.

(b) *Location.* Residential districts only for the renovation or remodeling of a residential dwelling.

(c) *Additional requirements.* The waste dumpsters must be located in the driveway of the property at the furthest accessible point from the street. The dumpster must be located on a hard surface.

(3) *Portable storage units.*

(a) *Maximum duration.* 15 working days per six-month period; one unit per property.

(b) *Location.* Residential district only.

(c) *Additional requirements.* A unit must be located in the driveway of the property at the furthest accessible point from the street. The unit must be located on a hard surface.

(Ord. 92-005, passed 2-17-92; Am. Ord. 02-011, passed 8-5-02; Am. Ord. 10-014, passed 1-11-10) Penalty, see § 154.999

§ 154.026 USES NOT NORMALLY PERMITTED.

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

(A) *Determination of compatibility.* In making the determination of compatibility, the Zoning Administrator shall consider specific characteristics of the use in question and compare those characteristics with those of the uses which are expressly permitted in the district. Those characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

(B) *Conditions by which use may be permitted.* If the Zoning Administrator determines that the proposed use is compatible with permitted and existing uses in the district, the Zoning Administrator shall then decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located.

(C) *Planning Commission determination.* In the event that the Zoning Administrator is unable to decide if a use should be considered a permitted use in a particular zoning district, then the determination shall be made by the Planning Commission, which may elect to resolve the case by initiating an amendment to the Zoning Ordinance.

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

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.027 YARD AND BULK REGULATIONS.

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

(A) *Minimum lot size.* Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this chapter 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 chapter shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter.

(B) *Number of principal uses per lot.* Only one principal building shall be placed on a lot of record or site in single-family residential districts.

(C) *Projections into required yards.* Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards.

Permitted Projections into Required Yards

Projection	All Yards	Rear Yard	Interior Side Yard	Corner Side Yard	Court-yard
Air conditioning equipment shelters		X	X	X	X
Access Drives	X				
Arbors and trellises	X				
Awnings and canopies	X				
Bay windows	X				
Decks, if not enclosed		X			
Eaves, overhanging	X				
Fences*	X				
Flagpoles	X				
Gardens	X				
Gutters	X				
Hedges	X				
Laundry drying equipment		X	X		
Light standards, ornamental	X				
Parking, off-street*	X				
Paved terraces and open porches*		X			
Porches, unenclosed with or without roof*		X			
Approved signs*	X				
Stairways, open unroofed	X				
Steps	X				
TV or radio towers or antennas*		X	X	X	
Trees, shrubs and flowers	X				
Walls, (see fences)*	X				

Legend.

* See additional regulations in this chapter.

X--permitted

Notes related to table.

(1) *Architectural features.* Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend into any front or rear yard not more than 24 inches.

(2) *Terraces and porches.* Open paved terraces and open porches may project into a required rear yard up to ten feet, provided that the unoccupied portion of the rear yard has a depth of at least 25 feet.

(3) *Access drives and walkways.* Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than six inches above grade.

(4) *Unenclosed porches, with or without roof.* Unenclosed porches may project into the required 30-foot front yard setback up to six feet, and shall maintain a minimum side yard setback of three feet. In cases where single-family houses

maintain a front yard setback greater than 30 feet, one additional foot of projection shall be permitted per each foot of additional setback outside of the 30-foot requirement; not to exceed a total front porch projection of ten feet.

(D) *Unobstructed sight distance.*

(1) 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 (see Appendix B, Illustration 9, Unobstructed Sight Distance). 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 six feet above the lowest point of the intersecting road(s).

(2) 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.

(E) *Unobstructed sight area.* The unobstructed triangular area is described as follows.

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

(2) The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten 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.

(F) *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, one-half of the width of the alley shall be considered a part of the lot. However, if a portion of the lot is occupied by an alley currently in use (i.e., not vacated), then the area shall not be used in lot area computations related to the landscaping standards.

(Ord. 92-005, passed 2-17-92; Am. Ord. 04-002, passed 4-4-04) Penalty, see § 154.999

§ 154.028 PUBLIC THOROUGHFARES.

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

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

(C) *Driveway dimensions.* Driveways providing access to residential, commercial or industrial properties shall comply with the dimensional standards specified in § 154.068.

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

(E) *Service roads.* 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 service roads across abutting parcels and generally parallel to the arterial street, to allow traffic to circulate from one parcel to another without re-entering the public road. The front edge of any secondary access drive shall be located no closer to the road than the future right-of-way line. The secondary access drive shall conform to the minimum specifications established by the City Engineer.

(F) *Performance guarantee.* To assure completion of a private road or service road in conformance with the requirements set forth herein, the Building Official or Zoning Administrator may require the applicant or owner to provide a performance guarantee, in accordance with § 154.036.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.029 GRADING REGULATIONS.

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

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

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

(B) *Grading plan.*

(1) *Grading plan.* In the event that a grading permit is required, the applicant shall first submit a grading plan for review

and approval by the City Engineer and/or Director of Public Services. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. The plans shall be prepared by a registered land surveyor or civil engineer.

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

(3) *Subdivision grading plans.* For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the

proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

(C) *Grading standards.*

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

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

(D) *Review, inspection, and approval procedures.*

(1) Grading plans shall be reviewed by the City Engineer and/or Director of Public Services. In the event that the grading plan is submitted in conjunction with a site plan submission, the Planning Commission shall review the grading plan as a part of normal site plan review. The Building Official shall issue a grading permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

(2) For residential properties, compliance with a grading plan and permit shall be verified by the Building Official after visual on-site inspection. The City Engineer and/or Director of Public Services shall be responsible for verifying compliance with grading plans and permits for nonresidential uses. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a certificate of occupancy has been issued.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.030 LIGHTING REQUIREMENTS.

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 assure the security of property and the safety of persons using such public or common areas. All lighting must comply with Chapter 92, § 92.03(B) of the City Code of Ordinances.

(A) *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 (see Appendix B, Illustration 10, Lighting Requirements).

(B) *Intensity.* In parking areas, the light intensity shall average a minimum of 1.0 footcandle, measured five feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 footcandles, measured five feet above the surface.

(C) *Height.* Except as noted below, lighting fixtures shall not exceed a height of 25 feet 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 commercial and industrial districts, based on consideration of 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.

(D) *Sign lighting.* Signs shall be illuminated in accordance with the Sign Regulations set forth in §§154.600 through 154.999 of this Code.

(E) *Site plan requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of the lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.

(F) *Lighting around architectural building features.* Lighting around architectural building features is subject to the following requirements:

(1) *Static light only.* Only static light is permitted around architectural building features, and any flashing, fading, dissolving, or any other change in color or illumination level is prohibited.

(2) *Maintenance of bulbs.* All bulbs around architectural building features must be functional. Bulbs that are nonfunctional or dysfunctional must be replaced with a bulb of the same color as, or sequence of color of, the other bulbs to maintain uniformity.

(3) *Standards applicable to architectural outline lighting.* Tube lighting around architectural features on any existing or proposed building may be approved administratively through the zoning permit process of § 154.467, provided the tube lighting does not cause glare and is not hazardous to traffic safety. In considering whether to approve the architectural lighting, the city shall consider the light's impact on traffic, neighboring properties, and the night sky in accordance with the requirements of this section. The city may require the lighting to be shielded or diffused by translucent panels, tubes, or similar methods. String lights, rope lighting, and other similar lighting with exposed or visible bulbs are prohibited on architectural features.

(G) *Window tube lighting and rope lighting prohibited.* Tube lighting and rope lighting is prohibited around or within the perimeter of windows unless the tube lighting is part of a conforming illuminated sign pursuant to §§ 154.600 through 154.999 of this Code.

(H) *Temporary lighting.* Temporary string lights and other lighting around windows and architectural building features are permitted not more than 90 days in a calendar year (e.g., holiday lighting, etc.). These forms of temporary lighting are subject to all illumination standards of this section.

(Ord. 92-005, passed 2-17-92; Am. Ord. 17-005, passed 10-23-17; Am. Ord. 18-020, passed 8-6-18) Penalty, see § 154.999

§ 154.031 DUMPING, FILLING AND EXCAVATING.

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

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

(B) *Excavation.* The excavation or continued existence of unprotected holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired, provided the 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 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 and/or the Director of Public Services.

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

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.032 STANDARDS FOR TRASH DUMPSTERS.

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

(B) *Concrete pad.* Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.

(C) *Screening.* Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a decorative masonry wall, similar in material and/or color to the main structure, not less than six feet in height or at least six inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque, lockable metal gate that is the same height as the enclosure around the other three sides. Commercial grade slats are required for a chain link gate. The gate shall remain closed and shall only be opened for the loading and unloading of the dumpster.

(D) *Bollards.* Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the dumpster enclosure.

(E) *Site plan requirements.* The location and method of screening of dumpsters shall be shown on all applications and

sketch plans submitted for administrative approval or site plans submitted for approval by the Planning Commission. The Planning Commission encourages the sharing of dumpsters by businesses.

(F) *Exception.*

(1) The requirements of this section may be modified or waived upon a determination that the location, screening, or removal of refuse will be handled in a manner acceptable to the Planning Commission or Zoning Administrator. The Planning Commission or Zoning Administrator shall consult with the Fire Chief and Director of the Department of Public Services when determining the acceptability of the requested modification or waiver. The Planning Commission or Zoning Administrator may require additional landscaping, screening or other site improvements as an alternative to adhering to the requirements of this section. If a requirement for a dumpster is waived, the site plan or sketch plan shall show a future dumpster location to be built when or if the use of the building changes prior to occupancy.

(2) Prior to granting any exception, the property owner shall submit a written request. The owner shall provide a list of all standards requiring a waiver or modification. Any waiver or modification granted shall be limited to the use of the property at the time the request is made and evaluated. Any change in use or development of the site upon which the dumpster is located may require compliance with all standards of this section.

(Ord. 92-005, passed 2-17-92; Am. Ord. 09-004, passed 3-5-09; Am. Ord. 13-015, passed 9-9-13; Am. Ord. 15-003, passed 6-29-15) Penalty, see 154.999

§ 154.033 SAFETY PROVISIONS.

(A) *Public service access.* All structures shall be provided with adequate access for fire, police, sanitation, and public works services. The Planning Commission or other public body or official charged with enforcement of this chapter shall determine if adequate access has been provided, based upon criteria in this chapter and in other applicable ordinances and laws (such as the Building Code, Fire Codes, City engineering standards, and the like) and subject to review and input from the Fire Chief, Building Official, Police Chief, City Engineer, or other knowledgeable official as deemed appropriate.

(B) *Fire protection.* All structures shall be provided with adequate fire protection, including adequate water supply for fire fighting purposes, adequate internal fire suppression system, use of fire walls and fireproof materials, and other fire protection measures deemed necessary by the Fire Chief or Building Official.

(1) *Fire protection systems.* The Fire Chief or Building Official shall have the authority to require fire protection systems installed in any zoning district.

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

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

(b) Prior to construction of buildings and other large structures, a hard-surfaced roadbed shall be provided to accommodate access of heavy fire fighting 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 cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.034 EXEMPTIONS.

(A) *Essential services.*

(1) Essential services, as defined in §154.005, shall be permitted as authorized and regulated by state, federal, and local ordinances and laws, it being the intention hereof to exempt those 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.

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

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

(1) *Wind-driven energy devices.* The maximum height of wind-driven energy devices shall be 35 feet, provided that the device is set back from all property lines a distance equal to the height of the device. The devices shall be located in the rear yard of a residential district, and shall be subject to the regulations in §§ 150.20 and 150.21 of this Code.

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

(a) *Rooftop antennas.* Except as otherwise noted in this subdivision, antennas having a wind resistance surface of seven square feet or less may be located on the rooftop, provided that any such antennas shall not exceed 45 feet in height, measured from the base to the top of the antenna.

(b) *Freestanding antennas.* Except as otherwise noted in this subdivision, freestanding antennas shall be permitted subject to the following conditions.

1. Freestanding antennas shall be permitted in the rear yard only.
2. Freestanding antennas shall be set back from all property lines a distance equal to 20% of the tower height.
3. Freestanding antennas shall not exceed 60 feet in height, measured from grade level.
4. Any freestanding antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

(c) *Open element and monopole antennas.* Open element and monopole antennas shall be permitted in residential districts, provided they do not exceed 60 feet in height, measured from grade level. Such antennas shall be set back from all property lines a distance equal to 20% of the antenna height.

(d) *Satellite dish antennas.* Satellite dish antennas shall be subject to the regulations in § 154.039 of this chapter.

(3) *Antennas in nonresidential districts.* Television antennas, pole antennas, and other communication antennas or towers shall be permitted in nonresidential districts as follows.

(a) *Rooftop antennas.* Except as otherwise noted in this subdivision, antennas having a wind resistance surface of seven square feet or less may be located on the rooftop, provided that any such antennas shall not exceed 45 feet in height, measured from the base to the top of the antenna. Any such antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

(b) *Freestanding antennas.* Except as otherwise noted in this subdivision, freestanding antennas shall be permitted subject to the following conditions.

1. Freestanding antennas having a wind resistance surface of seven square feet or less shall be permitted in the side or rear yard. Freestanding antennas having a wind resistance surface of more than seven square feet shall be permitted in the rear yard only.
2. Freestanding antennas shall be set back from all property lines a distance equal to 20% of the tower height.
3. Freestanding antennas shall not exceed 60 feet in height, measured from grade level.
4. Any freestanding antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

(c) *Open element and monopole antennas.* Open element and monopole antennas shall be permitted in nonresidential districts, provided they do not exceed 60 feet in height, measured from grade level. Such antennas shall be set back from all property lines a distance equal to 20% of the antenna height.

(d) *Satellite dish antennas.* Satellite dish antennas shall be subject to the regulations set forth in § 154.039.

(4) *Variances.* Variances from height standards may be sought from the Zoning Board of Appeals. In considering such a request, the Zoning Board of Appeals shall consider, at minimum, the character of the surrounding uses, the height of surrounding structures, the potential to obscure light or view to or from existing buildings or surrounding properties, and potential detriment to the use or value of surrounding properties.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.035 SIDEWALK REQUIREMENTS.

Sidewalks shall be subject to the requirements in Chapter 94 of this code, and the following regulations.

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

(B) *Design standards.* Sidewalks shall be constructed of concrete in accordance with established engineering standards for the city.

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

(D) *Permits.* It shall be the responsibility of the owner or developer to secure any required permits from city, county or state agencies to allow sidewalk construction in the road right-of-way.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.036 PERFORMANCE GUARANTEE; REQUIREMENTS; PERMITS AND/OR APPROVALS.

(A) *Intent and scope of requirements.* To insure compliance with the provisions of this chapter and any conditions imposed thereunder, the Planning Commission, Community Development Director, Zoning Administrator or their designee may require that a performance guarantee be deposited with the city, prior to the issuance of permits or approvals, to insure faithful completion of improvements, in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. Improvements for which the city may require a performance guarantee include, but are not limited to roadways, lighting, utilities, sidewalks, driveways, screening, grading and drainage, incomplete structures, site clean-up and landscape buffers.

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

(1) The performance guarantee shall be in the form of cash, certified check, irrevocable letter of credit from a Michigan lending institution, surety bond or performance bond which names the property owner/developer/contractor as the obligor and the city as the at-will obligee or beneficiary.

(2) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project.

(3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the project/development/improvements for which the performance guarantee is required. Prior to the issuance of the permit authorizing the activity or project, the applicant shall provide an itemized schedule of estimated costs to complete the project/development/improvements. The amount of the performance guarantee shall be determined by the Zoning Administrator or Building Official and shall be reasonably related to the costs incurred by the city to complete the project/development/improvements.

(4) The entire performance guarantee shall be returned to the applicant following issuance of a Certificate of Occupancy by the Building Official and/or final site approval by the Community Development Director or designee where appropriate. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of 10% shall be retained on each element until satisfactory completion of the entire project.

(C) *Unsatisfactory completion of improvements.* Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this chapter or the Approved Site Plan, the city may complete the necessary improvements and assess all costs of completing the improvements plus interest against the performance guarantee. Prior to the city completing the improvements, the city shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

(Ord. 92-005, passed 2-17-92; Am. Ord. 06-004, passed 2-13-06; Am. Ord. 13-014, passed 9-9-13) Penalty, see § 154.999

§ 154.037 FENCES.

Every fence constructed or erected in the city shall comply with the regulations of this section. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this section.

(A) *Permit required.* Anyone desiring to construct a fence upon property in the city shall first apply to the Building Department for a permit. There shall be a permit fee as passed by City Council. The permit shall be issued by the Building Department upon a written application, which application shall request that the city establish the grade at which the fence is to be constructed and shall also contain such information as may be required by the Building Inspector in order to determine compliance with the provisions of this code.

(B) *General requirements.*

(1) *Fence materials.* Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences which carry electric current are prohibited. Barbed wire shall be permitted only in industrial districts, provided that the barbed wire is at least eight feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site. Fence posts shall be sunk into the ground at least three feet, and all posts shall be encased in concrete below the surface of the ground.

(2) *Fence 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, with the following exceptions.

(a) When a fence is approved for construction under a joint permit, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property line(s) of the joint permit holders.

(b) An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. The waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this subdivision. The written consent statement shall be attached to the permit application and maintained with the permit records of the Building Official.

(3) *Obstruction to use of adjoining property.* No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Building Official may require a fence to be set back a minimum distance of not more than two feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.

(4) *Fence maintenance.* Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair by the Building Official, the Building Official shall issue orders to complete the repairs. Failure to comply with written notice from the Building Official ordering completion of repairs shall be deemed a violation of this chapter.

(5) *Location; general requirements.* Any fence shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the Building Official may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owners of both fences. No more than three inches is permitted between fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining an upright position and the location described in the original application for permit to construct the fence.

(6) *Corner clearance.* Fences located adjacent to a street or driveway shall be designed to provide unobstructed sight distance for drivers in accordance with § 154.027(D) of this Code.

(7) *Nonconforming fences.* Any future additions or improvements will be required to conform to this chapter.

(C) *Review and approval procedures.*

(1) *Application for permit.*

(a) No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this section. If a fence is proposed in conjunction with a development that requires site plan review, then the fence shall be shown on the site plan which shall be reviewed in accordance with normal site plan review procedures. No additional permit is required when a fence is approved as part of a site plan. In all other cases, an application for a permit to construct a fence shall be filed with the Building Official. The application shall be accompanied by drawings and other information to illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application.

1. Fence location.
2. Location of all structures within 25 feet of the proposed fence.
3. Location of all driveways within 25 feet of the proposed fence.
4. Location of all sidewalks within 25 feet of the proposed fence.
5. Location of all existing fences within ten feet of the proposed fence.

(b) The Building Official may determine other additional information is reasonably necessary to provide a complete review of the proposed fence. Any additional information shall be provided by the applicant as may be required by the Building Official to assure compliance with the regulations set forth in this chapter and to assure the fence is constructed with sound materials.

(2) *Application review fee.* Each fence permit application shall be accompanied by an application review fee to recover the reasonable costs of review and permit issuance. The amount of the fee shall be fixed by resolution of the City Council and posted in the Building Department. If the fence is constructed before an application for a permit is obtained, the fee shall be increased to an amount equal to twice the fee that is required if the permit application and fee were obtained prior to construction of a fence.

(3) *Survey required.* In the event lot lines for the subject property cannot be located to the satisfaction of the Building Official, the Building Official may require the applicant to establish lot lines on the property through placement of permanent stakes located by a licensed surveyor. Lot lines must be located before the fence permit is issued. The Building Official may withhold issuance of the permit to construct the fence until the lot lines are located and permanent stakes are placed by a licensed surveyor.

(4) *Administrative rules.* The Building Official may establish reasonable rules and procedures, consistent with the intentions of this chapter, which may be necessary to provide for the proper administration of this section.

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

(6) *Appeal of a decision.* An applicant may appeal a decision of the Building Official or Planning Commission concerning a proposed fence or enforcement of the provisions of this section to the Zoning Board of Appeals. The Zoning Board of Appeals shall review the appeal in accordance with the standards and procedures set forth for a dimensional variance set forth in §§ 154.450 through 154.453 of this chapter.

(D) *Fence regulations in residential districts.*

(1) *Location and height.*

(a) Fences not to exceed six feet in height shall be permitted in the rear yard and permitted to extend into the side yard either up to two feet beyond an existing side door or no closer than ten feet to the front line of the house.

(b) A fence not to exceed four feet in height shall be permitted in side yards but shall not extend past the front line of the house.

(c) Fences on corner lots shall comply with the following:

1. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk, or on the lot line if there is no sidewalk adjacent to the lot line;

2. No fence shall be erected, established, or maintained on any lot that will obstruct the view of drivers in vehicles at the intersection of a driveway and a road; and

3. A ten-foot clear vision area is required (see illustration in Appendix B).

(2) *Border treatment.*

(a) A border treatment, as defined in §154.005, shall not exceed 30 inches in height. Typical border treatments include, but are not limited to those devices known as split rail fences and picket fences. A border treatment may be created in any required yard area in accordance with the following limitations.

1. If a border treatment is used at a property corner to deter pedestrians from walking on a private yard area, the border treatment that will be visible must be visible so as not to present a safety hazard at night or during other times of low visibility.

2. Thin strands of wire, cable or cord shall not be permitted to be attached to standing poles to form a border treatment.

3. The border treatment shall be located on the private property owner's lot not less than two feet from all sidewalks and driveways, and not less than one foot from all lot lines.

4. No permit shall be required for a border treatment. However, a border treatment must comply with these specifications and the general requirements as described in divisions (A)(2), (A)(3) and (A)(6) of this section.

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

(E) *Fence regulations in nonresidential districts.*

(1) *Location.*

(a) Except as otherwise permitted in this section for industrial facilities, fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend closer toward the front of the lot than any portion of the principal structure.

(b) A fence may also be installed in the front yard of a lot located in the M-1 Light Industrial District for the purpose of providing security of goods, supplies, and vehicles stored on the industrial lot. An application for the security fence shall be considered consistent with the special use approval procedures described in §§ 154.415 through 154.417 of this chapter. The fence permit application for the security fence shall be accompanied by an application for special use approval. Reasonable conditions for the placement of such fences may be included when the fence is approved as a special use.

(c) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.

(d) Fences on corner lots shall comply with the corner clearance requirements of § 154.027(E) of this chapter.

(2) *Height.* Fences in commercial districts shall not exceed six feet in height. Fences in industrial districts shall not exceed eight feet in height, except that barbed wire shall be at least eight feet above the ground, as specified in division (A) (1) of this section. If barbed wire is attached to the top of a fence in an industrial district, the barbed wire may extend not more than one foot above the height of the fence.

(3) *Signs attached to fences.* Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence, and that sign shall not exceed one square foot in area.

(F) *Walls.* This section shall in no way alter or affect the requirements for walls set forth in §§154.100 and 154.101 of this chapter.

(Ord. 98-006, passed 6-29-98; Am. Ord. 98-023, passed 9-21-98; Am. Ord. 09-006, passed 4-20-09; Am. Ord. 19-011, passed 9-23-19) Penalty, see § 154.999

§ 154.038 SIGNS.

All signs shall comply with the Sign Regulations set forth in Chapter 153 of this Code.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.039 SATELLITE DISH ANTENNAS.

Satellite dish antennas may be permitted as an accessory use in any zoning district, subject to the following conditions.

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

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

(1) Maximum height permitted shall be 20 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) If elevated off of the ground, all antennas shall be located so that there is an eight-foot clearance between the lowest part of the dish and grade.

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

(5) All electrical and antenna wiring shall be placed underground.

(6) The surface of the dish shall be painted or treated so 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 in with the surroundings.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.040 OUTDOOR DISPLAYS; PROHIBITIONS.

The outdoor display of any goods, materials, vehicles, or merchandise, shall not exceed a continuous 24-hour period unless otherwise approved by the Planning/Zoning Administrator. Outdoor displays shall be set back at least three feet from the property line, shall not impede normal pedestrian or vehicular traffic, shall not pose a risk of injury or threat to public health, safety and welfare, shall be directly related to the principal business conducted on the premises, and shall be displayed only during normal business hours.

(Ord. 08-004, passed 11-5-07)

NONCONFORMITIES

§ 154.050 INTENT.

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this chapter or a subsequent amendment, but which were lawfully established prior to the time of adoption of the chapter 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 chapter to permit those nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this subchapter is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

(Ord. 92-005, passed 2-17-92)

§ 154.051 GENERAL REQUIREMENTS.

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

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

(B) *Buildings under construction.* To avoid undue hardship, nothing in this chapter 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 chapter, and upon which actual building construction has been diligently carried on. **ACTUAL CONSTRUCTION** is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, the work shall be deemed to be actual construction, provided that the work shall be diligently carried on until completion of the building involved.

(C) *Discontinuation of nonconforming uses and structures.*

(1) *Nonconforming structure.* When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six 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.

(2) *Nonconforming uses of open land.* If any nonconforming use of open land ceases for any reason for a period of more

than 180 days, any subsequent use of the land shall conform to the provisions of the district in which it is located.

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

(D) *Purchase or condemnation.* In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the city, pursuant to § 3a, Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses or structures. Where acquisition is contemplated, the procedures set forth in § 154.054 shall be followed.

(E) *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 chapter. 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 required or requested permits

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

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

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

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

(J) *Substitution.* A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals, provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this chapter.

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

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.052 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 chapter or amendment thereto.

(A) *Use of nonconforming lots.* Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in existence, subject to the requirements in division (C) of this section. This provision shall apply even though a single-family lot fails to meet the requirements for area or width that are applicable in the district, provided that the lot and buildings comply with setbacks and other requirements (other than lot area and width) for the district.

(B) *Variance from area and bulk requirements.* If the use of a nonconforming lot requires a variation from the area or bulk requirements, then the use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

(C) *Nonconforming contiguous residential lots under the same ownership.* If two or more residential lots or combinations of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment to this chapter, and if each lot has an area of less than 3,500 square feet, then the lots involved shall be considered to be an individual parcel for purposes of this chapter. Any residential lot of record having an area less than 5,000 square feet or having a width less than required shall be used only for a single-family dwelling and customary accessory building.

(D) *Combination of nonconforming lots.* Upon application to the Zoning Administrator, the Zoning Administrator 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 chapter, 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 chapter.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.053 MODIFICATION TO NONCONFORMING USES OR STRUCTURES

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

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

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

(B) *Enlargement, extension or alteration.*

(1) *Increase in nonconformity prohibited.* Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alterations of new structures on open land is unlawful if the activity results in one the following.

- (a) An increase in the total amount of space devoted to a nonconforming use.
- (b) A decrease in the amount of required yard area, such as would be caused by an addition to a nonconforming building where the addition intrudes into a yard setback otherwise required by this chapter.
- (c) Enlargement of a use on a site which does not meet all site development standards required for the use.
- (d) 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 chapter, but no such use shall be extended to occupy any land outside the 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 chapter or amendment thereto.

(3) *Alterations that decrease nonconformity.* Any nonconforming structure or any structure or portion thereof containing a nonconforming use may be altered if the 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 degree of nonconformity.

(4) *Variance to area and bulk regulations.* 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 the alteration requires a variation of the area or bulk requirements, then the alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals. Additionally, the Zoning Board of Appeals may grant variances to required site development standards applicable to specific uses to permit expansion of an existing use located on a nonconforming site consistent with the guidelines and standards of §§ 154.450 through 154.453.

(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 the repairs or improvements do not exceed 25% of the market value of the structure (as determined by the City Assessor) during any period of 12 consecutive months. Any repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this subdivision shall apply to all structures except as otherwise provided in this subchapter for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

(D) *Damage by fire or other catastrophe.*

(1) Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of 50% 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 chapter.

(2) In the event that the damage is less than 50% of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Restoration shall take place only upon approval of the Zoning Administrator and in full compliance with applicable provisions of this chapter. Any rebuilding, repair, or restoration shall be completed within one year from the date of the catastrophe.

(Ord. 92-005, passed 2-17-92; Am. Ord 94-004, passed 7-5-94) Penalty, see § 154.999

§ 154.054 ACQUISITION BY CITY; PROCEDURE.

The Building Official, from time to time, may recommend to the City Council the acquisition of private property for the purpose of removal of nonconformities. Where acquisition is contemplated, the following procedures shall be followed.

(A) *Building Department documentation and recommendation.* The Building Department shall prepare a report for City Council, which shall include the following.

- (1) A list of ordinance requirements which the subject property does not conform to.
- (2) Estimates of the expense of acquisition and removal of the nonconformities.
- (3) Estimates of the probable resale price of the property.
- (4) Recommendations concerning the allocation of costs to the surrounding district.

(B) *City Council consideration.*

(1) *Public hearing.* After receiving and reviewing the report from the Building Official, the City Council shall determine if acquisition should be pursued. If the Council decides to pursue acquisition, then it shall first set a public hearing. Not less than 15 days prior to the public hearing, notice of the time, place, and purpose of the public hearing shall be published in the official newspaper of the city, and sent by mail to the owners of property for which acquisition is being considered. The notice shall be sent to the owner's address as stated in the latest assessment roll.

(2) *Special assessment.* If any or all of the expense related to acquisition of the subject property is assessed to a special district, then the City Assessor shall be directed to furnish the City Council with a tentative special assessment district and tentative plan of assessment. The names and addresses of the owners of property located in the district (as stated in the latest assessment roll) shall be provided to City Council. Notice of the time, place, and purpose of the public hearing shall be sent by mail to the owners of property located in the tentative special assessment district.

(3) *City Council determination.* If, following the public hearing, the City Council finds that elimination of the nonconforming use or structure would be for a public purpose and for a public use, then it shall declare by resolution that the city shall proceed to acquire the nonconforming use or structure in accordance with the laws of the state, the city Charter, and applicable ordinances of the city. The City Clerk shall send by registered mail a certified copy of the City Council resolution to the owners of property to be acquired, and to owners of property in any special assessment district, at the addresses stated in the latest assessment roll.

(C) *Removal of nonconformity.* Upon passing of title of the property so acquired by the city, the City Council shall cause the discontinuance or removal of the nonconforming use, or the removal, demolition or remodeling of the nonconforming building or structure.

(D) *Disposition of property.* The City Council may thereafter elect to retain all or part of the property so acquired for municipal purposes. If acquisition costs and expenses are to be assessed against a special district, the amount to be assessed shall be reduced by the market value of the property retained for municipal use, as determined by the City Assessor. The City Council shall thereafter order the sale of the portion of the property not retained for municipal purposes, but only for use in conformance with this chapter. The City Council shall confirm the expense of the project and report any assessable cost to the City Assessor, who shall then prepare an assessment roll in the manner provided for in the City Charter and Chapter 41 of this Code. Such an assessment may, at the discretion of the City Council, be paid in one or more, but not to exceed ten, annual installments.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 154.065 SCOPE OF OFF-STREET PARKING REQUIREMENTS.

Compliance with the off-street parking regulations shall be required as follows.

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

(B) *Change in use or intensity.*

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

(2) 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 the increase in intensity of use.

(C) *Existing parking facilities.*

(1) Off-street parking facilities in existence on the effective date of this chapter 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 chapter.

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

(D) *Additional off-street parking.* Nothing in this chapter 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 this chapter provided all parking conforms with the regulations herein.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.066 GENERAL OFF-STREET PARKING REQUIREMENTS.

(A) Location.

(1) *Proximity to building or use being served* Except as otherwise permitted for shared off-street parking, off-street parking for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building, or within 300 feet of the building it is intended to serve, as measured from the nearest point of the building or use to the nearest point of the parking.

(2) Within yards.

(a) Off-street parking in commercial and office districts may be located in a front, side, or rear yard, provided that all landscaping and berm requirements in §§ 154.080 through 154.086 are met, and provided further that off-street parking shall not be permitted within 20 feet of a residential district boundary, nor within 20 feet of the traveled portion of any road right-of-way, unless screening is provided in accordance with §§ 154.100 and 154.101.

(b) Off-street parking in multiple-family and industrial districts may be located in a side or rear yard or a non-required front yard, provided that all landscaping and berm requirements in Sec. 154.080 through 154.086 are complied with, and provided further that off-street parking serving an industrial use shall not be within 20 feet of a residential district.

(B) Residential parking.

(1) Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved parking areas.

(2) Commercial and recreational vehicle parking in residential districts shall comply with the standards in §154.069.

(C) Control of off-site parking.

(1) It shall be unlawful to park, store, or offer for sale any motor vehicle or recreational vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of the private property.

(2) 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 the building or use or a written agreement or easement which provides for continued use and maintenance of the shared parking area, as well as cross-access without limitation, shall be executed by the parties concerned and submitted to the City for approval before recording with the Wayne County Register of Deeds. The agreement shall assure the continued availability of the parking facility for the uses it is intended to serve.

(D) *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. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zone or used for residential purposes.

(E) *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of wrecked, unlicensed, junked, inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency services shall be permitted.

(F) *Duration.* Except when land is used as permitted storage space in direct connection with a legitimate business, a 48-hour time limit for parking in nonresidential off-street parking areas shall prevail.

(G) Parking structures. Parking structures shall be permitted subject to the following standards.

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

(2) 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.

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

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

(Ord. 92-005, passed 2-17-92; Am. Ord. 10-009, passed 10-5-09; Am. Ord. 20-007, passed 11-23-20) Penalty, see § 154.999

§ 154.067 MINIMUM OFF-STREET PARKING REQUIREMENTS.

The following standards shall be used in determining the required number of parking spaces.

(A) *Definition of floor area.* For the purposes of determining the required number of parking spaces, floor area shall be measured in accordance with the definitions provided in § 154.005.

(B) *Units of measurement.*

(1) *Fractional spaces.* 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 full space.

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

(C) *Uses not cited.* For those uses not specifically mentioned, the requirements for off-street parking for the most similar use stated shall be determined by the Zoning Administrator.

(D) *Parking during construction.* Temporary off-street parking shall be provided for workers during construction at a rate of one space per employee. Temporary gravel surfacing may be permitted for temporary parking. Temporary parking areas must be abandoned and returned to the original state or improved in accordance with an approved site plan prior to the issuance of a certificate of occupancy.

(E) *Parking for the physically handicapped.* Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with the state Barrier-Free Rules, Public Act 1 of 1966, as amended, being M.C.L.A. 125.1351 *et seq.*, and the adopted city Building Code. The number of barrier-free spaces required is as follows.

Total Parking In Lot	Required Number of Barrier-Free Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
Over 400	12 plus 2 for every 250 or fraction thereof over 400

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

(G) *Modification of minimum requirements.* In the case of a site plan for development within the Planned Development District, the Planning Commission may modify a numerical standard for off-street parking. In other nonresidential districts, the Zoning Board of Appeals may reduce a standard for a particular site, based upon evidence that another standard would be more reasonable, considering the level of current or future employment and/or level of current or future customer traffic.

(H) *Shared parking.* Off-street parking for two or more uses may be provided collectively via a shared common parking area. The uses that share a common parking area may be located within a single building or in separate buildings. The uses may be located on the same or different property or lot. The total number of spaces provided collectively shall not be less than the sum of spaces calculated according to the following procedure.

(1) Multiply the minimum parking required for each use, as set forth in Section 74-6.204 by the appropriate percentage indicated in Table 6, Shared Parking Factors for each of the six designated time periods.

(2) Add together the resulting modified parking figures for each of the six time period columns. The highest total of the time period columns shall be the minimum shared parking requirement.

(3) If a particular land use proposing to make use of collective parking facilities (e.g., religious institution, municipal use) does not conform to the general classifications in the Shared Parking Factors table (as determined by the Zoning Administrator), the applicant shall submit sufficient data to indicate the principal operating hours of the proposed use. Based upon this documentation, the Zoning Administrator shall determine the appropriate collective parking requirement (if any) for the proposed use.

SHARED PARKING FACTORS						
Land Use Classification	Weekdays			Weekends		
	1 AM - 7AM	7 AM - 7PM	7 PM - 1 AM	1 AM - 7AM	7 AM - 7PM	7 PM - 1 AM
Office/Service	5%	95%	5%	0%	10%	0%
Commercial/Retail	0%	95%	75%	0%	90%	75%

Restaurant	20%	70%	100%	30%	75%	100%
Residential/Hotel	95%	25%	95%	95%	75%	95%

(I) *Minimum number of spaces for each use.* The amount of required off-street parking spaces shall be determined in accordance with the following schedule.

SCHEDULE OF OFF-STREET PARKING	
Land Use	Required No. of Parking Spaces Per Each Unit of Measure
SCHEDULE OF OFF-STREET PARKING	
Land Use	Required No. of Parking Spaces Per Each Unit of Measure
RESIDENTIAL USES	
Single and two-family residential dwellings	2 Dwelling unit (may be in garage)
Multiple-family housing And attached single-family housing	2 per dwelling unit PLUS supplemental guest parking of 20% of required dwelling unit parking
Senior apartments	Same standards as for multiple-family housing.
Housing for elderly; elderly housing complex, congregate housing, dependent housing facilities	1 per dwelling unit, or 0.5 per bed PLUS 1 per employee based on maximum employment shift
Mobile homes	Parking shall be provided in accordance with MI MHC Rules and MLCA 152.2301, as amended
INSTITUTIONAL OR PUBLIC USES	
Churches, temples, and places of worship	1 per 3 seats OR 6 lineal feet of pews in the main hall, PLUS any required spaces for permitted accessory or associated uses (school, day care, etc.)
Child care centers	1 per teacher, administrator or other employee based on maximum employment shift, PLUS 1 per 400 sq. ft. of usable floor area PLUS sufficient area for pick-up/drop-off of children in a safe manner
Fraternities, dormitories	1 per 5 active resident members or 2 beds, whichever is greater
Hospitals, sanitariums	1 per 2 beds, PLUS 1 per 150 sq. ft. of usable floor area occupied by outpatient services, PLUS 1 per employee based on maximum employment shift
Homes for the aged, convalescent homes, children's homes	1 per dwelling unit or 0.5 per bed, PLUS 1 per employee based on maximum employment shift
Museum, library, cultural center, or similar facility	1 per 500 sq. ft. of usable floor space, PLUS 1 per employee based on maximum employment shift
Public utility use	1 per employee based on maximum employment shift
School, elementary and junior high	2 per classroom, PLUS any required space for an auditorium or other public meeting space. However, if a place of assembly is provided and the parking for the assembly area is greater or equal to the requirements of classroom parking, the classroom parking is waived.
School, senior high	1 per teacher, administrator, or other employee, PLUS 1 per 5 students who may legally occupy the school at one time, PLUS any required space for an auditorium or other public meeting space
Stadiums, sports arenas	The greater of 1 per 4 persons OR 1 per 6 lineal feet of benches PLUS 1 per employee based on maximum employment shift

Theaters and auditoriums with fixed seating	The greater of 1 per 3 seats, OR 1 per 6 linear feet of benches
Theaters and auditoriums, dining halls, exhibition halls, and assembly halls without fixed seating	1 per 3 persons who may be legally admitted at one time based on the occupancy load established by local code, PLUS 1 per employee based on maximum employment shift
BUSINESS AND COMMERCIAL USES	
Animal hospitals and veterinary clinics	1 per 300 sq. ft. of usable floor area, PLUS 1 per employee based on maximum employment shift
Auto and vehicle repair or service facilities, bump shop	1 per employee based on maximum employment shift, PLUS 3 per service or repair bay
Auto or vehicle service/ filling station	1 per fueling station, PLUS 1 stacking space per 2 fueling stations, PLUS 1 per employee based on maximum employment shift, PLUS any required spaces for permitted accessory uses or associated uses, (restaurants, convenience stores, etc.)
Auto wash, automatic operation	1 per employee based on maximum employment shift, PLUS 5 stacking spaces per automatic wash operation or line
Auto wash, self-service or coin operated	3 stacking spaces per washing stall in addition to the washing space stall itself, PLUS 1 per drying spaces
Banks, financial institutions	1 per 200 sq. ft. of usable floor area, PLUS 5 stacking spaces per drive through service window or station
Beauty or barber shops	3 per beauty or barber shop station for the first two stations, PLUS 1.5 per each additional station
Furniture and appliance sales household equipment repair shops	1 per 600 sq. ft. of usable floor area
Hotel, motel, or other lodging	1 per occupancy unit, PLUS 1 per employee based on maximum employment shift, PLUS any required space for associated uses
Laundromats and coin-operated dry cleaners	1 per 250 sq. ft. of usable floor area PLUS 1 per on-duty employee
Lumber yard	2.5 per employee based on maximum employment shift, PLUS any required space for enclosed retail sales
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area, PLUS 2 per manager's or caretaker's quarters, PLUS 1 per 250 sq. ft. of usable floor area in the office building
Mortuaries, funeral homes	1 per 150 sq. ft. of usable floor area in the parlor area, viewing rooms, chapels, or assembly areas
Motor vehicle sales (new)	1 per 400 sq. ft. of usable floor area exclusive of service areas, PLUS 2 per auto service stall in the service area, PLUS 1 per employee based on maximum employment shift
Motor vehicle sales (used)	1 per 400 sq. ft. of usable floor area PLUS 2.5 per employee based on maximum employment shift
Open air business	1 per 200 sq. ft. of land area being used for display, PLUS any required space for enclosed retail sales
Personal service establishments not otherwise specified	1 per 300 sq. ft. of usable floor area, PLUS 1 per employee based on maximum employment shift
Radio, cable or television station or studio	1.5 per employee based on maximum employment shift
Restaurant, carry-out	1 per 100 sq. ft. of usable floor area in customers waiting, PLUS 1 per employee based on maximum employment shift
Restaurant, fast-food	1 per 50 sq. ft. of eating area
Restaurant, drive-in, drive-through	10 stacking spaces per pay station, PLUS 1 per employee based on maximum employment shift

Restaurant, delivery	1 per delivery vehicle, PLUS 1 per employee based on maximum employment shift
Restaurant, standard	1 per 3 seats, PLUS 1 per employee based on maximum employment shift
Shopping centers	1 per 250 sq. ft. of usable floor area
Supermarkets, convenience stores	1 per 250 sq. ft. of usable floor area
Wholesale stores, of a plumber, electrician, or similar trade	1 per 1,000 sq. ft. of usable showroom floor area, sales, PLUS 1 per employee based on maximum employment shift
Retail stores not otherwise specified	1 per 150 sq. ft. of usable floor area
OFFICE USES	
Business and professional offices, except as otherwise specified	1 per 300 sq. ft. of usable floor area
Professional offices, clinics of doctors, dentists, and similar professions	1 per 300 sq. ft. of usable floor area, PLUS 1 per employee based on maximum employment shift
Real estate offices	1 per 300 sq. ft. of usable floor area
INDUSTRIAL USES	
Contractor or construction use	1 per employee based on maximum employment shift
Manufacturing establishments, or establishments for industrial production, processing, assembly, research, compounding, preparation, cleaning, servicing, testing, repair, plus accessory business offices and storage facilities	1 per 1,000 sq. ft. of usable floor area, or 1 per on-duty employee based on maximum employment shift, whichever is greater
Wholesale and warehouse establishments	1 per 1,500 sq. ft. of gross floor area or 1 per on-duty employee based on maximum employment shift, whichever is greater
RECREATIONAL USES (PUBLIC AND PRIVATE)	
Arcades	1 per amusement station or video game, PLUS 1 per employee based on maximum employment shift
Archery facilities	2 per target
Softball, baseball fields	25 per playing field
BMX course	50 per course
Bowling establishments	4 per lane PLUS any required space for associated uses
Dance halls, health spas, skating rinks, personal fitness center and similar indoor recreation uses	1 per 3 persons allowed as established by local, county, or state fire, building, or health codes, PLUS 1 per employee based on maximum employment shift
Football and soccer fields	30 per field
Golf course, public or private	4 per golf hole, PLUS 1 per employee based on maximum employment shift, PLUS any required spaces for permitted accessory uses or associates uses (restaurants, convenience stores, etc.)
Golf course, miniature or par 3	3 per golf hole, PLUS 1 per employee based on maximum employment shift
Golf driving range	1 per tee
Private clubs and lodges	1 per 3 persons allowed as established by local, county, or state fire, building, or health codes, PLUS 1 per employee based on maximum employment shift
Stadium sports arena, or similar assembly space with fixed seating	1 per 3 seats OR 1 per 6 lineal feet of benches, whichever is greater
Swimming pool clubs, swimming pools	1 per 3 persons who may be legally admitted at one time based on occupancy load established by local code, PLUS 1 per employee based on maximum employment shift

Tennis clubs and court-recreation uses	1 per person permitted based on type and capacity of the courts, PLUS 1 per employee based on maximum employment shift, PLUS any required space for enclosed retail sales
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(Ord. 92-005, passed 2-17-92; Am. Ord. 08-004, passed 11-5-07; Am. Ord. 10-009, passed 10-5-09; Am. Ord. 20-007, passed 11-23-20) Penalty, see § 154.999

§ 154.068 LAYOUT AND CONSTRUCTION.

All off-street parking facilities containing four or more spaces, except those serving single-family residences, shall be designed, constructed, and maintained in accordance with the following requirements.

(A) *Review and approval requirements.*

(1) Except as noted in § 154.403(I), 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 shall be submitted to the Zoning Administrator for review and approval prior to the start of construction. Upon completion of construction, a parking lot must be inspected and approved by the City DPS Director before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

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

(3) 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 Zoning Administrator, provided the applicant first deposits a performance guarantee in accordance with § 154.036.

(B) *Dimensions.*

(1) Off-street parking shall be designed to conform with the following standards and diagram.

Off-Street Parking Space Standards (all dimensions in feet)					
Angle	Maneuvering aisle width	Parking space width	Stall depth to wall	Total width of one stall plus maneuvering lane	Total width of two stalls of parking plus maneuvering aisle
0 degrees (parallel)	12.0	23.0	8.0	20.0	28.0 (Note 1)
Two-way aisle	24.0	23.0	8.0	31.0	39.0 (Note 1)
up to 53 degrees	12.0	9.0	20.0	32.0	52.0 (Note 2)
54 to 74 degrees	15.0	9.0	20.0	36.5	58.0 (Note 2)
75 to 90 degrees	20.0	9.0	20.0	40.0	60.0

Notes:

- Parallel spaces shall provide a three-foot marked maneuvering area between stalls.
 - Limited to one-way access aisles.
- (2) Driveways providing access to residential, commercial or industrial uses shall comply with the following standards

Driveway Width Standards				
Normal Width	Residential Single-Family	Multiple-Family	Commercial	Industrial
One-way	9 feet	15 feet	15 feet	20 feet
Two-way	N.A.	24 feet*	24 feet*	31 feet*

* Main access driveways and internal circulation routes used by tractor-trailers shall be 31 feet in width.

(C) *Stacking spaces.* Stacking spaces shall be provided as required in the Schedule of Off-street Parking. Stacking spaces shall be a minimum of ten feet wide and 20 feet in length, shall not extend into any public right-of-way or private access easement, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.

(D) *Ingress and egress.* All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least 20 feet from the nearest point of any property zoned for single-family residential use.

(E) *Surfacing and drainage.*

(1) Grading, surfacing, and drainage plans shall comply with City Engineering Standards and shall be subject to review and approval by the City DPS Director. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant- mixed bituminous material.

(2) 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.

(F) *Curbs and 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. A freeway-type guardrail is prohibited from use in lieu of curbs or wheel chocks.

(G) *Lighting.* All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using those areas, in accordance with the requirements set forth in § 154.030. All lighting shall be confined within and directed onto the parking area only.

(H) *Buildings.* No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than 50 square feet in area and not more than 15 feet in height

(I) *Signs.* Accessory directional signs shall be permitted in parking areas in accordance with city sign regulations. The Planning Commission, upon review and recommendation of the Public Safety Official, may require the Posting of traffic control signs as it deems necessary to promote vehicular and pedestrian traffic.

(J) *Screening and landscaping.* All off-street parking areas, except these serving single and two- family residences, shall be screened and landscaped in accordance with the provisions set forth in §§ 154.080 through 154.086.

(K) *Striping.* To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped with four-inch wide lines.

(L) *Maintenance.* All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, lane marking, space striping, and related appurtenances shall be maintained in good condition.

(Ord. 92-005, passed 2-17-92; Am. Ord. 10-009, passed 10-5-09; Am. Ord. 14-006, passed 12-8-14) Penalty, see § 154.999

§ 154.069 COMMERCIAL AND RECREATIONAL VEHICLE PARKING; RESIDENTIAL DISTRICTS

(A) *Commercial vehicle parking.* One commercial vehicle only, with a rated capacity not to exceed three-quarter of a ton, may be parked on a residential lot, provided that the vehicle is not a utility truck, such as a wrecker, septic tank pumper, or a vehicle that carries flammable or toxic materials. Commercial vehicles not parked in a garage shall be parked in a rear yard.

(B) *Recreational vehicle parking.* Recreational vehicles as defined in § 154.005, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following conditions.

(1) *Connection to utilities.* Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.

(2) *Use as living quarters.* At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.

(3) *Location.* Recreational vehicles not parked in a garage shall be parked or stored entirely in the rear or side yard, but not less than five feet to a side or rear property line which abuts a residential use. On a corner lot, recreational vehicles must be parked and/or stored not less than 20 feet from an adjoining street.

(4) *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 48 hours prior to and 48 hours after use of the vehicle within a seven-day period.

(5) *Lot coverage.* Recreational vehicles may occupy no more than 20% (existing standards) of the required rear yard.

(6) *Sole transportation.* A recreational vehicle designed for use on streets and highways may be parked in a driveway of a residence if it is the sole means of transportation to and from work for one or more of the permanent residents.

(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 vehicles must be properly registered in the name of the occupant of the dwelling unit, and, if required, have a current State of Michigan license attached.

(8) *Storage of mobile homes.* The parking or storage of an unoccupied mobile home as defined in § 154.005, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in an approved mobile home park.

(9) *Waiver of regulations.* The provisions concerning connection to utilities, use as living quarters, and location may be waived for a single period of up to two weeks to permit repair of the occupant's or owner's equipment, or to permit the parking of a recreational vehicle of a guest. Any waiver shall be obtained from the Zoning Administrator.

(10) *Multiple-family complexes and mobile home parks.* The Planning Commission may require that a screened storage area be provided on the site of a multiple-family complex or mobile home park for parking and storage of recreational vehicles.

(C) *Vehicle storage and repair prohibited.* The following is prohibited in all residential districts.

(1) The storage of an inoperable or unlicensed motor vehicle as defined in the State Motor Vehicle Code, unless stored in compliance with division (C)(3) of this section.

(2) The storage of any recreational vehicle as defined in this chapter, except in compliance with division (B) of this section.

(3) The repair or maintenance of any vehicle which renders the vehicle inoperable for a period in excess of 72 hours, unless the vehicle under repair is registered to the owner of the property and the repair or maintenance activities are conducted entirely within an enclosed garage or other enclosed structure approved for that purpose by the city.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.070 OFF-STREET LOADING SPACE REQUIREMENTS.

(A) *Scope of loading space requirements.* Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

(1) *General applicability.* On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.

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

(B) *General requirements.*

(1) *Location.* Required loading space shall be located to the rear or side of the building being served to the maximum extent possible such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with vehicular traffic circulation on streets, alleys, or within off-street parking areas. Loading/unloading areas shall not be placed in required fire lanes.

(2) *Dimensions.* Unless otherwise specified, each required loading space shall be a minimum of ten feet in width and 50 feet in length, with a minimum vertical clearance of 15 feet.

(3) *Surfacing and drainage.* Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the City DPS Director. Surface water shall not be permitted to drain onto adjoining property, a public easement, a public right-of-way, or into the city sanitary sewer system, except in accordance with a city-approved drainage plan.

(4) *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

(5) *Use of loading space.* A required loading space shall be dedicated to loading and unloading purposes and shall not be counted or used for required parking.

(6) *Central loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled.

(a) Each business served shall have direct access to the central loading area without crossing a public street or alley.

(b) Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.

(c) No building served shall be more than 300 feet from the central loading area.

(7) *Minimum loading space.* The amount of required loading space shall be determined in accordance with the schedule which follows. In a Planned Development District, the Planning Commission may modify the minimum requirements. In other districts, the Zoning Board of Appeals may reduce or modify the standards upon making the determination that another standard would be more appropriate in consideration of the number or type of deliveries expected or experienced for a

particular use or site.

(8) *Schedule of loading space requirements.*

Gross Floor Area	Number of Loading Spaces
0 - 5,000 sq. ft.	See footnote
5,001 - 20,000 sq. ft.	1 space
20,001 - 100,000 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,001 sq. ft.
100,001 and over	5 spaces, plus 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.

Footnote to schedule of loading space requirements:

Establishments containing less than 5,000 square feet of gross floor area shall provide adequate dedicated off-street loading space that is accessible by motor vehicles but which does not interfere with pedestrian or vehicular traffic. The size of any loading space shall be based on the types of delivery vehicles typically utilized by the establishment

(C) *Modification of loading space requirements.*

(1) In a Planned Development District, the Planning Commission may modify the minimum requirements.

(2) The Planning Commission may modify or waive the requirements for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

(3) The Planning Commission upon determination that the modified size and/or number of spaces are appropriate for the use may modify the size of loading spaces and the number of spaces for a use.

(Ord. 92-005, passed 2-17-92; Am .Ord. 10-009, passed 10-5-09) Penalty, see § 154.999

§ 154.071 ACCESS MANAGEMENT.

The purpose of this section is to protect the substantial public investment in the city's street system by preserving the traffic capacity of existing streets. It is the further intent of this section to promote safe and efficient travel within the city; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

(A) *Zoning districts.* The standards of this section shall apply to land in Garden City's nonresidential zoning districts only.

(B) *County or state access management standards.* Where Wayne County or the Michigan Department of Transportation (MDOT) have adopted access management standards which are more restrictive than the standards of this section, the adopted county or MDOT standards shall supersede the standards of this section.

(C) *Driveway spacing standards.* Each parcel or part thereof subject to the standards of this section shall have no more than one driveway entrance and exit opening to a public street for each 75 feet of frontage or fraction thereof.

(1) Where more than one driveway is allowed, the driveways shall be located at least 30 feet apart.

(2) No driveway shall be located within 25 feet of a side lot boundary, or within 25 feet of an intersection of two or more street rights-of-way.

(D) *Shared access standards.* Vehicle access to parcels or parts thereof subject to the standards of this section may be provided by the development and use of shared driveways, cross-access drives, and similar means of shared access, subject to the following:

(1) *Location.* New shared driveways and cross-access drives shall be aligned with existing or proposed drives on adjacent lots where feasible, and shall be located parallel or perpendicular to the street right-of-way, as appropriate.

(2) *Cross-access easement.* Shared driveways and cross-access drives shall be located within a dedicated access easement that permits traffic circulation between lots. Such access easement shall be recorded with the County Register of Deeds.

(3) *Maintenance.* The easement area shall remain clear of obstructions and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access easement area.

(E) *Allowed modification.* The Planning Commission may waive certain requirements of this section if practical difficulties exist on the site that make compliance unreasonable (i.e., sight distance limitations, existing development, topography, unique site configuration or shape) or existing off-site driveways make it impractical to comply with the standards of this section. The modification shall be the minimum necessary.

(Ord. 11-004, passed 4-11-11) Penalty, see § 154.999

LANDSCAPING

§ 154.080 INTENT AND SCOPE.

(A) *Intent.* Landscaping enhances the visual image of the city, 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 do the following.

(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 which abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare.

(B) *Scope of application.* No site plan shall be approved unless it shows landscaping consistent with the requirements of this subchapter. 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 § 154.036.

(C) *Minimum requirements.* The requirements in this subchapter are minimum requirements, and under no circumstances shall they preclude the developer 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 distances, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the city to coordinate landscaping on adjoining properties.

(Ord. 92-005, passed 2-17-92)

§ 154.081 GENERAL 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, 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 the unpaved open portions of nonresidential parcels where specific landscaping requirements do not appear later in this subchapter. The total number of trees required shall be determined at the time of site plan review, based on the overall appearance of the site and the amount of landscaping provided elsewhere on the site. Required trees may be planted at uniform distances, at random, or in groupings.

(B) *Landscaping adjacent to roads and road rights-of-way.* Where required, landscaping adjacent to roads and road rights-of-way shall comply with the following planting requirements.

(1) *Minimum requirements.*

(a) Where required, landscaping adjacent to a road or road right-of-way shall consist of a landscaped area with a minimum depth of ten feet, which shall be located on private property contiguous to the road right-of-way, excluding openings for driveways and sidewalks. Through lots and corner lots shall provide such landscaping along all adjacent road rights-of-way.

(b) The Planning Commission may permit all or a portion of the landscaped area to be located within the road right-of-way or elsewhere within the front setback area, provided that the Planning Commission finds that the following conditions exist.

1. Relocation of the landscaped area is consistent with the intent of this section.

2. Relocation of the landscaped area is justified because of the physical characteristics of the site, the location of existing easements, sidewalks, or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.

3. Relocation of the landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.

4. Relocation of the landscaped area will not jeopardize traffic safety or the general planning of the city.

(2) *Required plantings.* For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform distances, at random, or in groupings.

Type Requirements

Deciduous tree 2 per 40 lineal ft. of road frontage

Shrubs 6 per 40 lineal ft. of road frontage

(3) *Location.*

- (a) Where planted, trees shall comply with the following minimum setbacks, as measured from the center of the tree.
1. Setback from edge of road: 10 feet.
 2. Setback from fire hydrant: 5 feet.
 3. Setback from vehicular accessway or sidewalk: 5 feet.

- (b) When planted, shrubs shall comply with the following minimum setbacks, as measured from the edge of the shrub.
1. Setback from edge of road: 5 feet.
 2. Setback from fire hydrant: 5 feet.

(C) *Berms.* Where required, berms shall conform to the following standards.

(1) *Dimensions.* Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or first ground adjacent to the berm, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal (33% slope), with at least a two-

foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three feet.

(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.*

(a) *Berms located in the front yard of nonresidential parcels.* Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for landscaping adjacent to roads, as set forth in division (B) of this section.

(b) *Berms used for screening other than in the front yard.* Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for screening, as set forth in division (E) of this section.

(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.

(D) *Greenbelts.* Where required, greenbelts shall conform to the following standards.

(1) *Measurement of greenbelt length.* For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

(2) *General planting requirements.*

(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.* Except where the greenbelt is used for screening, a minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of required greenbelt, or, alternatively, eight shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform distances, at random, or in groupings.

(c) *Distance from sidewalk.* Plant materials shall not be placed closer than four feet from the right-of-way line where the greenbelt abuts a public sidewalk.

(d) *Setback from property line.* Plant materials shall be placed no closer than four feet from the property line or fence line.

(3) *Greenbelts used for screening.* Greenbelts used for screening shall be landscaped in accordance with the requirements for screening, as set forth in division (E) of this section.

(E) *Screening.*

(1) *General screening regulations.* Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used, provided that a complete visual barrier is maintained throughout the year.

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

(F) *Parking lot landscaping.* In addition to required screening, all off-street parking areas shall also provide landscaping as follows.

(1) *Landscaping ratio.* Off-street parking areas containing greater than 15 spaces shall be provided with at least ten square feet of interior landscaping per parking space. The amount of parking lot landscaping may be decreased to seven

square feet per parking space where a berm is constructed to screen the parking from the road in accordance with § 154.082(A)(3), (B)(3) or (C)(3). Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

(2) *Minimum area.* Landscaped areas in parking lots shall be no less than five feet in any single dimension and no less than 150 square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

(3) *Other landscaping.* Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

(4) *Required plantings.* Requirements for plant material shall be based on the location, size and shape of the parking lot landscaped area. A minimum of one tree shall be planted per 300 square feet or fraction thereof of interior landscaped area. At least 50% of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in § 154.027. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for the area.

(G) *Landscaping of rights-of-way.*

(1) Public rights-of-way, located adjacent to required landscaped areas and greenbelts, shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

(2) Trees and shrubs shall not be planted in the road right-of-way without first obtaining approval from the agency which has jurisdiction over the road.

(3) Trees and shrubs shall be planted no closer to the edge of the road pavement than the distances specified as follows.

Setback

Trees 10 feet, as measured from the center of the tree

Shrubs 5 feet, as measure from the perimeter of the shrub

(H) *Maintenance of unobstructed visibility for drivers.* No landscaping shall be established or maintained on any parcel or in any parking lot which will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning unobstructed sight distance set forth in § 154.027.

(I) *Potential damage to utilities and public facilities.* In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than 15 feet from any roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following.

Minimum Distance from Center of Trunk to Nearest Utility Line	Tree Height
Up to 15 feet	10 feet
15 to 25 feet	20 feet
over 25 feet	30 feet

(J) *Landscaping of divider medians.* Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle accessways are 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 distances, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet.

(K) *Irrigation.* The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.082 REQUIREMENTS FOR SPECIFIC DISTRICTS.

(A) *Requirements for commercial, office, and industrial districts.* All lots or parcels of land located in office, commercial, or industrial zoning districts shall comply with the following landscaping requirements.

(1) *General site landscaping.* At least 6% of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements set forth in § 154.081(A), except where specific landscape elements are required.

(2) *Landscaping adjacent to road or road right-of-way.* All commercial, office, and industrial developments shall provide landscaping adjacent to the road or road right-of-way in accordance with § 154.081(B)

(3) *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with § 154.081(B). The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with § 154.081(F).

(4) *Screening.* Landscaped screening or a wall shall be required wherever a nonresidential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements set forth in § 154.081(E). If a wall is used instead of landscaping, the requirements set forth in §§154.100 and 154.101 shall be complied with.

(5) *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping as set forth in § 154.081(F).

(B) *Requirements for multiple-family districts.* All lots or parcels of land located in the R-3 zoning district 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 adjacent to road or road right-of-way.* All multiple family developments shall provide landscaping adjacent to the road or road right-of-way in accordance with § 154.081(B).

(3) *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with § 154.081(B). The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with § 154.081(F).

(4) *Screening.* Landscaped screening or a wall shall be required on all sides of a multiple- family development, except on sides facing a road. Landscaped screening shall comply with the requirements set forth in § 154.081(E). A wall may be used instead of landscaping adjacent to nonresidential districts, subject to the requirements set forth in §§ 154.100 and 154.101.

(5) *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping as set forth in § 154.081(F).

(6) *Privacy screen.* Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see Appendix B, Illustration 12, Privacy Screen). The screen may consist of a combination of trees, shrubs, and berming, subject to review by the Planning Commission.

(C) *Requirements for nonresidential uses in residential districts.* All nonresidential uses developed in residential zoning districts shall comply with the following landscaping requirements.

(1) *General site landscaping.* At least 10% of the site shall be maintained as landscaped open area. All open areas shall conform to the general site requirements set forth in § 154.081(A), except where specific landscape elements are required.

(2) *Landscaping adjacent to road or road right-of-way.* All nonresidential developments located in residential districts shall provide landscaping adjacent to the road or road right-of-way in accordance with § 154.081(B).

(3) *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with § 154.081(B). The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with § 154.081(F).

(4) *Screening.* Landscaped screening or a wall shall be required wherever a nonresidential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements set forth in § 154.081(E).

(5) *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping as set forth in § 154.081(F).

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.083 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 chapter shall be nursery grown, free of pests and diseases, hardy in Wayne County, in conformance with the standards

of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

(B) *Non-living plant material.* Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this chapter. Bodies of water, boulder groupings, landscape furniture, and man-made landscape ornaments, singly or in combination, shall not account for more than 30% of the ground area to be landscaped.

(C) *Plant material specifications.* The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this chapter.

(1) *Deciduous shade trees.* Deciduous shade trees shall be a minimum of 2½ 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 1½ inches in caliper measured six inches above grade with a minimum of height of four feet above grade when planted.

(3) *Evergreen trees.* Evergreen trees shall be a minimum of five feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of 2½ 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. Low-growing shrubs shall have a minimum spread of 24 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 used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

(8) *Grass.* Grass area shall be planted using species normally grown as permanent lawns in the county. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. 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 used 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 drainage, disease, and other undesirable characteristics. Additional undesirable plant materials may be identified, a list of which shall be maintained by the Zoning Administrator.

- | | |
|------------------------------|-------------------|
| Box Elder | American Elm |
| Tree of Heaven | European Barberry |
| Northern Catalpa | Poplar |
| Willow | Silver Maple |
| Horse Chestnut (nut bearing) | |

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.084 INSTALLATION AND MAINTENANCE.

The following standards shall be observed where installation and maintenance of landscape materials are required.

(A) *Installation.* Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges and vines shall be generously mulched at the time of planting.

Summary of Plant Material Specifications¹				
	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Deciduous Trees	2½ in. ²	4 ft. first branch	N.A.	N.A.
Ornamental Trees	1½ in. ³	4 ft. first branch	N.A.	N.A.
Evergreen Trees	N.A.	5 ft.	2½ ft.	N.A.
Shrubs	N.A.	2 ft.	2 ft.	N.A.
Hedges	N.A.	2 ft.	N.A.	N.A.
Vines	N.A.	N.A.	N.A.	30 inches after one season

Notes:

1. See § 154.083 for detailed requirements.

2. Measured 12 inches above grade.
3. Measured six inches above grade.

(B) *Protection from vehicles.* Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from 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 § 154.036.

(D) *Maintenance.*

(1) Landscaping required by this chapter 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 the plant material shall be replaced at the beginning of the next planting season.

(2) 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.

(3) All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated or damaged landscape elements shall be repaired, replaced, or removed upon notice from the Building Official.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.085 TREATMENT OF EXISTING PLANT MATERIAL.

The following regulations shall apply to existing plant material.

(A) *Consideration of existing elements in the landscape design.*

(1) In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of the plant material in place of the requirements set forth previously in this section, provided the substitution is in keeping with the spirit and intent of this subchapter and this chapter in general.

(2) Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that the existing elements are in conformance with the requirements of this section.

(B) *Preservation of existing plant material.*

(1) 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.

(2) 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.

(3) In the event that healthy plant materials which are intended to meet the requirements of this chapter are cut down, damaged or destroyed during construction, the plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator, based on consideration of the site and building configuration, available planting space, and similar considerations.

Caliper Measured 12 Inches Above Grade		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	One replacement tree for each 6 inches in caliper or fraction thereof of damaged tree.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.086 MODIFICATIONS.

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 adjustment is in keeping with the intent of this subchapter and this chapter in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist.

(A) The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this chapter.

(B) (1) Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.

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

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

WALLS

§ 154.100 OBSCURING WALL STANDARDS.

Where permitted or required by this chapter, obscuring walls shall be subject to the following requirements.

(A) *Location.* Required obscuring walls shall be placed inside and adjacent to the lot 1 line except in the following instances.

(1) Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.

(2) Subject to Planning Commission approval, required walls in a nonresidential district may be located on the side of an alley right-of-way closest to the adjacent residential zone when mutually agreed upon by affected property owners and residents. The continuity of the required wall shall be considered by the Planning Commission in reviewing such requests.

(3) Walls shall not extend closer to the front lot line than the required front setback.

(B) *Corner clearance.* Obscuring walls shall comply with the specifications for maintenance of unobstructed sight distance for drivers as set forth in § 154.027.

(C) *Substitution or waiver.*

(1) As a substitute for a required obscuring wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed living or man-made landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any substitute screening shall comply with the applicable requirements set forth in §§ 154.027 and 154.081.

(2) If a fence is approved by the Planning Commission as a suitable substitute for a required obscuring wall, the fence shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain-link fences shall not be permitted for screening purposes.

(3) The Zoning Board of Appeals may waive the requirements for an obscuring wall upon making the determination that either of the following apply.

(a) The adjoining residential district is in transition and will become nonresidential in the future.

(b) Existing physical features provide adequate screening.

(D) *Wall specifications.* Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. Alternately, walls may be constructed of precast steel-reinforced panels, anchored in place by steel I-beam columns, provided that the precast panels have a simulated brick or stone pattern that is compatible with the architecture of the principal structure.

(E) *Wall requirements.* For the uses and districts listed below, an obscuring wall shall be provided as specified along property lines that abut a residential district, except where landscaped screening is permitted by the Planning Commission in lieu of a wall (see § 154.081(E)).

Proposed Use or District	Wall Height Requirements
Proposed Use or District	Wall Height Requirements
VP, Vehicular Parking District	4½ feet
Off-street Parking (other than VP District)	4½ feet
Office uses or Districts	4½ feet
Multiple-Family uses or Districts adjacent to Single-Family Districts	4½ feet
Commercial uses or Districts	6 feet
Industrial uses or Districts	6-foot minimum, up to 8 feet to completely screen storage, loading and service areas
Utility-Buildings, Substations	6 feet
Service and Delivery Areas	6 feet

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.101 WALLS IN RESIDENTIAL DISTRICTS.

(A) *General standards.* Walls shall be permitted in residential districts, subject to the standards for location and height set forth in § 154.037. Walls in residential districts shall be constructed of masonry material that is architecturally compatible with the materials on the facade of the principal structure, such as face brick or decorative block, based upon the determination of the Zoning Administrator.

(B) *Entranceway structures.* Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single-family subdivision or multiple-family development, shall be permitted in the required setback area, provided that the following are observed.

(1) The entranceway structure shall comply with the requirements for unobstructed sight distance as set forth in § 154.027.

(2) Entranceway structures shall not exceed 4½ feet in height.

(3) Entranceway structures shall not be located in the existing or planned right-of-way.

(4) Approval of the Building Official and issuance of a building permit shall be required prior to construction.

(5) Signage on the entranceway structure shall comply with the Sign Regulations in Chapter 153 of this Code.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

WIRELESS TELECOMMUNICATIONS FACILITIES

§ 154.115 SHORT TITLE.

This subchapter shall be known and cited as the Wireless Telecommunications section of this chapter.

(Ord. 97-002, passed 6-16-97)

§ 154.116 PURPOSE AND INTENT.

(A) It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless telecommunication systems. However, it is the further purpose and intent of the city to provide for that authorization in a manner which retains the character, property values, public view, and aesthetic quality of neighborhoods and the community at large. In fashioning and administering the provisions in this subchapter, it is the intent to balance these potentially competing interests.

(B) In adopting these amendments to the Zoning Ordinance, and in recognition of the number of providers who have been authorized by the Federal Communications Commission (FCC) to provide wireless telecommunication services and coverage, it is the intent of the city to fully exercise the authority granted by law relative to the placement, construction and modification of wireless telecommunication facilities.

(C) It is further the purpose and intent of this subchapter to do the following.

(1) Require the City Council and the Planning Commission to regulate the location and efficient provision of sites for wireless communication facilities and services.

(2) Require the City Council and the Planning Commission to establish the zoning districts in which the number, shape, and area considered for the location of wireless telecommunication facilities and services be permitted by special land use, subject to conformance with applicable standards and conditions.

(3) Provide for regulations within those established districts which shall be imposed designating the uses for which wireless telecommunication facilities and services shall or shall not be erected or altered, permitted or excluded, or subjected to special regulations.

(4) Ensure that wireless telecommunication facilities and services are situated in appropriate locations and have appropriate relationships to other land uses, structures, and buildings.

(5) Limit inappropriate physical and aesthetic overcrowding of land activities and avoid adverse impacts upon the existing population, transportation systems, and other public service and facility needs.

(6) Facilitate adequate and efficient provision of sites for wireless telecommunication facilities and services.

(7) Promote the public health, safety, and welfare.

(8) Require adequate information about plans for wireless telecommunication facilities and services to allow the city to efficiently plan and zone their location.

(9) Minimize the overall number of new wireless telecommunication facilities in the city in the future by encouraging the use of existing structures for attached wireless telecommunication facilities where technically feasible through the use of colocation. The city recognizes that each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, in light of the anticipated dramatic increase in the number of wireless communication facilities to occur as a result of the recent change

of federal law and policy relating to the Federal Telecommunications Act of 1996, it is the intent of the city that all users should collocate on attached wireless telecommunication facilities and wireless telecommunication support structures in the interest of achieving the purposes and intent of this subchapter.

(10) Minimize the adverse impacts of technological obsolescence of wireless telecommunication facilities and services to include timely removal and/or conversion.

(11) Minimize the adverse impacts from the presence of relatively tall towers that have a low architectural and aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare. The city finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community, which would in turn have a negative impact upon property values.

(12) Minimize the negative visual impacts of wireless telecommunication facilities and services on the public view of the neighborhoods, community landmarks, historic sites and buildings, natural beauty areas, and public rights-of-way by establishing and using as few structures as reasonably feasible, and using structures which are designed for compatibility, including the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this subchapter.

(13) Recognize that the public view and the view from sites and buildings is a major economic component of a property's value.

(14) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined zoning districts. In such cases, it is likely that there will be greater adverse impact upon neighborhoods and areas within the city. Consequently, more stringent standards and conditions shall apply to the review, approval and use of such facilities.

(15) Provide for the submission of as-built drawings and photographs of at least three similar existing structures to the city with clearly identified and certified capacity for collocation and addition of equipment to facilitate the planning and administration of wireless telecommunication facilities and services.

(16) Provide for the submission of adequate cost, price and market information to permit administration of collocation.

(17) Permit the city to develop community-wide plans for wireless telecommunication facilities and services.

(Ord. 97-002, passed 6-16-97)

§ 154.117 FACILITIES AND SERVICES.

Wireless telecommunication support structures (towers) and wireless telecommunication facilities (antennas) are permitted upon special land use approval, site plan review and approval, subject to the requirements of the adopted Master Plan, subject to the conditions hereinafter imposed in §§ 154.118 through 154.121, and subject further to the special land use procedures of §§ 154.415 through 154.417, Special Use Regulations, in all districts and if approved, constructed and maintained in accordance with the standards and conditions of this subchapter, and also subject to the following criteria and standards.

(A) Wireless telecommunication facilities shall be of a design such as a steeple, bell tower, flagpole, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the collocation requirements of § 154.120 in all districts.

(B) Site locations shall be permitted on a priority basis on the following sites, subject to application of all other standards contained within this subchapter.

- (1) Municipally owned sites.
- (2) Other governmentally owned sites.
- (3) Religious or other institutional sites.
- (4) Public or private school sites.

(C) Monopole towers shall be permitted in lieu of an alternative design within the M-1 district and PR district, provided that the towers are set back at least 300 feet from public right of way and shall comply with the co-location requirements of § 154.120.

(D) No wireless telecommunication facilities shall be permitted on a privately-owned residential lot of record.

(Ord. 97-002, passed 6-16-97; Am. Ord. 06-002, passed 12-19-05) Penalty, see § 154.999

§ 154.118 APPLICATION; REQUIRED SERVICES.

All applications for wireless telecommunication facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with these standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion within the intent and purpose of this subchapter.

(A) All applications for the required permit to place, construct or modify any part or component of a wireless telecommunication facility shall include the following information.

(1) A site plan prepared in accordance with §§154.400 through 154.405, showing the location, size, screening and design of all buildings and structures, including fences; and the location and size of outdoor equipment; and the location, number, and species of proposed landscaping; and as-built drawings for all proposed attached wireless telecommunication facilities and/or wireless telecommunication support structures; and photographs of at least three similar existing structures

(2) A disclosure of what is proposed, demonstrating the need for the proposed wireless telecommunication support structure to be located as proposed, based upon the presence of one or more of the following factors.

(a) Proximity to an interstate highway or major thoroughfare.

(b) Areas of population concentration.

(c) Concentration of commercial, industrial, and/or other business centers.

(d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstruction.

(e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(f) Other specifically identified reasons creating need for the facility.

(3) The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.

(4) The existing form of technology being used and any changes proposed to that technology.

(5) As applicable, the planned or proposed and existing service area of the facility and the attached wireless telecommunication facility, and wireless telecommunication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.

(6) The nature and extent of the provider/applicant's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.

(7) The identity and address of all owners and other persons with a real property interest in the property, buildings, or structure upon which facilities are proposed for placement, construction or modification.

(8) A map showing existing and known proposed wireless telecommunication facilities within the city, and further showing existing and known proposed wireless telecommunication facilities within areas surrounding the borders of the city in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy M.C.L.A. § 15.243(1)(g). This subchapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the city.

(9) For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application.

(a) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.

(b) Whether property owner approvals exist or have been requested and obtained.

(c) Whether the location could be used by the applicant/provider for placement of its attached wireless telecommunication 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 wireless telecommunication services.

(10) A certification by a State of Michigan licensed and registered professional engineer regarding the ability of the structure to support the antennas and the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.

(11) A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in § 154.121. The security shall, at the election of the city, 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 office of the County Register of Deeds, a promise of the applicant and owner of the property to timely remove the facility as required under this subchapter, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the city in securing removal, and the property shall provide security for the costs and fees.

(12) The site plan shall include a landscape plan where the wireless telecommunication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless telecommunication support structure base, accessory buildings and enclosure. In all cases

there shall be fencing of at least eight feet in height which is required for the protection of the tower.

(13) Evidence of site plan approval from the Federal Aviation Administration, if required due to a site's proximity to the Detroit Metropolitan Wayne County Airport, or evidence that approval is not required.

(14) The name, address and telephone number of the person to contact for engineering, maintenance and other noticed purposes. This information shall be continuously updated during all times the facility is on the premises.

(Ord. 97-002, passed 6-16-97) Penalty, see § 154.999

§ 154.119 SUPPORT STRUCTURES.

(A) The wireless telecommunication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless telecommunication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.

(B) The maximum height of all new or modified attached wireless telecommunication facilities and wireless telecommunication support structures shall be 60 feet within 300 feet of Ford and Middlebelt Road right-of-way and 120 feet anywhere else in the city, or the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), whichever is less, to the satisfaction of the Planning Commission, or lower heights as approved by the Federal Aviation Administration. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The accessory building contemplated to enclose such items as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

(C) Where the wireless telecommunication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless telecommunication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless telecommunication support structure is located.

(D) There shall be an unobstructed access to the wireless telecommunication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless telecommunication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(E) The division of property for the purposes of locating a wireless telecommunication support structure is prohibited unless all zoning requirements and conditions are met.

(F) The Zoning Board of Appeals may grant variances only for the setback requirements of a wireless telecommunication support structure, provided that the proposed location will reduce its visual impact on the surrounding area, or for the collocation requirements of § 154.120.

(G) Where a wireless telecommunication facility is proposed on the roof of a building with the equipment enclosure proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that the accessory building conforms with all district requirements for principal buildings, including yard setbacks and building height.

(H) The Planning Commission shall, with respect to the color of the wireless telecommunication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless telecommunication facility in a neat and orderly condition, recognizing its highly visible nature.

(I) Wireless telecommunication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and

statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

(J) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. The plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

(K) Wireless telecommunication facilities shall comply with applicable federal and state standards relative to electromagnetic fields.

(Ord. 97-002, passed 6-16-97) Penalty, see § 154.999

§ 154.120 COLOCATION; NEW SUPPORT STRUCTURES.

If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by the provider, where collocation

is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the city. The provisions of this section are designed to carry out and encourage conformity with the policy of the city.

(A) Any proposed commercial wireless telecommunication support structures shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's attached wireless telecommunication facility and comparable attached wireless telecommunication facilities of additional users. Wireless telecommunication support structures must be designed to allow for future rearrangement of attached wireless telecommunication facilities upon the wireless telecommunication support structure and to accept attached wireless telecommunication facilities mounted at varying heights.

(B) A proposal for a new wireless telecommunication support structure shall not be approved unless and until it can be documented by the applicant that the telecommunications equipment planned for the proposed wireless telecommunication support structure cannot be feasibly colocated and accommodated on an existing or approved wireless telecommunication support structure or other existing structure due to one or more of the following reasons.

(1) The planned equipment would exceed the structural capacity of the existing or approved wireless telecommunication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless telecommunication support structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment on the wireless telecommunication support structure or other existing structure as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved wireless telecommunication support structures and buildings 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.

(4) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing wireless telecommunication support structure or building.

(C) Colocation shall be deemed to be feasible for purposes of this section where all of the following are met.

(1) The provider entity being considered for colocation will undertake to pay market rent or other market compensation for colocation.

(2) The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

(3) The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

(4) The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the city, taking into consideration the several standards contained within this section.

(D) If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, the facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

(E) If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless telecommunication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this subchapter, and, consequently that party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless telecommunication support structure within the city for a period of five years from the date of the failure or refusal to permit the colocation.

(Ord. 97-002, passed 6-16-97) Penalty, see § 154.999

§ 154.121 REMOVAL OF FACILITIES.

When a wireless telecommunications facility has not been used for 180 days or more, or six months after new technology is available which permits the operation of a wireless telecommunications facility without the requirement of a wireless telecommunication support structure, all and/or part of the wireless telecommunications facility shall be removed by the users, owners of the wireless telecommunications facility. For the purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless telecommunications 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, persons who had used the wireless telecommunications 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 wireless telecommunications facility.

(B) If the required removal of the wireless telecommunications 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 enter upon the premises and

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 wireless telecommunications facility.

(Ord. 97-002, passed 6-16-97) Penalty, see § 154.999

SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

§ 154.135 INTENT AND SCOPE.

Each use listed in this subchapter, 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 standards are intended to alleviate the impact from a use that is of an area, intensity or type, or that possesses characteristics that are unique or atypical for the district in which the use is allowed. These standards are intended to assure that the uses will be compatible with surrounding land uses and insure 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 subchapter shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

(Ord. 92-005, passed 2-17-92)

§ 154.136 AUTOMOBILE OR VEHICLE SALES.

Automobile and/or vehicle sales operations with repair facilities or outdoor sales space shall be subject to the requirements that follow. These requirements shall apply to any operation involving the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

(A) *Grading, surfacing, and drainage.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Director of the City DPS and/or City Engineer.

(B) *Driveway location.* The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 60 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

(C) *Servicing of vehicles.* All servicing of vehicles shall be subject to the following requirements.

(1) Service activities shall be clearly incidental to the vehicle sales operation.

(2) Vehicle service activities shall occur within a completely enclosed building.

(3) Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

(4) Buildings containing the service operations shall be located a minimum of 50 feet from any abutting residential property line.

(5) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building.

(6) Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per §§ 154.100 and 154.101.

(D) *Broadcasting devices prohibited.* Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

(E) *Setbacks.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the requirements for parking lots, as specified in § 154.066(A).

(F) *Minimum lot area.* The minimum lot area required for such uses shall be two acres.

(Ord. 92-005, passed 2-17-92; Am. Ord. 08-004, passed 11-5-07) Penalty, see § 154.999

§ 154.137 AUTOMOBILE REPAIR AND FILLING STATIONS.

The following regulations shall apply to automobile filling stations and automobile or vehicle service stations, including tire, battery, muffler and undercoating shops.

(A) *Minimum lot area.* The minimum lot area required for such uses shall be 20,000 square feet.

(B) *Minimum lot width.* The minimum lot width required for such uses shall be 150 feet.

(C) *Minimum setbacks.* Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements

<i>Minimum Setback From Right-of-Way Line</i>
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Nearest edge of pump island	25 feet
Nearest edge of unenclosed canopy	20 feet

(D) *Ingress and egress.* Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 feet in width. No more than one 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 or location near a vehicular or pedestrian entrances or crossings.

(E) *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.

(F) *Layout.* All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Adequate vehicle parking and stacking spaces shall be provided as required in §§ 154.065 through 154.070.

(G) *Orientation of open bays.* Buildings should be oriented so that open service bays do not face onto adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall per §§ 154.100 and 154.101.

(H) *Outside storage.* Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding 48 hours, provided the vehicles are stored in the rear yard within a masonry screening wall that is not less than six feet in height.

(I) *Vehicle sales and storage.* The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited except in conformance with this chapter.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.138 CAR WASH ESTABLISHMENTS.

The following regulations shall apply to automobile wash or car wash establishments.

(A) *Minimum lot area.* The minimum lot area required for automobile or car wash establishment shall be 10,000 square feet.

(B) *Layout.* All washing activities shall be carried on within a fully enclosed building. Vacuum activities shall be permitted in the rear yard only, provided the activities are located at least 25 feet from adjacent residentially zoned or used property. Entrances and exists shall not face abutting residentially zoned or used property. Adequate vehicle parking and stacking spaces shall be provided as required in §§ 154.065 through 154.070.

(C) *Entrances and exits.* Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash property. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

(D) *Orientation of open bays.* Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per §§ 154.100 and 154.101.

(E) *Exit lane drainage.* Exit lanes shall be sloped to drain water back to the wash building to drainage gates.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.139 DRIVE-IN ESTABLISHMENTS.

(A) *Setbacks.* Buildings or other structures used for the purpose of a drive-in establishment shall be set back a minimum of 60 feet from any street right-of-way line.

(B) *Location of driveways.* Driveways serving drive-in establishments shall provide direct access from a major thoroughfare or arterial road. The nearest edge of any entrance or exit drive shall be located no closer than 25 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

(C) *Screening.* An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in §§ 154.100 and 154.101.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.140 FAST-FOOD/DRIVE-THROUGH RESTAURANTS.

The following regulations shall apply to fast-food and drive-through restaurants.

(A) *Minimum frontage.* The site shall have a minimum of 150 feet of frontage on a major thoroughfare.

(B) *Location of driveways.* Ingress and egress points shall be located no closer than 25 feet from the intersection of any two streets, as measured from the nearest right-of-way line. Points of vehicular ingress and egress shall be limited to the thoroughfare having business-zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least 65 feet measured from the two closest driveway curbs.

(C) *Screening.* An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in §§ 154.100 and 154.101.

(D) *Control of sound level.* 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.

(E) *Stacking spaces.* A restaurant with a drive-through window shall provide stacking spaces for each drive-through window, as required in the Schedule of Off-Street Parking, § 154.067(l).

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.141 FUNERAL HOMES.

The following regulations shall apply to funeral homes and mortuaries.

(A) *Assembly area.* An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

(B) *Screening.* The service and loading area shall be obscured from adjacent residential areas in accordance with §§ 154.100 and 154.101.

(C) *Caretaker's residence.* A caretaker's residence may be provided within the main building of the funeral home or as an approved accessory building on the site, subject to the provisions of this chapter.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.142 CHILD CARE CENTERS.

The following regulations shall apply to Group Day Care Homes, Child Care Centers, Nursery schools, Day Nurseries, and Pre-Schools.

(A) *Licensing.* In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards outlined for those facilities.

(B) *Outdoor play area.* A minimum of 150 square feet of outdoor play area shall be provided, and maintained per child, provided that the overall area of the play area shall not be less than 5,000 square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with §§ 154.080 through 154.086.

(C) *Frontage.* Child care centers shall front onto a thoroughfare or collector road that is constructed to city standards.

(D) *Setbacks.* Child care centers shall have a minimum side yard setback of at least 25 feet.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.143 HOSPITALS.

The following regulations shall apply to hospitals.

(A) *Lot area.* The minimum lot area for a hospital site shall be ten acres.

(B) *Frontage and access.* Hospitals shall front onto a major thoroughfare and the main means of access to the hospital for patients, visitors, and employees shall be via the thoroughfare. Secondary access to a hospital site may be off of a residential street.

(C) *Setbacks.* The principal building and all accessory buildings shall be set back a minimum distance of 50 feet from any property line. The Planning Commission may allow the placement of an eight-foot high obscuring masonry wall at the property line in lieu of the setback requirement.

(D) *Screening.* Ambulance, emergency entrance areas and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping, or a masonry wall.

(E) *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, being M.C.L.A. 331.501 *et seq.*

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.144 JUNK YARDS.

The following regulations shall apply to junk yards.

(A) *Minimum lot area.* The minimum lot area for a junk yard shall be five acres.

(B) *Location.* A parcel of land used for a junk yard shall abut only nonresidential or noncommercial land uses or zoning districts.

(C) *Setbacks.* A minimum setback of 100 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least 100 feet from any road or highway right-of-way line, and at least 300 feet from any property line that abuts a residentially zoned or used district.

(D) *Screening.* The entire junk yard site shall be screened with an eight-foot obscuring masonry wall, constructed in accordance with §§ 154.100 and 154.101. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

(E) *Surfacing.* All roads, driveways, parking lots, and loading and unloading areas shall be paved and provide adequate drainage.

(F) *Regulated activities.* All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

(G) *Permits.* All required city, county, and state permits shall be obtained prior to establishing a junkyard.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.145 KENNELS.

The following regulations shall apply to kennels.

(A) *Private kennels.* Private kennels to house only the animals owned by the occupant of the dwelling unit shall be permitted subject to the following.

(1) The lot on which any private kennel is located shall have a minimum lot area of 19,000 square feet.

(2) No more than six animals over the age of six months shall be housed in a private kennel.

(3) 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.

(B) *Commercial kennels.* Commercial kennels shall be subject to the following standards.

(1) Any commercial kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.

(2) The lot on which any commercial kennel is located shall have a minimum lot area of one acre. If more than four animals are housed in an outdoor kennel, an additional one acre shall be required for every additional ten animals (or fraction thereof).

(3) 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.

(Ord. 92-005, passed 2-17-92; Am. Ord. 13-004, passed 5-20-13) Penalty, see § 154.999

§ 154.146 MINI-WAREHOUSES.

The following regulations shall apply to mini-warehouses.

(A) *Lot area.* The minimum lot area for mini-warehouses shall be two acres.

(B) *Permitted use.* Mini-warehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

(C) *Site enclosure.* The entire site, exclusive of access drives, shall be enclosed with a six-foot high masonry wall, constructed in accordance with §§ 154.100 and 154.101. A six-foot chain link fence may be permitted along property lines that do not abut a residentially-zoned district or residential use.

(D) *Orientation of open bays.* Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall in compliance with §§ 154.100 and 154.101.

(E) *Exterior appearance.* The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

(F) *Resident manager.* A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the provision of this chapter.

(G) *On-site circulation and parking.*

(1) All one-way driveways shall be designed with one 10-foot wide loading/unloading lane and one 15-foot travel lane.

(2) All two-way driveways shall be designed with one 10-foot wide loading/unloading lane and two 12-foot travel lanes.

(3) The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.147 MOTELS AND HOTELS.

The following regulations shall apply to motels or hotels.

(A) *Lot area.* The minimum lot area for a motel or hotel shall be three acres.

(B) *Accessory facilities.* A motel or hotel must include at least one of the following amenities.

(1) An attached dining room with seating capacity for at least 20 occupants at the same time, serviced by a full service kitchen.

(2) An unattached standard restaurant, as defined in §154.005, with a 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.

(C) *Design.* Each unit available for rental within a motel or hotel shall contain a bath and at least one bedroom and encompass a minimum gross floor area of 350 square feet.

(D) *Service.* A motel or hotel shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.148 NURSING HOMES AND OTHER GROUP HOMES.

The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and half-way houses.

(A) *Minimum lot area.* The minimum lot area for such facilities shall be one acre.

(B) *Frontage and access.* Such uses shall front onto a major thoroughfare and the main means of access to the site for residents or patients, visitors, and employees shall be via the thoroughfare. In no case shall primary access to a nursing home, convalescent home, or rest home be limited to a residential street.

(C) *Setback.* The principal building and all accessory buildings shall be set back a minimum distance of 25 feet from any property lines.

(D) *Open space.* Any such facility shall provide a minimum of 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.

(E) *State and federal regulations.* Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.149 OPEN-AIR BUSINESSES.

The following regulations shall apply to permanent open-air businesses.

(A) *Minimum lot area.* The minimum lot area for open-air businesses shall be 10,000 square feet.

(B) *Driveway location.* The nearest edge of any driveway serving an open-air business shall be located at least 60 feet from any street or road intersection, as measured from the nearest intersection right-of-way, and at least 20 feet from any side property line.

(C) *Parking setback.* Parking shall be setback a minimum of ten feet from any road right-of-way line.

(D) *Lot width.* The minimum lot width for open-air businesses shall be 100 feet.

(E) *Loading and parking.* All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or alleys.

(F) *Outdoor display of vehicles.* The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors that are for sale, rent, or lease shall comply with the requirements in § 154.136.

(G) *Plant material nursery.* Nurseries that deal with plant materials shall comply with the following.

(1) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the

nursery is located.

(2) The storage of soil, weed chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.150 RESTAURANT SITE REQUIREMENTS.

(A) *Access.* Points of vehicular ingress and egress shall be limited to the thoroughfare having business-zoned frontage only.

(B) *Screening.* A restaurant with a rear or side yard abutting a noncommercial district shall provide a permanent obscuring wall, per the requirements of §§ 154.100 and 154.101, along the full length of each abutting property line.

(C) *Vehicular storage.* Parking and vehicular storage in excess of 24 consecutive hours shall be prohibited at all times on the premises, and the owner, franchise holder or lessee shall post a sign or signs giving notice that all parked or stored vehicles are subject to ticketing and removal at the owner's expense.

(D) *Rubbish and debris.* Each restaurant site shall be kept free of rubbish and debris and the grass and other landscaping shall be well maintained so as to present a neat and attractive appearance at all times.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.151 RADIO AND TV TOWERS.

The following regulations shall apply to commercial and public radio and television towers, microwave towers, and other communication antennas/towers.

(A) *Setbacks.* Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.

(B) *Fencing.* An open weave, six-foot high chain link fence shall be constructed around the entire perimeter, in accordance with § 154.037.

(C) *State and federal regulations.* Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.152 RECREATION FACILITIES.

(A) *Outdoor recreation facilities.* Outdoor recreation facilities, such as, but not limited to, ski facilities, courses for off-road vehicles and snowmobiles, campgrounds, baseball facilities and swimming pools, shall comply with the following regulations.

(1) Principal and accessory buildings shall be set back at least 25 feet from all property lines, unless otherwise specified herein.

(2) The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.

(3) Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.

(4) All parking for outdoor recreation uses shall be provided in off-street parking lots, which shall be designed in accordance with §§ 154.065 through 154.070.

(5) Lighting for outdoor recreation uses shall be shielded to the greatest extent possible from adjoining properties.

(6) Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with § 154.081(E).

(7) 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.

(B) *Indoor recreation facilities.* Indoor recreation facilities, such as, but not limited to, bowling establishments, indoor archery ranges, indoor tennis courts, indoor skating rinks, and similar indoor recreation uses shall comply with the following regulations.

(1) Indoor recreation uses shall be set back a minimum of 50 feet from any property line that abuts a residential district.

(2) The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.

(3) Indoor recreation uses shall have direct access onto a major thoroughfare.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.153 RELIGIOUS INSTITUTIONS.

The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and related uses.

(A) *Minimum site area.* The minimum site area for a religious institution shall be 40,000 square feet. For the purpose of determining minimum site area, all contiguous land owned by the institution and any land area separated from the principal use by a public right-of-way other than a major thoroughfare may be included. Any land area separated by a right-of-way shall be considered to be an integral part of the site plan for review and approval purposes.

(B) *Lot width.* The minimum lot width for religious institutions shall be 200 feet.

(C) *Parking setback.* Off-street parking shall be prohibited in the front setback area required by this chapter for the underlying zoning district. No parking shall be allowed within 15 feet of any property line. Except for the above front yard setback requirement, the Zoning Board of Appeals may allow the substitution of a wall per §§ 154.100 and 154.101 in lieu of compliance with other setback requirements.

(D) *Frontage and access.* Religious institutions shall be located on a major thoroughfare. The primary vehicular access to the site shall be provided from a major thoroughfare.

(E) *Landscaping.* Religious institutions shall comply with the landscaping requirements set forth in § 154.082(C).

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.154 STAMPING PLANTS, PUNCH PRESSES, AND LIKE MACHINES

The following regulations shall apply to stamping machines, punch presses, press brakes, and other like machines.

(A) *General requirements.* All such machines shall have shock absorbing mountings and be placed on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. All such machines shall comply with the noise and vibration standards in §§ 154.176.

(B) *Automatic screw machine.* Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than 300 feet from any property zoned or used for residential purposes.

(C) *Setbacks.* Punch and stamp presses, other than hydraulic presses, shall comply with the performance standards in §§ 154.175 through 154.185.

(D) *Power brakes.* Press brakes shall be set back at least 300 feet from any property line zoned for residential use.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.155 VETERINARY CLINICS.

Veterinary clinics shall comply with the following requirements.

(A) *Enclosure.* All activities shall be conducted within a completely enclosed building.

(B) *Setbacks.* All buildings shall be set back at least 50 feet from abutting land that is zoned for residential use.

(C) *Treatment facilities.* No veterinary clinic shall contain facilities for boarding of animals. Treatment shall be limited to domesticated animals considered as pets.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.156 VETERINARY HOSPITALS.

Veterinary hospitals shall comply with the following requirements.

(A) *Enclosure.* All activities shall be conducted within a completely enclosed building.

(B) *Setbacks.* All buildings shall be set back at least 200 feet from abutting land that is zoned for residential use.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.157 ACCESSORY APARTMENT DWELLINGS.

An accessory apartment dwelling as defined in §154.005, shall comply with the following regulations.

(A) *Incidental use to residence.* The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall apply.

(1) Accessory apartments shall be established in owner-occupied residences only.

(2) Only one accessory dwelling shall be permitted on each zoning lot.

(3) The total floor area of the accessory dwelling shall not exceed 600 square feet.

(B) *Setbacks and placement on the parcel.* An accessory dwelling shall comply with all setback requirements for the district

in which it is located.

(C) *Compatibility with surrounding land use.* The design of the accessory dwelling shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory dwelling shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall not appear that more than one household occupies the site.

(D) *Parking and access.* In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory dwelling.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.158 SENIOR CITIZEN HOUSING STANDARDS.

As provided under Public Act 124 of 1992, being M.C.L.A. § 503, senior citizen housing facilities shall be permitted in any R-3, C-1, C-2, C-3 or PD district subject to the following requirements:

(A) Shared senior citizen living in a zoning district in which a maximum of four unrelated individuals over the age of 50, with or without spouses, may occupy a single dwelling structure specifically designed for such use. The dwelling shall provide for separate bedrooms and sanitary facilities for each occupant, (e.g. husband and wife constituting one occupant), together with a shared kitchen, dining and living space. A minimum of 250 square feet of private space (bedroom and sanitary facilities) shall be provided for each occupant, together with shared space (kitchen, dining and living) of 200 square feet per occupant. Each shared dwelling unit must be provided with adequate management services to maintain the premises. All dwellings must be compatible with abutting and surrounding single-family dwellings with respect to scale, character, materials and landscaping. "Shared senior citizen living" does not include adult foster care homes.

(B) Independent and congregate senior citizen living in any R-3, C-1, C-2, C-3 or PD zoning district as follows:

(1) Independent senior citizen living units may include attached or detached condominium dwellings, townhouses, or apartments consistent with all provisions of this section otherwise applicable to such dwellings.

(2) Congregate senior citizen living shall consist of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and a central lounge.

(C) Assisted senior citizen living and convalescent care in any R-3, C-1, C-2, C3 or PD zoning districts, as follows:

Assisted senior citizen living units and convalescent care facilities shall consist of dwelling units containing living/sleeping areas and sanitary facilities in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s), laundry service, housekeeping service and a central lounge. Such facilities shall provide at least two common meals per day seven days a week. Meals must be prepared in a kitchen facility licensed by the state through the County Health Department. All construction of these facilities must meet current applicable codes including State Public Health Code Act 368 P.A. 1978 Part 129, as amended.

(D) Accessory buildings and uses as follows, subject to all conditions and regulations provided in this section:

(1) General nursing facilities designed solely for the residents.

(2) Attached or detached carports or garages.

(3) Community and/ or recreational buildings for other than shared senior citizen living units, not exceeding two stories in height, which are designed to serve the residents of the development.

(4) Maintenance buildings and gatehouses for other than shared senior citizen living units not exceeding one story in height.

(5) On-site manager's dwelling unit and/or office.

(E) Additional required conditions:

(1) Shared senior citizen living, congregate senior citizen living, and assisted senior citizen living and convalescent facilities shall front onto a primary major thoroughfare, or secondary major thoroughfare, with the capacity to accommodate expected traffic volumes from the use without detrimental impact upon levels of safety, travel times and overall level of service.

(2) All facilities of a senior citizen housing development, such as common service areas, central dining rooms, recreational rooms, and lounges, shall be solely for the use of the residents, employees and invited guests of the development, but not for the general public.

(3) For each dwelling unit in a congregate senior citizen living development (division (B)(2)) in an assisted senior citizen living development and in a convalescent care facility (division (C)), there shall be provided at least 20 square feet of indoor recreation space and at least 50 square feet of usable outdoor open space, which may include patios, park benches, courtyards and landscaping, with such space to be available and accessible to all residents of the development. Usable open space may be located on the ground, on terraces or on rooftops, and shall be landscaped or developed for active or passive recreation, and may include roofed recreation areas enclosed on not more than one side, unenclosed porches and swimming pools. Usable open space shall not include land used for required yard setbacks, driveways, parking lots or loading/ unloading areas. Walkways and paved pedestrian plazas may be included as eligible usable outdoor open space. Open space

requirements may be modified by the Planning Commission where a development site abuts a public park or other suitable open space located within a reasonable walking distance for the occupants of said housing development.

(4) For all senior citizen housing developments other than independent senior citizen living units (division (B)(1)), there may be provided quarters for an on-site/live-in manager and activities director who is trained and knowledgeable of local resources relating to in-home support and other services beneficial to residents.

(5) Except for independent senior citizen living units, (division (B)(1)), an emergency alert system for senior citizen housing developments shall be provided, which may include a bell entry system and an alarm system.

(6) Except for independent senior citizen living unit (division (B)(1)), in addition to the requirements of the state's Barrier Free Code, all dwelling units and related facilities utilized by the tenants shall be specifically designed for use by the elderly including, but not limited to, provision for minimum 32-inch clear door widths and assist bars at water closets, bathtubs and showers. In one-story units, wherever steps are located, at least one ramp shall be provided. Where there are two-story units, at least 50% of the units of the building shall be accessible to handicapped individuals.

(7) All units in a senior citizen housing development shall have a minimum of one bedroom and one living room, but shall not exceed two bedrooms. (See division (A) for shared senior citizen living units' special floor area requirements.)

(8) Adequate sidewalks shall be provided for all senior housing developments, subject to approval by the Planning Commission.

(9) Additional requirements:

(a) For purposes of this section, those eligible to be residents within any senior citizen housing development are defined as individuals who have attained the age of 50 years or older, or couples of which either partner has attained the age of 50 years.

(b) All site development amenities, such as common service areas (e.g. central dining rooms, recreational rooms, and central lounges) shall be provided in the project plan.

(F) Procedures. A proposed senior citizen housing use shall be subject to Planning Commission review and approval, after public hearing, pursuant to notice requirements at §§ 154.401 through 154.405, and subject to the following standards:

(1) The proposed use complies with all requirements of this section, including, but not limited to: §§154.020 through 154.039, General Zoning Regulations; §§ 154.065 through 154.070, Off-street Parking; §§ 154.080 through 154.086, Landscaping; and requirements for such use specified in each zoning district classification.

(2) Project applications for other than independent senior citizen living units (division (B)(2)), shall take into account the needs of elderly persons for:

(a) Transportation.

(b) Shopping.

(c) Health facilities.

(d) Recreational facilities.

(3) The proposed use will not unduly affect existing community resources and housing patterns.

(4) There is an established need for the proposed housing.

(5) The proposed use will not cause undue impact on existing thoroughfares in terms of overall volumes, capacity, safety, travel times and level of service.

(6) The proposed use will not cause undue impact on the capabilities of public services and facilities, including water service, sewer service, police and fire protection.

(7) The proposed use is planned and designed so as to minimize possible adverse effects upon adjacent properties.

(8) The development of the proposed use will not result in or contribute to an excessive concentration of senior citizen housing within the surrounding area.

(9) That approval of this use by the Planning Commission after site plan review and a public hearing shall be restricted to senior citizen housing only.

(10) The Planning Commission shall conduct or have conducted necessary field inspections and investigations to arrive at a proper decision. The Planning Commission shall then act to approve, approve with conditions or disapprove the site plan. Approval, or approval with conditions, of the site plan by the Planning Commission shall be effective for a period of one year absent the granting of an extension by the Planning Commission.

(Ord. 92-005, passed 2-17-92; Am. Ord. 02-009, passed 7-1-02; Am. Ord. 22-001, passed 1-24-22) Penalty, see § 154.999

§ 154.159 MANUFACTURED HOME PARK REQUIREMENTS.

Manufactured home parks shall comply with the requirements of Public Act 419 of 1976, being M.C.L.A. § 125.230 *et seq.*, as amended. Further, manufactured home parks shall comply with the city zoning regulations, Michigan Manufactured Home

Commission Rules, and any other lawfully adopted regulations of the city. Should any conflict in regulatory provisions occur, the provision that imposes the more restrictive or higher standard shall prevail.

(A) *Location.* Manufactured homes shall be located only in those zoning districts in which manufactured home land use is permitted by these regulations. Emergency or temporary parking of a manufactured home on any street, alley, or highway may be permitted by the Building Official for a period not to exceed 12 consecutive hours, subject to any other limitations imposed by traffic or parking regulations or ordinances for a particular street, alley or highway.

(B) *Manufactured home standards.* Each manufactured home shall be of contemporary design and shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external system as commonly found in modern manufactured homes. Each manufactured home shall comply with the zoning regulations for the district in which it is located, regulations of the U.S. Department of Housing and Urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Manufactured homes constructed prior to June 15, 1976 shall be in full compliance with NFPA 501B-1974/ANSI 119.1-1975 standards.

(C) *Setbacks.*

(1) Manufactured homes shall comply with the minimum distances specified in R125.1941, Rule 941 of the Michigan Administrative Code.

(2) No manufactured home unit shall be located within 50 feet of the right-of-way of a public thoroughfare, or within 35 feet of any other manufactured home park property line.

(3) No manufactured home unit exterior wall shall be located within 20 feet of any other manufactured home unit's exterior wall surface.

(D) *Permit.* It shall be unlawful for any person to operate a manufactured home park unless that individual obtains a license for operation in compliance with the requirements of Public Act 419 of 1976, being M.C.L.A. § 125.2301 *et seq.*, as amended. The Zoning Administrator shall communicate recommendations regarding the issuance of any license to the Director of the Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Commerce.

(E) *Violations.* Whenever, upon inspection of any manufactured home park, the Zoning Administrator finds that conditions or practices exist that violate provisions of these zoning regulations or other regulations referenced herein, the Zoning Administrator shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to comply with this chapter 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 the notification shall be sent by certified mail to the last known address of the park owner or agent.

(F) *Inspections.* The Zoning Administrator, or any delegated individual, is granted the authority, as specified in Public Act 419 of 1976, being M.C.L.A. § 125.2301 *et seq.* as amended, to enter upon the premises of any manufactured home park for the purpose of determining compliance with the provisions of these or other applicable city regulations.

(G) *Park site development standards.*

(1) *Park area.* A manufactured home park shall be at least ten contiguous acres in size.

(2) *Access.* All manufactured home parks shall have direct access to a major thoroughfare.

(3) *Interior roadways.*

(a) All interior roadways and driveways shall be hard-surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately assigned such that storm water from the roadway will not drain onto the manufactured home lots.

(b) Main access drives shall be no less than 32 feet wide. Secondary access drives shall be no less than 26 feet in width. No parking shall be permitted on any main or secondary access drives.

(4) *Sidewalks.* Concrete sidewalks shall be constructed on the street side of each manufactured home lot in accordance with established engineering standards for the city. Sidewalks shall be placed not less than three feet from the edge of the curb of a main access drive, but may be placed contiguous to the curb of a secondary access drive. The areas between the sidewalk and curb shall be seeded or sodded with grass, although shade or street trees may be planted in the area.

(5) *Water and sewer service.* All manufactured home parks shall be connected to the city water supply system and city sanitary sewer system and shall meet the requirements of the Wayne County Health Department and the Michigan Department of Health. Water shall be continuously supplied to each manufactured home lot with a minimum available pressure of 20 pounds per square inch. 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.

(6) *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 city, county, and state regulations, and shall be subject to review and approval by the City DPS Director.

(7) *Telephone and electric service.* All electric, telephone, and other lines within the manufactured park shall be underground.

(8) *Television antennas; satellite dishes.* Individual exterior television antennas or satellite dishes shall not be placed on any manufactured home unit or lot. The manufactured home park may provide a master exterior television antenna or dish for connection to individual mobile home units, or an underground cable television system may be installed.

(H) *Skirting.* Each manufactured 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 Zoning Administrator may permit extension of the time period. All skirting shall conform to the installation and materials standards specified in the Michigan Administrative Code, R125.1604 Rule 604.

(I) *Canopies and awnings.*

(1) Canopies and awning may be attached to any manufactured home, provided they are in compliance with the Michigan Administrative Code, R125.1941, Rule 941(1)(b)(ii), and provided further that they shall not exceed 12 feet in width or exceed the length or the height of the manufactured home.

(2) 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.

(J) *Landscaping.* Manufactured home parks shall be landscaped in accordance with §§ 154.080 through 154.086.

(K) *Open space.* Each manufactured home park shall provide a minimum of 15,000 square feet of open space area. The open space area shall be increased by 250 square feet for each manufactured home site in excess of 50 manufactured home park sites.

(L) *Accessory storage areas.*

(1) A parking area surrounded by an obscuring wall, in accordance with §§154.100 and 154.101, shall be located within each manufactured home park for the storage of residents' carrying trailers, boats, snowmobiles, motorized recreational vehicles, and other similar equipment. This equipment shall not be stored elsewhere in the park.

(2) Each manufactured home shall be provided with an accessory storage building having at least 80 square feet of floor area for the storage of household items, lawn equipment, and similar possessions.

(M) *Garbage and refuse collection.* Garbage and refuse collection areas shall be screened and maintained in accordance with the provisions of this chapter and other city regulations.

(Ord. 92-005, passed 2-17-92; Am. Ord. 21-004, passed 2-8-21) Penalty, see § 154.999

§ 154.160 SINGLE-FAMILY CLUSTER OPTION.

Except as stated within this section, an application for approval of a site plan for a residential cluster option shall follow the procedures and requirements established for a special use approval as stated in §§ 154.415 through 154.417. The following standards shall apply to single-family cluster projects.

(A) *Intent.* The intent of the single-family cluster option is to provide the opportunity for creative design in single-family residential districts to accomplish the following primary objectives.

(1) To promote a higher quality of development than could be achieved under conventional zoning regulations.

(2) To encourage innovation in land use and variety in design, layout, and type of structures constructed.

(3) To provide a feasible means of residential development on sites that would otherwise be difficult or impossible to develop because of the parcel size or shape, the character of surrounding land uses, or other constraints.

(B) *Eligibility criteria.*

(1) In considering any proposal for the single-family cluster option, the Planning Commission shall determine that the proposal satisfies one or more of the following eligibility criteria.

(a) The overall impact of the development will provide a recognizable and substantial benefit to its ultimate residents and to the community.

(b) The parcel has narrow width, shallow depth, or a unusual configuration that is a substantial detriment to development as a conventional subdivision.

(c) A significant portion of the property's perimeter is bordered by a major or secondary thoroughfare, so that, if developed as a conventional subdivision, a substantial number of the lots would abut the thoroughfare and be impacted by negative traffic noise and lights.

(d) A substantial portion of the property's perimeter is bordered by land that is zoned or used for more intensive and potentially incompatible nonresidential development.

(e) The parcel contains natural assets that would be preserved or enhanced through the use of cluster development. Such assets may include stands of trees, land that serves as a habitat for wildlife, unusual topographic features, or other natural assets that should be preserved.

(2) An application for the single-family cluster option shall be accompanied by written and graphic documentation

demonstrating to the Planning Commission that the proposal satisfies one or more of the listed eligibility criteria.

(C) *Project density.*

(1) The overall density of development on a site that qualifies for cluster development shall not exceed the standards for density as established by the underlying zoning regulations for the district in which the site is located. The density of a development shall be computed by dividing the total number of units proposed by the allowable acreage. The quotient shall be rounded to the nearest tenth of an acre.

(2) For the purposes of computing density, allowable acreage shall include the following.

(a) All areas to be used for residential purposes, including off-street parking and private access roads, but excluding public street rights-of-way.

(b) Dedicated private parks and/or common open space devoted for use of residents of the single-family cluster development.

(D) *Site design requirements.* Single-family cluster developments shall comply with the following requirements.

(1) *Clustering alternatives.*

(a) *Attachment of units.* A maximum of four single-family dwelling units may be attached to each other, provided that measures are taken to avoid monotonous facade design or the appearance of massive buildings that are out-of-scale with surrounding single-family development. The attached units shall be offset from one another, and/or different design details (i.e., different building entrance designs, different building materials, and the like) shall be used for each unit.

(b) *Detached clusters.* A maximum of single-family detached units may be combined into a single cluster, provided that the units shall be spaced not less than ten feet apart. This spacing requirement may be waived or modified by the Planning Commission during site plan review, based upon a favorable recommendation of the Fire Chief.

(2) *Open space.*

(a) *General requirements.* Single-family cluster developments shall provide and must maintain at least 15% of the site as dedicated common open space.

(b) *Water bodies and basins.* Up to 25% of the required open space may include the area of any created water bodies or water detention/retention basins.

(c) *Conveyance of open space.* The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction(s) or covenant(s) that runs with the land, assuring that the open space will be developed, dedicated and continually maintained according to the site plan and never changed to another use.

(3) *Setbacks.*

(a) *Setbacks between clusters.* Each cluster of attached or detached dwelling units shall be set back a minimum distance of 50 feet from any other cluster, except that the minimum setback for adjoining clusters that have a side-to-side building relationship shall be 20 feet.

(b) *Building setbacks.* Buildings within each cluster shall comply with the following minimum setbacks.

1. Internal private road: 20 feet from edge of traveled roadway.
2. Public road right-of-way: 25 feet.
3. Property line (other than road right-of-way): 25 feet.
4. Utility easement (other than individual unit lead): 12 feet.

(4) *Landscaping.* Single-family cluster developments shall comply with the landscaping requirements specified in §§ 154.080 through 154.086

(5) *Transition in density.* Where the parcel proposed for use as a cluster development abuts a conventional single-family development, the cluster development shall be designed to provide an orderly transition between the two developments. Such a transition may be achieved by providing a buffer zone consisting of open space, additional landscaping, berms, changes in topography, or similar measures.

(6) *Sidewalks.* Sidewalks shall be provided along all public and private roads within the cluster development.

(7) *Utility connections.* Each dwelling unit shall be separately connected and metered for city water and sewer service.

(E) *Determination of eligibility.* The application for cluster development shall include documentation that the proposal satisfies one or more of the eligibility criteria set forth in division (B)(1) of this section. The Planning Commission shall make a preliminary determination whether the proposal qualifies for the cluster option, based on the submitted documentation.

(F) *Effect of preliminary eligibility determination.* Preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not assure approval of the site plan. Such a determination, however, does give the applicant the opportunity to proceed further with site plan review.

(G) *Site plan review.* A cluster housing development shall be subject to the site plan review requirements in §§ 154.400

through 154.405 of this chapter, as well as the additional requirements in this section.

(H) *Information required for site plan review.* In addition to the information required in §§ 154.400 through 154.405 as a part of site plan review, the following information shall be included on all cluster option plans submitted for review.

- (1) Acreage and density computations.
- (2) Setbacks from all property lines and distances between all buildings and between buildings and roads.
- (3) Proposed landscape screening along the perimeter and within the site.
- (4) Specific locations of significant site features such as tree stands and water retention areas.
- (5) Delineation of open space areas and detailed information concerning common access and proposed landscaping or other improvements within the open space.

(I) *Recording of Planning Commission action.* Each action taken with reference to a cluster development proposal, including the grounds for the action taken, shall be duly recorded in the minutes of the Planning Commission.

(J) *Recording of documents.* If the Planning Commission approves the cluster development proposal, all requirements and conditions upon which approval is based shall be included as part of the approved site plan. Easements, deed covenants or deed restrictions shall be drafted into recordable forms, reviewed and approved as to form by the City Attorney, and filed by the applicant with the appropriate county agency prior to the issuance of a building permit for any construction.

(K) *Performance guarantee.* A performance guarantee shall be deposited with the city to ensure faithful completion of improvements, in accordance with §§ 154.400 through 154.415.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.161 COMMERCIAL/INDUSTRIAL DEVELOPMENTS.

In all commercial districts, a limited amount of storage is permitted where the storage is accessory to the principal retail use. Similarly, in industrial districts office and sales operations are permitted where such activities are clearly incidental to the principal industrial use. In certain businesses, the accessory use is an integral part of the overall business operation, such that the business takes on the character of a "mixed use." In these cases, the specific guidelines provided in this section to determine if the accessory use is reasonable and should be permitted.

(A) *Retail uses in industrial districts.* Retail uses shall be deemed acceptable accessory uses in industrial districts if the following criteria are met.

(1) *Character of the principal use.* The principal use on the site must be industrial in character. The retail activity must be an integral part of the business such that separation of the manufacturing and retail activity would adversely affect operating and management procedures.

(2) *Percent of floor area.* The retail activity shall occupy no more than 30% of the total floor area or 1,000 square feet, whichever is less.

(3) *Percent of gross value.* The gross value of the retail sales shall not exceed 30% of the gross value of the products produced on the premises.

(4) *Products offered for sale.* Retail sales shall be limited primarily to products produced on the premises. If it is determined by the Zoning Administrator that the sale of limited specialty products not produced on the premises is essential to installation or use of the principal sold, then those sales may be permitted, provided that in total they represent less than 50% of the on-site retail sales.

(5) *Compatibility of traffic.* The type and quantity of traffic generated by the retail sales operation shall be compatible with permitted industrial uses in the district.

(6) *Parking.* Adequate parking shall be provided for the retail sales, as specified in §§154.065 through 154.069. Off-street parking shall be subject to the location and setback requirements for the district in which the use is located.

(B) *Industrial uses in commercial districts.* Industrial, processing, and warehouse uses shall be deemed acceptable accessory uses in commercial districts if the following criteria are met.

(1) *Character of the industrial use.* Assembly, fabrication, manufacturing, and warehouse activities shall be directly related to the specific products or services permitted as principal use on the site.

(2) *Limits of industrial activity.* Any products manufactured or produced shall not be for distribution to other retail stores or manufacturing facilities.

(3) *Types of equipment.* Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes that would cause an adverse impact on neighboring properties.

(4) *Percent of floor area.* All industrial activity shall occur within a defined area and shall occupy no more than 30% of the total building floor area or 1,000 square feet, whichever is less.

(5) *Compatibility of traffic.* The type and quantity of traffic generated by the industrial activity shall be compatible with

permitted retail uses in the district.

(6) *Outside activity prohibited.* Industrial activity, if permitted, shall be located entirely within an enclosed building. There shall be no outside storage, except as specifically permitted in the district in which the use is located.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.162 AUTOMOBILE AND/OR VEHICLE RENTAL ESTABLISHMENTS.

Automobile and/or vehicle rental operations with outdoor rental space shall be subject to the requirements that follow. These requirements shall apply to any operation involving the lease or rental of automobiles and/or vehicles.

(A) *Grading, surfacing, and drainage.* Outdoor lots, parking areas, and other automobile and vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Director of the City DPS and/or City Engineer.

(B) *Servicing of automobiles and/or vehicles.* There shall be no servicing of automobiles and/or vehicles on site, except for the minor routine maintenance of the interior and exterior of the automobiles and/or vehicles, and checking of fluid levels. No servicing of any engine compartments.

(C) *Broadcasting devices prohibited.* Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

(D) *Setbacks.* Outdoor rentals lots, parking areas, and other automobile and vehicle maneuvering areas shall comply with the requirements for parking lots, as specified in § 154.066(A).

(Ord. 08-004, passed 11-5-07) Penalty, see § 154.999

§ 154.163 REGULATED USES.

(A) *Scope of regulations.* In the development and execution of this chapter, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area; i.e., not more than two such uses within 1,000 feet of each other. The establishment of the following kinds of uses is prohibited if the establishment of any one of the following uses constitutes the third such use within a 1,000-foot radius.

- (1) Adult book or supply store.
- (2) Adult model studio.
- (3) Adult motion picture arcade.
- (4) Adult motion picture theater or adult live stage performing theater.
- (5) Adult outdoor motion picture theater.
- (6) Adult physical cultural establishment.
- (7) Bar/lounge/tavern.
- (8) Boarding house or rooming house.
- (9) Cabaret.
- (10) Massage parlor or massage establishment.
- (11) Pawn shop or collateral loan or exchange establishments.
- (12) Public lodging house.
- (13) Smoke shops.
- (14) Specially designated distributor's establishment.
- (15) Specially designated merchant's establishment.
- (16) Hookah Lounge or Club.

(B) *Application procedure.* Application to establish any of the above regulated uses shall be made to the Zoning Administrator, who shall not approve any application if there are already in existence two or more regulated uses within a radius of 1,000 feet of the outermost boundaries of the lot upon which the proposed regulated use will be situated.

(C) *Waivers.* Upon denial of any application for a regulated use under division (B) of this section, the applicant may appeal for a waiver of the locational provisions above to the Zoning Board of Appeals consistent with the standards set forth below. The Board may waive the locational provisions set forth in division (B) of this section after all the following findings are made.

(1) *Compliance with regulations.* The proposed use will not be contrary to any other provision of this chapter, or injurious to nearby properties.

(2) *Shall not enlarge district.* The proposed use will not enlarge or encourage the development of a "skid row" or "strip."

(3) *Consistent with program.* That the establishment of an additional regulated use will not be contrary to, or interfere with any program of urban renewal or neighborhood development.

(4) *Consistent with law.* That all applicable city, state, or federal laws and regulations will be observed.

(D) *Procedure for waiver.* Prior to granting a waiver of the locational restrictions set forth above, and not less than five nor more than 15 days before the request for waivers is considered or a public hearing held pursuant to this section, the Board shall publish, in a newspaper of general circulation in the city, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered and to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

(1) *Notification to manager.* Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(2) *Notice contents.*

(a) The notice of application shall do the following.

1. Inform the recipient of the applicant's name.
2. Describe the nature and type of use proposed.
3. Indicate the local address, the lot number and subdivision name of the property in question.
4. Provide the section of the zoning chapter under which the proposal is being processed.

(b) This notice shall also invite written comments, statements, or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

(3) *Hearing requests.* The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than 18 years of age, of a structure located within 300 feet of the boundary of the property being considered for the regulated use. If the applicant or the Board requests a public hearing under this section, any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau.

(E) *Establishment prohibited near schools and residential zones.*

(1) *Restrictions.* It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a 300-foot radius of a residentially-zoned district, or within a 500-foot radius of any nursery, primary, or secondary school. This prohibition relative to the establishment of a regulated use near residentially-zoned districts shall be waived upon the presentment to the Zoning Board of Appeals of a validated petition requesting the waiver, signed by at least 51% of all those persons owning, residing, or doing business within 300 feet of the proposed location. No waivers shall be given to permit a regulated use to locate within a 500-foot radius of any nursery, primary, or secondary school.

(2) *Petitions for waiver.* The Zoning Administrator shall adopt rules and regulations governing the procedure for securing any petition of waiver, which may be provided for this section. The rules shall provide that the circulator of the petition requesting a waiver shall be over 18 years, and subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with those rules, and that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the persons whose names appeared thereon.

(3) *Filing of waiver.* The Board of Appeals shall not consider the waiver of locational requirements until the above described petition, if required, shall have been filed and verified by the Zoning Administrator.

(4) *Conditions of approval.* Prior to the granting of approval for the establishment of any regulated use, the Board of Appeals may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(Ord. 92-005, passed 2-17-92; Am. Ord. 96-01, passed 1-15-96; Am. Ord. 97-001, passed 4-7-97, Am. Ord. 08-004, passed 11-5-07; Am. Ord. 10-011, passed 10-26-09; Am. Ord. 20-003, passed 7-6-20) Penalty, see § 154.999

§ 154.164 HOME OCCUPATIONS.

(A) Home occupations may be permitted as an accessory use in the R-1, One-Family Residential and R-2, Two-Family Residential districts, subject to the following:

(1) No employees other than those living on the premises are allowed.

(2) Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers, and express package carriers. Deliveries are limited to an average of once a week.

(3) Home occupations are not allowed outside of the interior of a structure. An approved garage or accessory building may also be used for storage of materials, supplies, goods or equipment incidental to the home occupation.

(B) The following uses shall be permitted as home occupations:

(1) Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.

(2) Personal services, including hair or nail care, tutoring, music and art classes.

(3) Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood working.

(4) Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.

(5) Any home occupation not specifically listed as permitted, may be permitted as a special use subject to the provisions of this section and § 154.415.

(C) The following uses are expressly prohibited as a home occupation:

(1) Motor vehicle, recreational vehicle and/or boat repair, bump and paint shops, and salvage and/or storage yards.

(2) Kennels and/or veterinary clinics.

(3) Medical or dental clinics.

(4) Retail sales of merchandise.

(5) Eating or drinking establishments.

(6) Adult uses and sexually oriented businesses.

(7) Growing of medical marijuana as a qualified caregiver under the Michigan Marijuana Act, Initiated Law 1 of 2008, being M.C.L.A. §§ 333.26423 et seq.

(8) Uses similar to the above listed uses, or any uses that would in the determination of the Community Development Director result in nuisance factors as defined by this section.

(D) Home occupations shall not include:

(1) Outdoor displays or storage of materials, goods, supplies, or equipment used in the home occupation.

(2) The use of machinery or equipment not commonly incidental or accessory to a residential dwelling.

(3) Changes or alterations to the character or appearance of the residence.

(4) Parking that cannot be accommodated on the site.

(5) Signs unless expressly permitted by Chapter 153, Sign Regulations.

(Ord. 09-007, passed 4-20-09; Am. Ord. 11-001, passed 1-10-11)

§ 154.165 MEDICAL MARIJUANA GROWING CENTER.

(A) *Purpose and intent.* It is the intent of this section to provide appropriate locations with reasonable regulations for certain medical marijuana facilities allowed by the Michigan Medical Marijuana Facilities Licensing Act. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting medical marijuana facilities to areas of the M-1 zoning district that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions so that these facilities do not compromise the health, safety, and general welfare of persons in the city, or other uses allowed in the M-1 zoning district or adjacent zoning district. It is not the intent of this section to permit recreational **MARIJUANA ESTABLISHMENTS** as defined by Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marijuana Act, to be located within the city limits, including co-located with medical marijuana facilities, except as required by state law.

(B) *Types of facilities prohibited.* The following types of medical marijuana facilities are prohibited in all zoning districts within the City of Garden City:

(1) Medical marijuana safety compliance facilities.

(2) Medical marijuana secure transporters.

(C) *Types of facilities permitted with special land use approval.* The following medical marijuana facilities provided for in the Michigan Medical Marijuana Facilities Licensing Act may be permitted as a special land use in the M-1 zoning district, subject to the requirements of this section:

(1) *Medical marijuana growoperations, Class A growers, Class B growers, and Class C growers.* The maximum number of medical marijuana grow operations in Garden City is three, regardless of which class the three grow operations are. Grow operations previously granted a special land use permit by the city shall be counted among the three grow operations permitted by this section.

(2) *Medical marijuana processing facilities.* See § 154.165(F), which requires co-location in the same building with a grow operation.

(3) *Medical marijuana provisioning centers.* See § 154.165(G), which requires co-location in the same building with a grow operation and processing facility.

(D) *Requirements applicable to all medical marijuana facilities.* The following requirements apply to all medical marijuana uses provided for in the Michigan Medical Marijuana Facilities Licensing Act and permitted in this zoning ordinance:

(1) *Separation distance requirements.* The following minimum setbacks apply to all medical marijuana facilities:

(a) *From residentially zoned districts.* All lots containing a medical marijuana facility must be located at least 300 feet from a residentially zoned district (regardless of whether the residentially zoned district is located within the municipal boundaries of Garden City), measured from the nearest lot line of the medical marijuana facility to the nearest line of the residentially zoned district.

(b) *From child care facilities, schools, and like facilities.* All lots containing a medical marijuana facility must be located at least 500 feet from the nearest lot line of any child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, or like facility, established pursuant to and in accordance with the Revised School Code, P.A. 451 of 1976, being M.C.L.A. §§ 380.1 through 380.1853, as amended, and/or the State School Aid Act of 1979, P.A. 94 of 1979, being M.C.L.A. §§ 388.1601 through 388.1772, as amended.

(c) *Public parks.* All lots containing a medical marijuana facility must be located at least 500 feet from any public park, measured from the nearest lot line of the medical marijuana facility to the nearest lot line of the public park.

(2) *Distance from Ford Road.* The minimum setbacks of medical marijuana facilities from the right-of-way of Ford Road are as follows:

(a) All buildings on a lot containing a medical marijuana facility must be located at least 300 feet from Ford Road, measured from the right-of-way of Ford Road to the nearest building.

(b) All lots containing a medical marijuana facility must be located at least 265 feet from Ford Road, measured from the right-of-way of Ford Road to the nearest lot line of the medical marijuana facility.

(3) *Wastewater.* All medical marijuana facilities must be designed and operated so as to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and any other potential contaminants discharged into the public wastewater and/or stormwater systems.

(4) *Odor.* All medical marijuana facilities must be equipped with an operable filtration, ventilation, and exhaust system that effectively confines odors to the interior of the building from which the odor is generated.

(5) *Separation of activities.* All drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.

(6) *Security.* All facilities must have an adequate and approved security plan to prevent access to marijuana by non-authorized personnel, including unauthorized removal. All rooms that contain marijuana, in any form, must be individually locked and accessible only to authorized personnel. The building(s) housing the medical marijuana facility shall all be equipped with security cameras approved by the city Police Chief, maintained in operational order, and installed in such a way as to monitor the entire perimeter of the building(s) and capable of recording and storing a minimum of 120 continuous hours of the perimeter monitoring. The security cameras shall be in operation 24-hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation.

(7) *Alarm system.* An alarm system is required that is operated and monitored by a recognized security company.

(8) *State and local licensing and registration.* At the time of application for a special land use permit, the medical marijuana facility must provide proof to the city that the applicant has applied for pre-qualification to be licensed by the Medical Marijuana Licensing Board of the State of Michigan. Upon approval of a special land use permit, all owners, possessors, occupants, partnerships, corporations, and/or employees shall be subject to business license requirements of the city and must be at all times in compliance with the laws of the State of Michigan and ordinances of the city.

(9) *Access record.* Except as prohibited by state or Federal law, a written record of all individuals entering the medical marijuana facility shall be maintained at the facility, which written record shall be available to the City Police Department as needed for investigative purposes, but only to the extent allowed by state or Federal law.

(10) *Inspections.* A medical marijuana facility shall be subject to inspection to ensure compliance with the city code and state law.

(11) *Unlawful activities.* Any uses or activities found by the State of Michigan or a court of competent jurisdiction to be unconstitutional or otherwise unlawful by state law may not be permitted by the city. In the event that a court of competent jurisdiction declares some or all of this section invalid, the city may suspend the acceptance or review of applications for special land use permits pending the resolution of the legal matter in question.

(12) *Revocation and suspension.* The city may suspend or revoke a special land use permit based on a finding that the facility is in violation of the provisions of the special land use standards in this section, any applicable provision of this zoning ordinance, and/or the terms or conditions of the special land use permit and approved site plan.

(13) *Home occupation and accessory use prohibited.* A medical marijuana facility, or activities associated with the facility, may not be permitted as a home occupation or accessory use.

(14) *Indoor activity only.* All activities of a medical marijuana facility must be conducted indoors.

(15) *Prohibited activities.* No smoking, inhalation, or consumption of marijuana shall take place on the premises of any medical marijuana facility.

(16) *Waste disposal plan.* All medical marijuana facilities must submit and have approved a waste disposal plan specific to marijuana, marijuana plant waste, and marijuana-infused products.

(17) *Operations plan.* All medical marijuana facilities must submit and have approved an operations statement that describes, but is not limited to, the life cycle of marijuana and marijuana-infused products entering, stored on, grown, dried, and leaving the site. This statement may include how deliveries are handled, methods of storage, cash handling, a floor plan, and other pertinent information.

(E) *Requirements applicable to all medical marijuana grow operations.*

(1) The following requirements apply to all medical marijuana grow operations:

(2) *Water/wastewater.* All medical marijuana grow operations must submit and have approved a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment, permits required for wastewater disposal, the expected volume of wastewater based on the number of plants permitted, and any other information required by the city.

(F) *Requirements applicable to all medical marijuana processing facilities.* The following requirements apply to all medical marijuana processing facilities:

(1) *Water/wastewater.* All medical marijuana processing facilities must submit and have approved a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment, permits required for wastewater disposal, the expected volume of wastewater based on the type of processing, and any other information required by the city.

(2) *Co-location with grow operation.* A medical marijuana processing facility may only be established if it is co-located in the same building with a grow operation in accordance with the State of Michigan's co-location requirements. The facility must meet the all applicable co-location requirements of the State of Michigan, including separation requirements between facilities and ingress and egress. When co-located, these two uses must remain co-located. If the processing facility is no longer co-located with a grow operation, the processing facility use must cease and the city may revoke the processing facility special land use. Not more than one medical marijuana processing facility can be co-located with a grow operation.

(G) *Requirements applicable to all medical marijuana provisioning centers.* The following requirements apply to all medical marijuana provisioning centers:

(1) *Co-location with grow operation and processing facility.* A medical marijuana provisioning center may only be established if it is co-located in the same building with a grow operation and a processing facility in accordance with the State of Michigan's co-location requirements. The facility must meet the all applicable co-location requirements of the State of Michigan, including separation requirements between facilities and ingress and egress. When co-located, these three uses must remain co-located. If the provisioning center is no longer co-located with a grow operation and a processing facility, the provisioning center use must cease and the city may revoke the provisioning center special land use. Not more than one medical marijuana provisioning center may be co-located with a grow operation and processing facility.

(2) *Hours of operation.* The medical marijuana provisioning center may only be open for business between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday. No sales or transfers of marijuana may take place at the provisioning center on Sundays or between 7:00 p.m. and 9:00 a.m. on any other day.

(H) *Primary caregivers.* Licensed medical marijuana primary caregivers as defined and authorized by the State of Michigan under Initiated Law 1 of 2008, that wish to grow medical marijuana for a qualifying patient other than themselves shall be required to comply with the following standards in order to conduct legal activities. Licensed medical marijuana primary caregivers growing 12 or less plants for themselves in compliance with the requirements of the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018 and all applicable City ordinances shall not be required to comply with the following standards.

(1) *Location.* Any site used by a licensed medical marijuana primary caregiver to grow marijuana for a qualifying patient other than themselves must meet all the following location requirements:

(a) Shall be located in the M-1, Light Industrial zoning district.

(b) Shall meet all the separation distance requirements of Section 154.165(D)(1).

(2) *Wastewater.* The site and grow facility shall be designed and operated so as to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and any other potential contaminants discharged into the public wastewater and/or stormwater systems.

(3) *Odor.* The site and grow facility must be equipped with an operable filtration, ventilation, and exhaust system that effectively confines odors to the interior of the building from which the odor is generated.

(4) *Security.* Marijuana grown by a registered primary caregiver or qualifying patient must be kept in an enclosed, locked facility (as defined under Initiated Law 1 of 2008) that permits access only by a registered primary caregiver or qualifying patient.

(5) *Site plan application and review.* A licensed medical marijuana primary caregiver seeking to grow marijuana for a qualifying patient other than themselves must apply for site plan approval in compliance with § 154.401. At the time of application for site plan review, the primary caregiver must provide a copy of their valid primary caregiver license and a copy of the photo registration for each qualifying patient for which they will be growing marijuana.

(6) *State and local licensing and registration.* All licensed medical marijuana primary caregivers growing marijuana for a qualifying patient other than themselves shall be subject to certificate of occupancy and business license requirements of the city and must be at all times in compliance with the laws of the State of Michigan and ordinances of the city.

(Ord. 10-016, passed 6-7-10; Am. Ord. 17-002, passed 9-25-17; Am. Ord. 18-002, passed 2-5-18; Am. Ord. 18-022, passed 9-24-18; Am. Ord. 18-024, passed 12-3-18; Am. Ord. 20-007, passed 11-23-20)

§ 154.166 OUTDOOR SEATING AND DINING.

(A) *Location.* Outdoor seating and dining areas shall be located immediately adjacent to the establishment with which it is associated. Outdoor seating and dining areas shall not encroach upon any public right-of-way. A minimum of five feet of sidewalk shall be maintained free of tables and other encumbrances.

(B) *Defined area.* If alcoholic beverages are to be served, outdoor seating and dining areas must be enclosed by a barrier, a minimum of three and one-half feet in height above the ground. The barrier must be decorative and cannot restrict visibility in or out of the area.

(C) *Capacity.* Outdoor seating and dining areas shall not exceed 25% of the total seating for the establishment.

(D) *Furniture storage.* Tables, chairs, table umbrellas, railings, planters, posts, and other items shall not be stored outside during the off-season.

(E) *Noise.* No music, intercom, or other noise shall be permitted that impacts adjacent properties per the standards of § 154.176.

(F) *Patron entrance and exit.* Patron entrance and exit from the enclosed outdoor seating and dining areas at establishments serving alcohol may only occur through the main establishment. The enclosed area shall have an approved fire emergency exit. The emergency exit shall have an alarm to alert the establishment in the event of unauthorized use when no emergency exists.

(G) *Food and beverage service.* All food and beverages shall be prepared within the main establishment. The service of alcoholic beverages is subject to the current state Liquor Control Commission rules and regulations.

(Ord. 11-002, passed 1-10-11)

§ 154.167 MASSAGE THERAPY AND SERVICES.

Facilities and individuals offering therapeutic massage or unlicensed massage services shall be subject to the following conditions.

(A) Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.

(B) Therapeutic massage facilities and physical therapy facilities shall be deemed to be personal service establishments and may operate in any district in which personal service establishments are permitted as a principal permitted use or special use.

(C) Therapeutic massage facilities shall only offer massage therapies that are licensed pursuant to Public Act 471 of 2008, as amended. Unlicensed massage services and massage therapy practices for which a license is not required as identified in § 17957 of Public Act 471 of 2008, as amended, are prohibited.

(D) A licensed massage therapist may operate a home occupation, subject to the provisions of §154.164.

(E) Massages administered only to the scalp, face, neck or shoulders shall be permitted within beauty salons or barber shops.

(F) Any unlicensed or unregistered individual not operating under a physician's direction providing massage services to any area of the body other than the scalp, face, neck or shoulders shall only provide those services within an unlicensed massage parlor or establishment.

(G) Unlicensed massage parlors or massage establishments are deemed regulated uses and shall be subject to the provisions of § 154.163.

(H) All massage therapists shall be licensed in accordance with the requirements of Public Act 471 of 2008, as amended.

Proof of such licenses shall be provided to the city and shall be posted in a location visible to customers. The licensee's home address does not need to be visible.

(Ord. 12-010, passed 11-19-12; Am. Ord. 22-001, passed 1-24-22)

§ 154.168 HOOKAH CLUBS.

Hookah clubs shall be subject to the following conditions.

(A) *Hours of operation.* Hookah clubs shall not operate past 2:00 a.m. any day of the week.

(B) *Noise and sound systems.* No speakers, live music or other forms of vocal performance or announcement shall be discernable at the property line of any adjacent residentially used or zoned lot. Any establishment that is providing such equipment or uses shall not have a door or window along a facade that is facing a residentially used or zoned lot.

(C) *Air quality control.* Hookah clubs shall abide by and continue to operate under all state standards for air handling and quality required to obtain a tobacco specialty retail store exemption from the state's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. No smoke or odor produced within the hookah club shall be discernable at the property line of any adjacent lot.

(D) *Fire safety compliance.* The operations within a hookah club, including, but not limited to, the heating or vaporizing of any product, shall comply with all safety and operational requirements of the National Fire Code and the City Fire Marshal.

(E) *Area of operation.* All activity related to the hookah club shall be located inside the primary building, except for the parking and loading of vehicles.

(F) *Carry-out items.* No disposable hookah pipes and or related products shall be offered as a to-go item to customers.

(Ord. 22-001, passed 1-24-22)

§ 154.169 CIGAR LOUNGES.

Cigar lounges shall be subject to the following conditions.

(A) *Setback requirement.* A cigar lounge club shall be setback a minimum of 1,000 feet from another cigar lounge, as measured from the nearest point on a lot line of the cigar lounge property to the nearest point on the lot line of any other cigar lounge property.

(B) *Air quality control.* Cigar lounges shall abide by and continue to operate under all state standards for air handling and quality required to obtain a cigar bar exemption from the state's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. No smoke or odor produced within the cigar lounge shall be discernable at the property line of any adjacent lot.

(C) *Fire safety compliance.* The operations within a cigar lounge, including, but not limited to, the heating or vaporizing of any product, shall comply with all safety and operational requirements of the National Fire Code and the City Fire Marshal.

(D) *Area of operation.* All activity related to the cigar lounge shall be located inside the primary building except for the parking and loading of vehicles.

(Ord. 22-001, passed 1-24-22)

PERFORMANCE STANDARDS

§ 154.175 INTENT AND SCOPE.

(A) *Intent.* The purpose of this subchapter is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.

(B) *Scope of application.* After the effective date of this chapter, 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 subchapter. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this subchapter.

(C) *Submission of additional data.* Nothing in this subchapter 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 subchapter, provided that the Planning Commission finds that no harm to the public health, safety and welfare will result and that the intent of this chapter will be upheld.

(D) *Adverse affects on surroundings.* No activity, operation or use of land, buildings, or equipment shall be permitted if the activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this subchapter.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.176 NOISE AND VIBRATION.

(A) *Definitions.* For the purpose of this section the following definitions shall apply, unless the context clearly indicates or

requires a different meaning. Terms used in this section but not defined below or in § 154.005 shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

DAY-NIGHT AVERAGE SOUND LEVEL. The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by 10 dB(A) before averaging.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

EQUIVALENT A-WEIGHTED SOUND LEVEL or L_{eq} . The constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. (For the purposes of this chapter, a time period of 24 hours shall be used, unless otherwise specified.)

IMPULSE SOUND. Sound of short duration, usually less than one second with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

NOISE DISTURBANCE. Any sound which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, endangers or injures personal or real property, or exceeds the Maximum Permitted Sound Levels in the table found in division (E) of this section.

NOISE SENSITIVE ZONE. An area which contains noise-sensitive activities, such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.

PURE TONE. Any sound which can be distinctly heard as a single pitch or a set of single pitches.

RMS SOUND PRESSURE. The square root of the time averaged square of the sound pressure, denoted P_{rms} .

SOUND. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

SOUND LEVELS. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network (for the purposes of this chapter, an A-weighted network), as specified by the American National Standards Institute.

SOUND PRESSURE. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base of 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20×10^{-6} N/m²). The sound pressure level is denoted L_P or SPL and is expressed in decibels.

VIBRATION. An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

(B) *Prohibited acts.*

(1) *Noise disturbance prohibited.* No person shall make, continue, or cause to be made or continued, any noise disturbance.

(2) *Loading and unloading.* Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.

(3) *Construction.* Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential district boundary or within a noise sensitive zone, except for emergency work of public service utilities.

(4) *Vibration.* Operating any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, **VIBRATION PERCEPTION THRESHOLD** means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(5) *Noise sensitive zones.* Creating any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, provided that conspicuous signs are displayed indicating the presence of the zone.

(C) *Exceptions.*

(1) *Emergency exceptions.* The provisions in this section shall not apply to the emission of sound for the purpose of alerting persons to existence of an emergency, or the emission of sound in the performance of emergency work.

(2) *Additional exceptions.* The provisions in this section shall not apply to the following activities, provided that the

activities are conducted in a legally accepted manner.

- (a) Snow plowing, street sweeping, and other public works activities.
- (b) Church bells, chimes and carillons.
- (c) Lawn care and house maintenance that occurs between 9:00 a.m. and 9:00 p.m.

(D) *Variances.* An application for a variance from the provisions in this section 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 the equipment on the overall noise level in the area. The statement shall include a study of the 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 a 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 when granting a variance.

(E) *Maximum permitted sound levels by receiving zoning district.* No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving zoning district in the following table when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels (L_{dn}). The provisions of this division shall not apply to the activities covered by division (C).

Maximum Permitted Average A-weighted Sound Levels	
Receiving Zoning District	Average Sound Level, dB(A)
Residential	55
Commercial (not noise sensitive)	65
Commercial (noise sensitive)	55
Industrial	70

Notes:

a. *Correction for tonal sounds.* For any source of sound which emits a pure tone sound, the maximum sound level limits in the above table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

b. *Correction for impulsive or impact-type sounds.* For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in the above table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

c. *Planned development.* Where the receiving district is a Planned Development district, the applicable standard in the above table shall be based on the most noise sensitive use within the planned development.

(F) *Measurement of sound.* The Zoning Administrator shall be responsible for developing and promulgating testing methods and procedures. In performing this task, the Zoning Administrator may consult with outside specialists in the field of sound measurement and control.

(G) *Permitted land use.* No new or substantially modified structure shall be approved for construction unless the owner or developer of the land demonstrates that the completed structure and the activities associated with and on the same property as the structure will comply with the sound/noise standards set forth in this section at all times of full-scale operation of such activities.

(H) *Applicability of city noise control regulations.* The sound and noise standards set forth in this section are intended to be used chiefly as performance standards to assist the Planning Commission and other city officials in determining whether a proposed development will generate a noise disturbance. In contrast, the noise control regulations set forth in §§ 92.30 through 92.33 of this Code are intended to be used chiefly by police or health officials to regulate and/or curtail specific noise occurrences generated by an existing source.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.177 DUST, SMOKE, AND OTHER AIR-BORNE MATTER.

(A) 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, Public Act 348 of 1965, as amended, or 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 the processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air.

(B) The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.178 ODORS.

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.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.179 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 the 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.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.180 FIRE AND SAFETY HAZARDS.

(A) *General requirements.* The storage and handling of flammable or combustible liquids or gases and explosives shall comply with all applicable federal, state, county and local regulations. All underground storage tanks shall be registered with the Michigan Department of Natural Resources, in accordance with Public Act 165 of 1985, as amended. The location and contents of all such tanks shall be indicated on the site plan.

(B) *Detonable materials.* The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the Fire Chief and the following restrictions.

<i>Proposed Activity</i>	<i>Restrictions</i>
Storage, utilization or manufacture of 5 pounds or less	Permitted accessory use in M-1 District
Storage or utilization of over 5 pounds	Special land use in M-1 District
Manufacture of over 5 pounds	Not permitted

Detonable materials covered by these requirements include, but are not necessarily limited to the following.

- (1) All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
- (2) All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
- (3) Propellants and components thereof such as dry nitrocellulose, black powder, baron hydrides, and hydrazine and its derivatives.
- (4) Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
- (5) Blasting explosives such as dynamite and nitroglycerine.
- (6) Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
- (7) Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than 35%.
- (8) Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

(C) *Liquified petroleum gas.* The storage or utilization of liquified petroleum gas shall be permitted subject to approval by the Fire Chief and the following restrictions.

<i>Proposed Activity</i>	<i>Restrictions</i>
Storage or utilization of 80 pounds or less	Permitted accessory use in all districts
Storage or utilization of more than 80 pounds	Permitted in M-1 District

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.181 SEWAGE AND WATER POLLUTION.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Natural Resources, the Wayne County Health Department, and the U.S. Environmental Protection Agency.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.182 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, 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
Petrochemical oxidants	0.12 ppm	1 hour
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hour
Lead	1.5 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 ug/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.183 ELECTROMAGNETIC RADIATION.

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.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.184 RADIOACTIVE MATERIALS.

Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an X-ray machine, shall not exceed levels established by federal agencies which have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.185 DETERMINATION OF COMPLIANCE; METHODS.

In the event that the city receives complaints or otherwise acquires evidence of possible violation of any of the performance standards not forth in this subchapter, the following procedures shall be used to investigate, and if necessary, resolve the violation.

(A) *Official investigation.* Upon receipt of evidence of possible violation, the Zoning Administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination. Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data along with any evidence deemed necessary to make an objective determination regarding the possible violation within a time period specified by the Zoning Administrator, but in every case a reply must be forthcoming within three calendar days from the receipt of notice. Failure of the owner or operator to supply requested data within the stated time period shall be considered an admission of violation and provide prima facie evidence of grounds for taking any action, including legal action, to terminate the use and/or deny or cancel any permits or licenses 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 mechanism and techniques used or proposed to be used to control emissions regulated under the provisions of this subchapter.
- (4) Measurement of the amount or rate of emissions of the material, including but not limited to, heat, sound, and glare, purported to be in violation.
- (5) Copies of studies, reports, specifications, and any other compilation of data, including, but not limited to, RCRA filings.

(B) *Method and cost of determination.*

(1) The Zoning Administrator shall take measurements, or cause measurements to be taken by a competent contractor, and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator using equipment and personnel normally available to the city without extraordinary expense, the measurements and investigation may 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.

(2) If the alleged violation is found to exist in fact, the costs of making the determination shall be charged against those responsible, in addition to any other penalties as may be allowable. If the bill is not paid within 30 days, the city shall take whatever appropriate action is necessary to recover the

costs, or alternately, the cost shall be charged against the property where the violation occurred. If it is determined that no substantive violation exists, then the costs of this determination shall be paid by the city.

(C) *Appropriate remedies.* If, after appropriate investigation, the Zoning Administrator determines that a violation does exist, the Zoning Administrator shall take or cause to be taken lawful action as provided by this chapter or any state or federal regulation to eliminate the violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The Zoning Administrator shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following.

(1) *Correction of violation within time limit.* If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Administrator shall note "Violation Corrected" on the city's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Administrator may take other action as may be warranted by the circumstances of the case, pursuant to this chapter and any other applicable regulation.

(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, and the alleged violation is not corrected in accordance with the regulations, set forth in this subchapter, then the Zoning Administrator shall take any action reasonably calculated to correct or abate the violation.

(3) *Reply requesting extension of time.* If the alleged violator responds to the city within the specified time limit of the original notice and requests an extension of time, the Zoning Administrator shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health, or property, the Zoning Administrator may extend the specified time limit to a certain date, if the Zoning Administrator concurs that one of the following are true.

(a) The information requested pursuant to divisions (A) of this section is impractical to readily produce.

(b) An extreme hardship exists.

(c) The reply indicates that an alleged violation shall be corrected or abated by the date certain and that all future operations shall comply with the regulations as set forth herein.

(4) *Reply requesting technical determination.*

(a) If a reply is received within the specified time limit requesting further review and technical analysis, even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete the analysis and confirm or refute the initial determination of violation.

(b) 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 chapter or other applicable regulations. 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, cost of determination shall be paid by the city.

(D) *Continued violation.* If, after the conclusion of the time period granted for compliance, the Zoning Administrator finds that the violation still exists, any permits previously issued shall be void and the city may initiate appropriate legal action, including possible pursuit of remedies in Circuit Court.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

ESTABLISHMENT OF ZONING DISTRICTS

§ 154.195 CREATION OF DISTRICTS.

For the purposes of this chapter, the city is divided into the following Zoning Districts as shown on the Official Zoning map.

R-1 One-Family Residential District

R-2 Two-Family Residential District

R-3 Multiple-Family Residential District

C-1 Local Business District

C-2 Community Business District

C-3 General Business District

CBD Central Business District

M-1 Light Industrial District

PD Planned Development District

VP Vehicular Parking District

PR Public Recreation District

(Ord. 92-005, passed 2-17-92; Am. Ord. 22-001, passed 1-24-22)

§ 154.196 ADOPTION OF ZONING MAP.

(A) The boundaries of the Zoning District listed in §154.195 are established as shown on the Official Zoning Map of the city. The Zoning Map with all notations, references, and other information shown thereon shall be, and is declared to be a part of this chapter as if fully described herein.

(B) In accordance with the provisions of this chapter and Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the City Council and has been published in a newspaper of general circulation in the city. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in §§ 154.400 through 154.466 of this chapter.

(C) Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the municipal offices and shall be the final authority with regard to the current zoning status of all land in the city.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.197 INTERPRETATION OF DISTRICT BOUNDARIES.

The following rules shall apply to the interpretation of zoning district boundaries.

(A) Boundaries indicated as approximately following the centerlines of streets, roads, or alleys shall be construed to follow the centerlines. On parcels adjacent to a street or road, the zoning shall be construed to extend to the centerline of the adjacent street or road, unless otherwise indicated on the zoning map.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(C) Boundaries indicated as approximately following city limits shall be construed as following those limits.

(D) Boundaries indicated as approximately following the centerlines of ditches, drains, or other bodies of water shall be construed to follow the centerlines.

(E) Boundaries indicated as parallel to or as an extension of features cited in divisions (A) through (D) of this section shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.

(F) Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.

(Ord. 92-005, passed 2-17-92)

§ 154.198 VACATED AREAS.

Whenever any street, alley, or other public way within the city is vacated, that street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it attaches, and shall be subject to the standards for that Zoning District.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.199 DISTRICT REQUIREMENTS.

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this chapter, including but not limited to Appendix A: Schedule of Regulations.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.200 SCHEDULE OF REGULATIONS; INTENT.

(A) *Intent and scope of requirements.* The purpose of this section is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or

reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this section with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

(B) *Schedule of regulations.* All buildings, uses, and parcels of land shall comply with the regulations set forth in Appendix A, Schedule of Regulations and footnotes thereto, at the end of this chapter.

(Ord. 92-005, passed 2-17-92)

R-1 ONE-FAMILY RESIDENTIAL DISTRICT

§ 154.210 PURPOSE.

(A) The intent of the One-Family Residential Districts is to provide areas of the city for the construction and continued use of single-family dwellings within stable neighborhoods.

(B) The regulations in this subchapter are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible. It is further the intent of this district to prohibit multiple-family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with single-family development of or quality of life in this district.

(Ord. 92-005, passed 2-17-92)

§ 154.211 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned R-1 One-Family Residential, no buildings 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) Manufactured homes, subject to the provisions of §154.024.
- (5) State-licensed residential facilities which provide residential service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in § 3b of Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended.
- (6) Essential services, subject to the provisions in §154.034.
- (7) Uses and structures accessory to the above, subject to the provisions in §154.022.

(B) *Special land uses.* The following uses may be permitted, subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in §§ 154.415 through 154.417.

- (1) An accessory apartment subject to the provisions in §154.157.
- (2) Municipal buildings and uses, including public libraries, which do not require outside storage of materials or equipment.
- (3) Public, parochial, and other private elementary, intermediate, or high schools licensed by the state to offer courses in general education.
- (4) Public or private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education.
- (5) Group day care homes and child care centers, subject to the provisions in §154.142.
- (6) Religious institutions, subject to the provisions in §154.153.
- (7) Private swimming pools and swimming pool clubs.
- (8) Private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club, or similar facility.
- (9) Community buildings, including educational, social, neighborhood, or community centers, but not a residential club operated as a commercial enterprise.
- (10) The use of a parcel for gardening or the production of agricultural products, together with facilities for the sale of the products grown thereon, provided that the facilities for the sale of products shall comply with requirements for open-air businesses, as set forth in § 154.149.

(Ord. 92-005, passed 2-17-92; Am. Ord. 12-009, passed 11-19-12) Penalty, see § 154.999

§ 154.212 DEVELOPMENT STANDARDS.

(A) *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with §§ 154.400 through 154.405.

(B) *Area, height, bulk, and placement requirements.* Buildings and uses in the R-1 One-Family Residential Districts are subject to the area, height, bulk, and placement requirements in Appendix A: Schedule of Regulations.

(C) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in §§ 154.330 through 154.336.

(D) *Single-family development options.* Single-family development in the R-1 One-Family Residential Districts may be developed in accordance with the single-family cluster option in § 154.160.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

§ 154.225 PURPOSE.

The intent of the R-2 Two-Family Residential District is to provide areas of the city for the continued use and improvement of two-family dwellings. It is further the intent of this district to prohibit multiple-family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development of or quality of life in this district.

(Ord. 92-005, passed 2-17-92)

§ 154.226 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned R-2 Two-Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- (1) All principal uses and structures permitted in the R-1 One-Family Residential Districts as specified in §154.211(A).
- (2) Two-family dwellings.

(B) *Special land uses.* The following uses may be permitted subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in §§ 154.415 through 154.417; all special land uses and structures permitted in the R-1 One-Family Residential Districts as specified in § 154.211(B).

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.227 DEVELOPMENT STANDARDS.

(A) *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses and two-family dwellings, in accordance with §§ 154.400 through 154.405.

(B) *Area, height, bulk, and placement requirements.* Buildings and uses in the R-2 Two-Family Residential District are subject to the area, height, bulk, and placement requirements in Appendix A: Schedule of Regulations.

(C) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines set forth in §§ 154.330 through 154.336.

(D) *Single-family development options.* Single-family development in the R-2 Two-Family Residential District may be developed in accordance with the single-family cluster option set forth in § 154.160.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

R-3 MULTIPLE-FAMILY RESIDENT DISTRICT

§ 154.240 PURPOSE.

The intent of the R-3 Multiple-Family Residential District is to address the varied housing needs of the community by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. In addressing these housing needs, multiple-family housing in the R-3 district should be designed in consideration of the following objectives.

(A) R-3 developments are generally considered suitable transitional uses between single-family detached housing and nonresidential development.

(B) Multiple-family housing should be provided with necessary services and utilities, including usable outdoor recreation space and a well designed internal road network.

(C) 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.

(D) Multiple-family developments in the R-3 district should have direct access to a collector road or major thoroughfare.

(Ord. 92-005, passed 2-17-92)

§ 154.241 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned R-3, Multiple-Family Residential District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- (1) Single-family detached dwellings, subject to the area, height, bulk and placement requirements for single-family dwellings in the R-1 district, as set forth in §§ 154.210 through 154.212.
- (2) Single-family attached dwellings or townhouses, as defined in §154.005.
- (3) Multiple-family dwellings, including apartments, terrace apartments, and townhouses.
- (4) Two-family dwellings.
- (5) Publicly-owned and operated parks, parkways, and recreation facilities.
- (6) Private parks owned and maintained by a homeowner association or the proprietor of a housing project.
- (7) State-licensed residential facility which provides resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in § 206 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L. § 125.3206, as amended.
- (8) Essential services, subject to the provisions of §154.034.
- (9) Uses and structures accessory to the above, subject to the provisions set forth in §154.022, 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, community garages, or parking lots.
 - (d) Signs, subject to the provisions of Chapter 153.

(B) *Special land uses.* The following uses may be permitted subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in §§ 154.415 through 154.417.

- (1) Multiple-family housing for the elderly, subject to the provisions of §154.158.
- (2) Municipal buildings and uses including public libraries, which do not require outside storage of materials or equipment.
- (3) Public, parochial, and other private elementary, intermediate, or high schools licensed by the state to offer courses in general education.
- (4) Public or private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education.
- (5) Hospitals, subject to the provisions of §154.143.
- (6) Nursing homes or convalescent homes, subject to the provisions of §154.148.
- (7) Group day care homes and child care centers, subject to the provisions of §154.142.
- (8) Religious institutions, subject to the provisions of §154.153.
- (9) Private noncommercial recreational facilities, such as a community center for the housing project.

(Ord. 92-005, passed 2-17-92; Am. Ord. 09-005, passed 3-5-09; Am. Ord. 18-019, passed 7-23-18) Penalty, see § 154.999

§ 154.242 DEVELOPMENT STANDARDS.

(A) *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses and a two-family dwelling, in accordance with §§ 154.401 through 154.404.

(B) *Area, height, bulk, and placement requirements.* Buildings and uses in the R-3, Multiple-Family Residential District are subject to the area, height, bulk, and placement requirements in Appendix A: Schedule of Regulations.

(C) *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in §§ 154.330 through 154.336.

(Ord. 92-005, passed 2-17-92; Am. Ord. 09-005, passed 3-5-09; Am. Ord. 18-019, passed 7-23-18) Penalty, see § 154.999

C-1 LOCAL BUSINESS DISTRICT

§ 154.270 PURPOSE.

The C-1 Local Business District is designed for the convenience of persons residing in adjacent residential areas, and is intended to permit only those uses as are necessary to satisfy the limited shopping and services needs of the residents in the immediate area. Commercial development in this district offers a less intensive range of goods and services than uses permitted in the C-2 district and the C-3 districts. Because of the limited variety of business types permitted in the C-1 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, C-1 Local Business District developments should be as follows.

- (A) Compatible in design with adjacent commercial development and adjacent residential districts.
- (B) Designed with a pedestrian orientation,
- (C) Buffered from or located away from residential areas.
- (D) Located with direct access to a major thoroughfare or indirect access to a major thoroughfare through a minor road or service drive.

(Ord. 92-005, passed 2-17-92)

§ 154.271 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In the C-1 Local Business District, except as otherwise provided in this chapter, all buildings shall be erected, and all lands shall be used only for one or more of the following specified uses.

- (1) Business, executive, administrative, and professional offices.
- (2) Business and technical schools and schools and studios for photography, art, music, and dancing.
- (3) Financial institutions without drive-through facilities.
- (4) Medical or dental clinics and offices.
- (5) Health or exercise clubs.
- (6) Personal service establishments such as shoe repair shops, tailor shops, beauty parlors, barber shops, and including dry cleaning or laundry pickup stations without processing on the premises.
- (7) Private clubs and fraternal lodges without facilities offered for rent.
- (8) Public utility business offices.
- (9) Libraries, museums, and publicly-owned buildings used for offices or business functions.
- (10) Retail stores which supply goods and commodities on the premises for persons residing in adjacent residential areas, such as groceries, dairy products, beverages, packaged baked goods or other foods, drugs, dry goods, notions, hardware, books, stationary, records, video cassette rentals or sales, bicycles, flowers, sporting goods, paints, periodicals, shoes, hobby supplies, and small household articles.
- (11) Stores producing jewelry, leather goods, candles and similar merchandise to be sold at retail on the premises, provided that the services of not more than four persons are required to produce the merchandise.
- (12) Therapeutic massage therapy establishments, subject to §154.167.
- (13) Arcade.
- (14) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.

(B) *Special land uses.* The following uses may be subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review, and the provisions set forth in §§ 154.135 through 154.162 and §§ 154.400 through 154.405.

- (1) Automatic washer, dryer, or dry cleaning establishments with machines for family washing or dry cleaning, provided that on-site operations are limited to coin-operated machines used directly by customers.
- (2) Financial institutions with drive-through facilities.
- (3) Funeral homes and mortuaries, subject to the provisions to §154.141.
- (4) Group day care homes or child care centers.
- (5) Carry-out restaurants and ice cream parlors, without drive-through facilities.
- (6) Veterinary clinics, subject to the provisions of §154.155.

(Ord. 92-005, passed 2-17-92; Am. Ord. 12-010, passed 11-19-12; Am. Ord. 20-003, passed 7-6-20; Am. Ord. 22-001, passed 1-24-22) Penalty, see § 154.999

§ 154.272 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Unless otherwise noted, buildings and uses in the C-1 district shall comply with the following requirements.

(1) All permitted retail or service establishments shall deal directly with retail customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

(2) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

(3) There shall be no outside storage of any goods, inventory, or equipment without a temporary use permit, to be issued by the Zoning Administrator. Approval shall be in accordance with § 154.025. All storage must be clearly accessory to the principal permitted use.

(4) Commercially-used or commercially-licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

(5) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

(6) All sites shall be maintained in compliance with the open space and landscaping requirements of §154.082.

(B) *Site plan review.* Site plan review and approval is required for all uses in the C-1 Local Business District in accordance with §§ 154.400 through 154.405.

(C) *Area, height, bulk, and placement requirements.* Buildings and uses in the C-1 district are subject to the area, height, bulk, and placement requirements in Appendix A, Schedule of Regulations.

(D) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in §§ 154.330 through 154.336.

(Ord. 92-005, passed 2-17-92; Am. Ord. 02-013, passed 8-5-02) Penalty, see § 10.99

C-2 COMMUNITY BUSINESS DISTRICT

§ 154.285 PURPOSE.

The intent of the C-2 Community Business District is to provide for commercial development that offers a broad range of goods and services. Uses permitted in the C-2 district are generally intended to be less intensive than permitted in the C-3 district. Commercial establishments in the C-2 district cater to the convenience and comparison shopping needs of residents. Because of the variety of business types permitted in the C-2 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, Community Business District developments should be as follows.

(A) Compatible in design with adjacent commercial development.

(B) Designed as part of a planned shopping center or in coordination with development an adjoining commercial sites.

(C) Buffered from or located away from residential areas.

(D) Served by a major thoroughfare.

(Ord. 92-005, passed 2-17-92)

§ 154.286 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned C-2 Community Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

(1) All principal uses and structures permitted in the C-1 Local Business District as specified in §154.271(A).

(2) Bakeries as with all goods for retail sale on the premises.

(3) Commercial parking lots.

(4) Electronics, bicycle, and household appliance repair shops.

(5) Pool or billiard hall.

(6) Standard and carry-out restaurants without drive-through facilities.

(7) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other uses permitted in this district.

(8) Accessory structures and uses customarily incidental to the above permitted uses.

(9) Laundries and dry cleaning establishments with coin-operated machines or with processing limited to goods brought to the establishment by the individual retail customer, provided that no goods are processed from any other location.

(B) *Special land uses.* The following uses may be permitted, subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in §§ 154.135 through 154.162 and §§ 154.415 through 154.417.

- (1) Financial institutions with drive-through facilities.
- (2) Funeral homes and mortuaries.
- (3) Group day care homes or child care centers.
- (4) Private indoor recreation facilities.
- (5) Open-air businesses.
- (6) Veterinary hospitals.
- (7) Minor auto repair garages.
- (8) Secondhand stores.
- (9) Fast-food restaurants with drive-through facilities.
- (10) Hotel or motel.

(Ord. 92-005, passed 2-17-92; Am. Ord. 94-012, passed 10-17-94; Am. Ord. 94-013, passed 10-17-94; Am. Ord. 12-008, passed 11-19-12; Am. Ord. 13-005, passed 5-20-13; Am. Ord. 20-003, passed 7-6-20) Penalty, see § 154.999

§ 154.287 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Unless otherwise noted, buildings and uses in the C-2 district shall comply with the following requirements.

(1) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

(2) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

(3) There shall be no outside storage of any goods, inventory, or equipment without a temporary use permit, to be issued by the Zoning Administrator. Approval shall be in accordance with § 154.025. Any storage must be clearly accessory to the principal permitted use.

(4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

(5) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

(6) All sites shall be maintained in compliance with the open space and landscaping requirements of §154.082.

(B) *Site plan review.* Site plan review and approval is required for all uses in the C-2 Community Business District in accordance with §§ 154.400 through 154.405.

(C) *Area, height, bulk, and placement requirements.* Buildings and uses in the C-2 Community Business District are subject to the area, height, bulk, and placement requirements in Appendix A, Schedule of Regulations.

(D) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines set forth in §§ 154.330 through 154.336.

(Ord. 92-005, passed 2-17-92; Am. Ord. 02-014, passed 8-5-02) Penalty, see § 154.999

C-3 GENERAL BUSINESS DISTRICT

§ 154.300 PURPOSE.

(A) The intent of the C-3 General Business District is to provide for intensive commercial development. C-3 districts typically exhibit one or more of the following characteristics.

(1) Permitted businesses offer a broad range of goods and services, including both comparison and convenience goods and services.

(2) The market for businesses in the C-3 district may include the general city population, residents in surrounding communities, and the people in transit.

(3) Permitted businesses are frequently auto-oriented, rather than pedestrian-oriented.

(4) Because of the negative impacts commonly generated by C-3 uses, these districts are not generally appropriate adjacent to residential uses unless extensive buffering is provided.

(B) Because of the variety of business types permitted in the C-3 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, spacing of uses, and coordination of site features between adjoining sites. Accordingly, General Business District developments should be as follows.

- (1) Compatible in design with adjacent commercial development.
- (2) Designed in coordination with development an adjoining commercial sites.
- (3) Buffered from or located away from residential areas.
- (4) Directly served by a major thoroughfare.

(Ord. 92-005, passed 2-17-92)

§ 154.301 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned C-3 General Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used, in whole or in part, except for one or more of the following principal permitted uses.

- (1) All uses permitted in the C-2 district.
- (2) Service establishments, including, but not limited to, a workshop maintained by electricians, plumbers, painters, upholsterers, printers, when in conjunction with retail establishments that offer merchandise of a related nature.
- (3) Greenhouses or nurseries.
- (4) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, or water and sewage pumping stations.
- (5) Minor auto repair garages.
- (6) Standard and carry-out restaurants without drive-through facilities.
- (7) Cigar lounges, subject to the provisions of §154.169.
- (8) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district.
- (9) Accessory structures and uses customarily incidental to the above permitted use.

(B) *Special land uses.* The following uses may be permitted, subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in §§ 154.135 through 154.162 and §§ 154.415 through 154.417.

- (1) All special land uses permitted in the C-2 General Business District as stated in §154.286(B).
- (2) Automobile and vehicle sales and rental establishments.
- (3) Automobile filling stations, automobile or vehicle service stations, major automobile repair garages.
- (4) Automobile washes or car wash establishments.
- (5) Commercial kennels.
- (6) Drive-in establishments.
- (7) Indoor motion picture theaters and rental halls.
- (8) Open-air businesses.
- (9) Private recreation facilities, indoor and outdoor.
- (10) Regulated uses as stated in § 154.163, including the following.
 - (a) Adult physical cultural establishment.
 - (b) Adult book or supply store.
 - (c) Cabaret.
 - (d) Adult motion picture theater or adult live stage performing theater.
 - (e) Adult model studio.
 - (f) Adult motion picture arcade.
 - (g) Massage parlor or massage establishment.

- (h) Adult outdoor motion picture theater.
 - (i) Bar/lounge/tavern.
 - (j) Pawn shops and exchange establishments.
 - (k) Public lodging house.
 - (l) Boarding house, rooming house, or fraternity house.
 - (m) Smoke shop.
 - (n) Specially designated distributor's establishment.
 - (o) Specially designated merchant's establishment.
 - (p) Hookah lounge or club.
- (11) Restaurants with drive-through facilities.

(Ord. 92-005, passed 2-17-92; Am. Ord. 94-013, passed 10-17-94; Am. Ord. 97-001, passed 4-7-97; Am. Ord. 97-006, passed 7-1-96; Am. Ord. 08-004, passed 11-5-07; Am. Ord. 10-011, passed 10-26-09; Am. Ord. 12-008, passed 11-19-12; Am. Ord. 20-003, passed 7-6-20; Am. Ord. 22-001, passed 1-24-22) Penalty, see § 154.999

§ 154.302 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Unless otherwise noted, buildings and uses in the C-3 district shall comply with the following requirements.

- (1) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
 - (2) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (3) There shall be no outside storage of any goods, inventory, or equipment without a temporary use permit, to be issued by the Zoning Administrator. Approval shall be in accordance with § 154.025. Any storage must be clearly accessory to the principal permitted use.
 - (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - (5) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.
 - (6) All sites shall be maintained in compliance with the open space and landscaping requirements of §154.082.
- (B) *Site plan review.* Site plan review and approval is required for all uses in the C-3 General Business District in accordance with §§ 154.400 through 154.405.
- (C) *Area, height, bulk, and placement requirements.* Buildings and uses in the C-3 General Business District are subject to the area, height, bulk, and placement requirements in Appendix A, Schedule of Regulations.
- (D) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in §§ 154.330 through 154.336.

(Ord. 92-005, passed 2-17-92; Am. Ord. 02-015, passed 8-5-02) Penalty, see § 154.999

M-1 LIGHT INDUSTRIAL DISTRICT

§ 154.315 PURPOSE.

The intent of the M-1 Light Industrial District is to provide locations for planned industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or commercial uses. Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well-designed buildings on amply landscaped sites, with adequate off-street parking and loading areas.

(Ord. 92-005, passed 2-17-92)

§ 154.316 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned M-1 Light Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- (1) Manufacturing, assembly, processing and packaging of either components to be used in an additional assembly

process or actual final products where the raw materials, activities associated with production and the warehousing of finished products are all completely conducted within an enclosed building.

(2) Data processing and computer centers, including electronic data processing and computer equipment service establishments.

(3) Essential services, subject to the provisions in §154.081.

(4) Greenhouses and plant nurseries.

(5) Laboratories involved in basic research, experiment, design, testing, or prototype product development.

(6) Lumber yards or building material sales establishments which have storage in partially open structures, subject to the following conditions.

(a) The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.

(b) Open storage structures shall be enclosed on three sides and shall have a roof.

(c) 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 §§ 154.100 and 154.101.

(d) A landscaped greenbelt with a minimum width of 20 feet shall be required adjacent to any street, in conformance with § 154.081(D).

(7) Health or exercise clubs.

(8) Public utility or municipal service buildings, including electric or gas service buildings and yards, telephone exchange buildings, electric transformer stations, gas regulator stations, water treatment plants and reservoirs, and sewage treatment plants, provided that any open storage shall require special land use approval.

(9) Recycling collection stations and processing centers that are privately owned and operated.

(10) Tool, die, gauge, and machine shops.

(11) Warehousing and wholesale activities.

(12) Other research or light manufacturing uses similar to the above.

(13) Uses and structures accessory to the above, subject to the provisions in §154.022. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in § 154.161.

(B) *Special land uses.* The following uses may be permitted subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in §§ 154.415 through 154.417.

(1) Automobile repair garages, including minor and major repair, subject to the provisions set forth in §154.137, and provided that all operations are carried on within a completely enclosed building.

(2) Contractor's storage yards, provided that such yards are completely enclosed within an eight-foot masonry wall or screening, in accordance with § 154.081(E).

(3) Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions.

(a) Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the Planning Commission, provided that such structures are enclosed on three sides and have a roof.

(b) Storage yards shall be screened from any abutting public or private road in accordance with §154.081(E).

(4) Manufacturing, wholesale distribution, or warehousing of fireworks, explosives, ammunition, or other detonable materials subject to the provisions of § 154.180(E).

(5) Metal plating, buffing, and polishing operations.

(6) Millwork, lumber, and planing mills when completely enclosed and located on the exterior of the district so that no property line forms the exterior boundary of the M-1 district.

(7) Mini-warehouses, subject to the provisions of §154.146.

(8) Radio, television, cellular telephone, microwave, and/or related transmitting and receiving towers, subject to the provisions of § 154.151.

(9) Retail or service accessory uses that are clearly intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than 5% of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following.

(a) Child care services which are intended to serve families of workers in the district.

(b) Financial institutions, including banks, credit unions, and savings and loan associations.

(c) Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.

(d) Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.

(e) Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.

(f) Other accessory uses determined to be incidental to the principle use upon completion of site plan review by the Planning Commission.

(10) Junk yards.

(11) Medical marijuana facilities subject to § 154.165.

(Ord. 92-005, passed 2-17-92; Am. Ord. 97-008, passed 12-22-97; Am. Ord. 10-016, passed 6-7-10; Am. Ord. 20-003, passed 7-6-20) Penalty, see § 154.999

§ 154.317 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Except as otherwise noted, buildings and uses in the M-1 Light Industrial District shall comply with the following requirements.

(1) All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with §§ 154.175 through 154.185.

(2) All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

(3) There shall be no outside storage of any goods, inventory, or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements of § 154.081. Use of trailers for storage is prohibited.

(4) Where applicable, machinery shall comply with the standards in §154.154.

(B) *Site plan review.* Site plan review and approval is required for all uses in the Light Industrial District in accordance with §§ 154.400 through 154.405.

(C) *Area, height, bulk, and placement requirements.* Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements set forth in Appendix A, Schedule of Regulations.

(D) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in §§ 154.330 through 154.336.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

PD PLANNED DEVELOPMENT DISTRICT

§ 154.330 PURPOSE.

(A) It is the intent of these regulations to permit Planned Development for the following purposes.

(1) Encouraging innovation in land use planning and development.

(2) Achieving a higher quality of development than would otherwise be achieved.

(3) Encouraging assembly of lots and redevelopment of outdated commercial corridors.

(4) Encouraging initial development on sites that would be difficult to develop according to conventional standard because of the shape, size, abutting development, accessibility, or other features of the site.

(5) Providing enhanced housing, employment, and shopping opportunities.

(6) Providing a development framework that promotes appropriate business activity that significantly improves the economic viability of the city.

(7) Ensuring compatibility of design and function between neighboring properties.

(8) Encouraging development that is consistent with the city's Master Plan.

(B) These Planned Development regulations are not intended as a device for ignoring the more specific standards in this chapter, or the planning upon which the standards are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general standards to assure a superior quality of development.

(Ord. 92-005, passed 2-17-92)

§ 154.331 ELIGIBILITY CRITERIA.

To be eligible for Planned Development approval, the applicant must demonstrate that the following criteria will be met.

(A) *Recognizable and substantial benefit.* The Planned Development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

(B) *Minimum frontage and size.* The Planned Development shall have minimum frontage of 200 feet along a public street or road. The minimum size of a parcel that is developed as a Planned Development shall be 30,000 square feet.

(C) *Availability and capacity of public services.* The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities.

(D) *Compatibility with the Master Plan.* The proposed development shall not have an adverse impact on the Master Plan of the city.

(E) *Compatibility with the Planned Development intent.* The proposed development shall be consistent with the intent and spirit of these regulations, as stated in § 154.330.

(F) *Economic impact.* The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this chapter.

(G) *Unified control of property.* The proposed development shall be under single ownership or control, such that there is a single person or entity having responsibility for completing the project in conformity with the Planned Development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of transfer is given immediately to the City Clerk.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.332 PROJECT DESIGN STANDARDS.

Proposed Planned Developments shall comply with the following project design standards.

(A) *Location.* A Planned Development may be approved in any location in the city, subject to review and approval as provided herein.

(B) *Permitted uses.* Any land use authorized in this chapter may be included in a Planned Development as a principal or accessory use, provided that public health, safety, and welfare are not impaired.

(C) *Applicable base regulations.* Unless waived or modified in accordance with division (D) of this section, the yard and bulk, parking, loading, landscaping, lighting, and other standards for the districts listed below shall generally be applicable for uses proposed as a part of a Planned Development.

(1) Single-family residential uses shall comply with the regulations applicable in the R-1 Single-Family Residential District, set forth in §§ 154.210 through 154.212.

(2) Multiple-family residential uses shall comply with the regulations applicable in the R-3 Multiple-Family Residential District, set forth in § 154.240 through 154.242.

(3) Office, personal service and retail commercial uses shall comply with the regulations applicable in the C-2 Community Business District set forth in §§ 154.285 through 154.287.

(4) Industrial uses shall comply with the regulations in the M-1 Light Industrial District set forth in §§ 154.315 through 154.317.

(5) Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.

(D) *Regulatory flexibility.* To encourage flexibility and creativity consistent with the Planned Development concept, departures from the regulations in division (C) of this section may be permitted, subject to review and approval by the Planning Commission and City Council. For example, such departures may include modifications to lot dimensional standards; floor area standards; setback requirements, density standards; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.

(E) *Residential density.* Modifications to the density of residential development may be permitted upon determination that the desired density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.

(F) *Permitted mix of uses.* Where the existing underlying zoning district is residential, nonresidential uses shall be permitted as part of a Planned Development which also contain a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The Planning Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and building area allocated to each use.

(G) *Open space requirements.* Planned Developments containing a residential component shall provide and maintain usable open space at the ratio of 350 square feet of open space per dwelling unit, provided that each development shall

contain a minimum of 10,000 square feet of open space. Any pervious 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. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. The conveyance shall:

(1) Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space;

(2) Provide maintenance standards and a maintenance schedule;

(3) Provide for assessment of the private property owners by the city for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

(H) *Frontage and access.*

(1) Planned Developments shall front onto a primary major thoroughfare, secondary major thoroughfare, or collector street, as specified in the adopted Master Plan of the city, except where the Planned Development involves reuse or redevelopment of an existing structure which fronts onto a local street.

(2) The nearest edge of any entrance or exit drive shall be located no closer than 100 feet from any street or road intersection as measured from the nearest intersection right-of-way line.

(I) *Utilities.* All utilities serving a Planned Development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

(J) *Privacy for dwelling units.* The design of a Planned Development shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

(K) *Emergency access.* The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access.

(L) *Pedestrian and vehicular circulation.* A pedestrian circulation system shall be provided that is insulated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site.

(Ord. 92-005, passed 2-17-92; Am. Ord. 22-001, passed 1-24-22) Penalty, see § 154.999

§ 154.333 PROCEDURES AND REQUIREMENTS.

The approval of a Planned Development proposal shall require an amendment to the Zoning ordinance to revise the zoning map and designate the subject property as "Planned Development." Approval of a Planned Development proposal, including all aspects of the final plan and conditions imposed on it, shall constitute and inseparable part of the zoning amendment. Planned Development applications shall be submitted in accordance with the procedures and requirements set forth in §§ 154.430 through 154.438. That subchapter calls for a two-step approval process as follows.

(A) The applicant shall first submit a Planned Development Plan which shall be reviewed in accordance with zoning amendment procedures. The Planning Commission shall review the Planned 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 Planned Development Plan and grant the requested Planned Development zoning.

(B) Following approval of the Planned Development Plan and rezoning to Planned Development (PD), the applicant shall submit a final site plan for review by the Planning Commission in accordance with normal site plan review procedures.

(Ord. 92-005, passed 2-17-92)

§ 154.334 STANDARDS FOR REVIEW AND APPROVAL.

In considering any application for approval of a Planned Development proposals, the Planning Commission and City Council shall make the determinations on the basis of standards set forth for site plan review in § 154.331, as well as the following standards and requirements.

(A) *Conformance with the Planned Development concept.* The overall design and all uses proposed in connection with a Planned Development shall be consistent with and promote the intent of the Planned Development concept as described in § 154.330, as well as with the specific project design standards set forth herein.

(B) *Compatibility with adjacent uses.* The proposed Planned 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 the following.

(1) The bulk, placement, and materials of construction of proposed structures.

(2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.

(3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation

to surrounding development.

- (4) The hours of operation of the proposed uses.
- (5) The provisions of landscaping and other site amenities.

(C) *Public services.* The proposed Planned Development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that those services will be available by the time the Planned Development is completed.

(D) *Impact of traffic.* The Planned Development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to the issues required in the traffic impact analysis set forth in § 154.438(C)(3).

(E) *Accommodations for pedestrian traffic.* The Planned Development shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.

(F) *Compatibility with the Master Plan.* The proposed Planned Development shall be consistent with the general principles and objectives of the adopted Master Plan.

(G) *Compliance with applicable regulations.* The proposed Planned Development shall be in compliance with all applicable federal, state, and local laws and ordinances.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.335 PHASING; COMMENCEMENT OF CONSTRUCTION.

(A) *Integrity of each phase.* Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the Planned Development and residents of the community.

(B) *Rate of completion of residential and nonresidential components.*

(1) *Purpose.* The purpose of the following provisions is to ensure that Planned Developments are constructed in an orderly manner and, further, to ensure that the Planned Development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use.

(2) *General standards.* In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least 35% of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least 75% of all proposed residential construction concurrent with the second phase of nonresidential construction; and completion of 100% of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined by the Planning Commission and Chief Building Inspector, based on the floor area and land area allocated to each use.

(3) *Modifications to general standards.* The percentages may be modified should the Planning Commission and Chief Building Inspector determine that the applicant has presented adequate assurance that the residential component or components of the project will be completed within the specified time period.

(4) *Completion of each phase.*

(a) Construction of any facility may commence at any time following site plan approval per §154.405, provided that construction shall be commenced for each phase of the project within 24 months of the schedule set forth on the approved plan for the planned development. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or delayed, provided that the revised phasing does not materially change the integrity of the approved planned development proposal. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the city may initiate proceedings to end the zoning classification of the undeveloped portion of the site.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.336 DEVELOPMENT STANDARDS.

Buildings and uses in the Planned Development District are subject to the area, bulk, and placement requirements specified in § 154.332.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

MUO MIXED USE OVERLAY DISTRICT

§ 154.340 PURPOSE.

(A) The intent of the MUO Mixed Use Overlay District is to accommodate a mix of commercial and residential uses on a

single lot and/or building. Mixed use sites function as a transition from sites that are exclusively commercial uses to the higher-density, mixed uses that are permitted within the Central Business District. Office, personal service and retail commercial uses that are compatible with residential uses are envisioned to be located on the same lot to create additional development options for property owners. The Mixed Use Overlay is a permissive alternative for owners and is not a requirement.

(B) This district encourages the creation of corridors and sites in the city with greater pedestrian-scale interaction between businesses and residents. Mixed use sites will allow property owners a wider variety of development opportunities while creating unique types of housing alternatives for new and existing residents. Businesses will have an increased customer base by having more residents in close proximity to their location. Residents will have more opportunities to walk, rather than drive, to conduct business in the city.

(Ord. 22-001, passed 1-24-22)

§ 154.341 OVERLAY DISTRICT ESTABLISHED.

The MUO Mixed Use Overlay District is a mapped zoning district that overlays the C-1 and C-2 zoning districts along specific corridors or intersections. The MUO district is shown on the City Zoning Map. Any reference to the overlay district means the MUO district requirements, while any reference to the underlying zoning district means that standard zoning district over which the MUO district is overlaid. The MUO district establishes specific dimensional and design standards that replace any similar standard from any other article, chapter, or section of this zoning ordinance that apply in the underlying zoning district.

(Ord. 22-001, passed 1-24-22)

§ 154.342 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned MUO Mixed Use Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used, in whole or in part, except for one or more of the following principal permitted uses. Any combination of the following principal uses may be located on the same lot and within the same building when in compliance with all applicable ordinance requirements, except for those uses cited below.

(1) (a) Property in the MUO Mixed Use Overlay may be used in accordance with the uses that are permitted by right or by special land use approval in the underlying zoning district, except as cited below. All land uses proposed or expanded within the MUO District shall follow the site plan and special land use application and review standards specified in §§ 154.400 et seq. and §§ 154.415 et seq., as required.

(b) Any property currently occupied or proposed to be occupied by any of the following uses shall not be permitted to establish another use on the property:

1. Automobile or vehicle sales;
2. Automobile repair and filling stations;
3. Automobile or vehicle rental establishments;
4. Car wash establishments;
5. Drive-in establishments;
6. Fast-food or drive-through restaurants;
7. Regulated uses.

(2) Other uses not specifically listed in this chapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district or the underlying zoning district.

(3) Townhouses and multiple-family dwellings only when located above a commercial use.

(4) Live-work uses only when the work shop or retail area is located on the ground floor and in the front of the building, and the residential living area is located to the rear or a floor above the work shop or retail area.

(5) Accessory structures and uses customarily incidental to the above permitted uses.

(B) *Special land uses.* The following uses may be permitted, subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in §§ 154.135 through 154.162 and §§ 154.415 through 154.417:

- (1) Financial institutions with a single drive-through window;
- (2) Fast-food restaurants with a single drive-through window;
- (3) Hotels;
- (4) Child care centers.

(Ord. 22-001, passed 1-24-22)

§ 154.343 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Unless otherwise noted, buildings and uses in the MUO Mixed Use Overlay District shall comply with the following requirements.

(1) Mixed use buildings shall be designed to the following standards.

(a) Building materials on the front facade, exclusive of window and door areas, shall be comprised of at least 50% standard-size brick and 25% other masonry-type products. Smooth or flat face concrete masonry units are prohibited, unless approved as part of the overall facade in the building review process.

(b) Building materials on the side and rear facades shall be select and high-quality, reducing maintenance requirements.

(c) Roofs shall contain a variety of peaks, gables or dormers to break long, monotonous roof lines.

(d) Facades shall be traditional, offering a variety of architectural features such as window openings, entrance features (porches) and unique elements.

(e) Garages, if any, shall be built to the rear of the primary structure, screened from road rights-of-way.

(2) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

(3) There shall be no outside storage of any goods, inventory, or equipment.

(4) Warehousing and/or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.

(5) Parking shall be permitted in the rear yard only.

(6) Vehicular access shall be provided at the rear or side of the lot when possible to minimize curb cuts on busy thoroughfares.

(7) Pedestrian paths and interior sidewalks shall be provided and connect to the city's sidewalk system.

(8) All sites shall be maintained in compliance with the open space and landscaping requirements of §154.082. Open space shall be provided for the enjoyment, use and recreation of the development's residents when feasible.

(B) *Site plan review.* Site plan review and approval is required for all uses in the MUO Mixed Use Overlay District in accordance with §§ 154.400 through 154.406.

(C) *Area, height, bulk, and placement requirements.* Buildings and uses in the MUO Mixed Use Overlay District are subject to the area, height, bulk, and placement requirements in Appendix A, Schedule of Regulations.

(D) *Planned Development.* Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in §§ 154.330 through 154.336.

(Ord. 22-001, passed 1-24-22)

CBD CENTRAL BUSINESS DISTRICT

§ 154.350 PURPOSE.

The purpose of the Central Business District is to integrate the recommendations of the city Master Plan and the Downtown Development Authority's market analysis and strategic action plan with the community's objective to revitalize its commercial core. The CBD zoning district acknowledges that the commercial core should retain a specific mixture of retail and office uses which favor pedestrian traffic and comparison shopping. Further, to promote revitalization of the commercial core and reinvestment in businesses and properties within the district, these regulations contain provisions specifying development and design criteria and standards for their review.

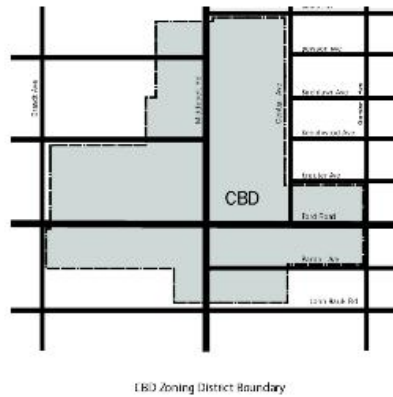
(Ord. 96-008, passed 12-2-96; Am. Ord. 10-015, passed 4-12-10)

§ 154.351 BOUNDARIES.

The boundaries of the Central Business District shall include parcels bounded by Block Avenue, Ford Road, Central Avenue, and Middlebelt Road; Krauter Avenue, Ford Road, Garden Avenue, and Central Avenue; parcels bounded by Ford Road, Pardo Avenue, Garden Avenue, and Middlebelt Road; parcels bounded by Pardo Avenue, John Hauk Road, the east property line of Lot 26a of the Folkers Full Acre Farms Subdivision, and Middlebelt Road; parcels with frontage on the south side of Ford Road between Brandt Avenue and Middlebelt Road; parcels with frontage on the west side of Middlebelt Road between Ford Road and John Hauk Road; parcels bounded by Beechwood Avenue, Ford Road, Middlebelt Road and Brandt Avenue; and parcels with frontage on the west side of Middlebelt Road between Beechwood and the north property line of Lot 188a of the Folker's Full Acre Farms No. 1 Subdivision. The CBD boundary is illustrated in Graphic 1.

(Ord. 96-008, passed 12-2-96; Am. Ord. 10-015, passed 4-12-10)

Graphic 1



§ 154.352 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned CBD, Central Business District, no buildings 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. Other uses not specifically listed in this subchapter may be considered following a determination by the Zoning Administrator, with review and recommendation of the Downtown Development Authority, that such use is similar to other permitted uses in this district.

(1) *Retail and office uses.*

- (a) Art, music, dance, crafts, cooking, martial arts, photography, and similar schools and studios.
- (b) Art galleries.
- (c) Banks, credit unions, and savings and loan associations (excluding drive-through facilities, which may be permitted with special land use approval per § 154.352(B)(3)).
- (d) Bars, lounges, and taverns (live entertainment and music permitted, but not adult regulated).
- (e) Business, technical, and beauty schools.
- (f) Cafes, coffee houses, and delicatessens.
- (g) Child care centers (subject to §154.142).
- (h) Club and fraternal organizations.
- (i) Establishments which perform services on the premises and associated offices, showrooms, and workshops, such as: appliance repair; barber, beauty shops, and health spas; catering; computer centers and similar uses, including the sales, serving, and maintenance of electronic equipment; dry cleaning or laundry pick-up stations with processing on the premises (excluding drive-through facilities, which may be permitted with special land use approval per § 154.352(B)(3)); interior decorating; mail and packaging; optical; photography studios; printing and photocopying; shoe repair; tailor shops; and, travel agencies.
- (j) Funeral homes and mortuaries (subject to § 154.141).
- (k) Medical, dental, and physical therapy clinics and offices.
- (l) Offices for any of the following occupations or similar fields: accounting; administrative; advertising; architectural; clerical; engineering; insurance; legal; management; personnel services; professional; public relations; real estate; sales; security brokers; and tax services.
- (m) Outdoor seating and dining areas.
- (n) Personal fitness centers.
- (o) Pet grooming and obedience training, with no boarding.
- (p) Public buildings such as government offices, libraries, police and fire stations, community centers, and similar uses, but not including storage yards.
- (q) Restaurants, fast-food (excluding drive-through facilities, which may be permitted with special land use approval per § 154.352(B)(3) (subject to § 154.140).
- (r) Restaurants, standard (subject to § 154.150).
- (s) Retail businesses which supply commodities on the premises, such as: antiques; automobile parts and supplies; baked goods; bikes; books (not including adult bookstores); camera; clothing; drugstores (excluding drive-through facilities,

which may be permitted with special land use approval per § 154.352(B)(3); electronics and appliances; florists; fruit and vegetable market; furniture; general merchandise; gift/novelty; groceries; hardware; hobby; jewelry; music (CDs, records, tapes); shoes; specialty meats/fish market; sporting goods; stationary; toys; variety stores; video rental and sales; and similar businesses.

- (t) Theaters (indoor, motion picture or live performance, but not adult regulated).
- (u) Therapeutic massage therapy establishments (subject to §154.167).

(2) *Residential uses.* The minimum floor area requirements of residential uses shall be consistent with those required for an R-3 Multiple Family Residential District as specified in §§ 154.240 through 154.242. Off-street parking requirements shall be consistent with the requirements in §§ 154.065 through 154.070. The following residential uses shall be permitted above the first floor:

- (a) Home occupations.
- (b) Live-work dwelling units.
- (c) Loft apartments.
- (d) Residential apartments on upper floor above a retail, personal service, or office use on the ground floor.

(B) *Special land uses.* The following uses may be permitted, subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in §§ 154.135 through 154.162 and §§ 154.415 through 154.417.

- (1) Amusement/recreation (miniature golf courses, playgrounds, and indoor facilities only) (subject to § 154.152).
- (2) Automobile and/or vehicle rental establishments (subject to §154.162).
- (3) Drive-through facilities for banks, credits unions, dry cleaners, drugstores, and fast-food restaurants.
- (4) Open air businesses (subject to § 154.149).
- (5) Doggy day care establishments (subject to § 154.145).

(Ord. 96-008, passed 12-2-96; Am. Ord. 01-004, passed 4-9-01; Am. Ord. 08-004, passed 11-5-07; Am. Ord. 10-015, passed 4-12-10; Am. Ord. 12-010, passed 11-19-12; Am. Ord. 13-004, passed 5-20-13; Am. Ord. 16-002, passed 4-18-16; Am. Ord. 19-011, passed 9-23-19) Penalty, see § 154.999

§ 154.353 PROPERTY GENERAL PROVISIONS.

General provisions of this subchapter shall conform to §§ 154.020 through 154.040. However, if certain provisions contained in this subchapter conflict with those provisions, the provisions of this subchapter shall apply.

(Ord. 96-008, passed 12-2-96; Am. Ord, 10-015, passed 4-12-10) Penalty, see § 154.999

§ 154.354 SITE DESIGN REGULATIONS.

(A) *Setbacks and corner building placement.* Buildings in the CBD zoning district shall meet the following setback and corner building placement requirements:

- (1) *Setback requirements.*

	<i>Minimum</i>	<i>Maximum</i>	<i>Additional Requirements</i>
	<i>Minimum</i>	<i>Maximum</i>	<i>Additional Requirements</i>
Front Yard	0 feet	12 feet	c
Side Yard	a	b	c
Rear Yard	a	b	c

a. Where any walls are not of appropriate fire-rated construction or where any walls contain openings, a side or rear setback shall be provided as follows:

Building Height	Minimum Side or Rear Setback
1 story	5 feet
2 stories	8 feet

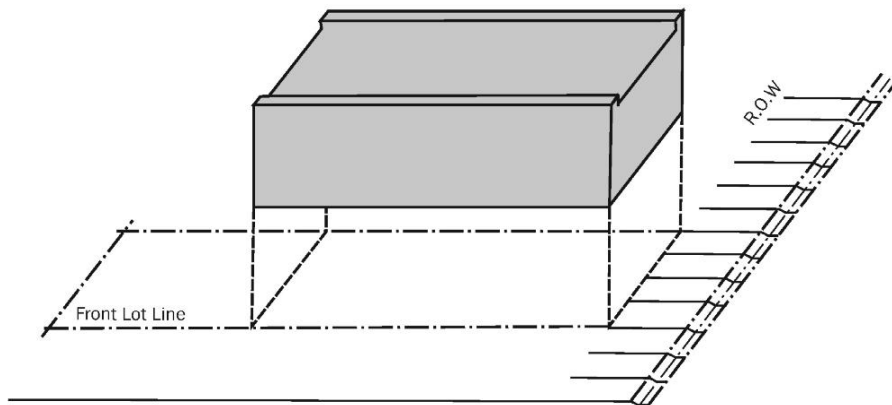
b. The maximum side or rear yard setback shall be zero where all abutting or facing walls are composed of appropriate fire-rated materials and contain no windows, doors, or other openings.

c. Depending on the layout and design of the subject site, the front, side, and/or rear setbacks shall be a minimum of 20 feet to accommodate drive-through facilities, parking areas, and drive aisles.

(2) *Corner building placement.*

(a) Corner buildings shall be constructed parallel to both street frontages to provide areas for streetscape focal points and adequate sight distance as required in § 154.027 as illustrated in Graphic 2.

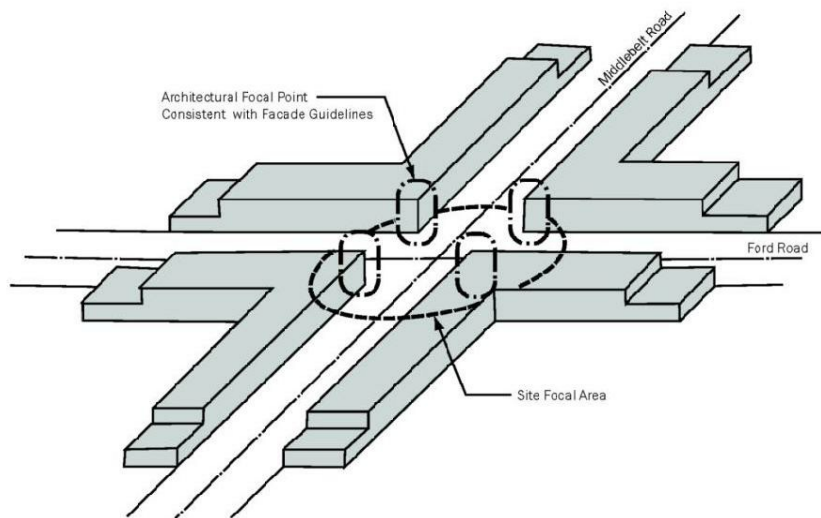
Graphic 2



Building Placement on the Property

(b) Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location, as illustrated in Graphic 3. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets.

Graphic 3



(c) Where possible, a main entrance shall be on a street-facing wall and either at the corner or within 25 feet of the corner.

(B) *Off-street parking and loading.* Off-street parking and loading requirements for properties within the CBD zoning district shall comply with the requirements set forth in §§ 154.066 through 154.070, with the following exceptions:

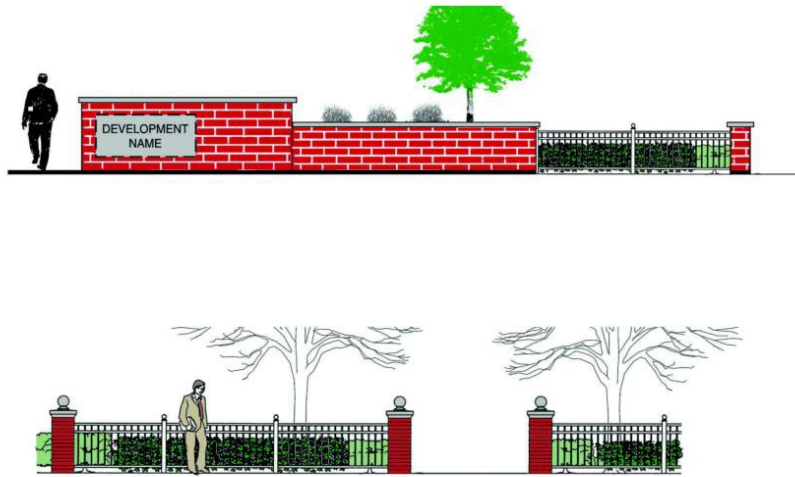
(1) Except as otherwise permitted for collective off-street parking, the location of off-street parking shall be on the same block as the facility on the same side of Ford Road or Middlebelt Road.

(2) Off-street parking shall be located in the rear portion of the subject property and behind the principal building or use. Off-street parking lots having frontage on Ford Road or Middlebelt Road right-of-way are prohibited.

(3) If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances, then parking may be allowed on the side of the building in conformance with the following:

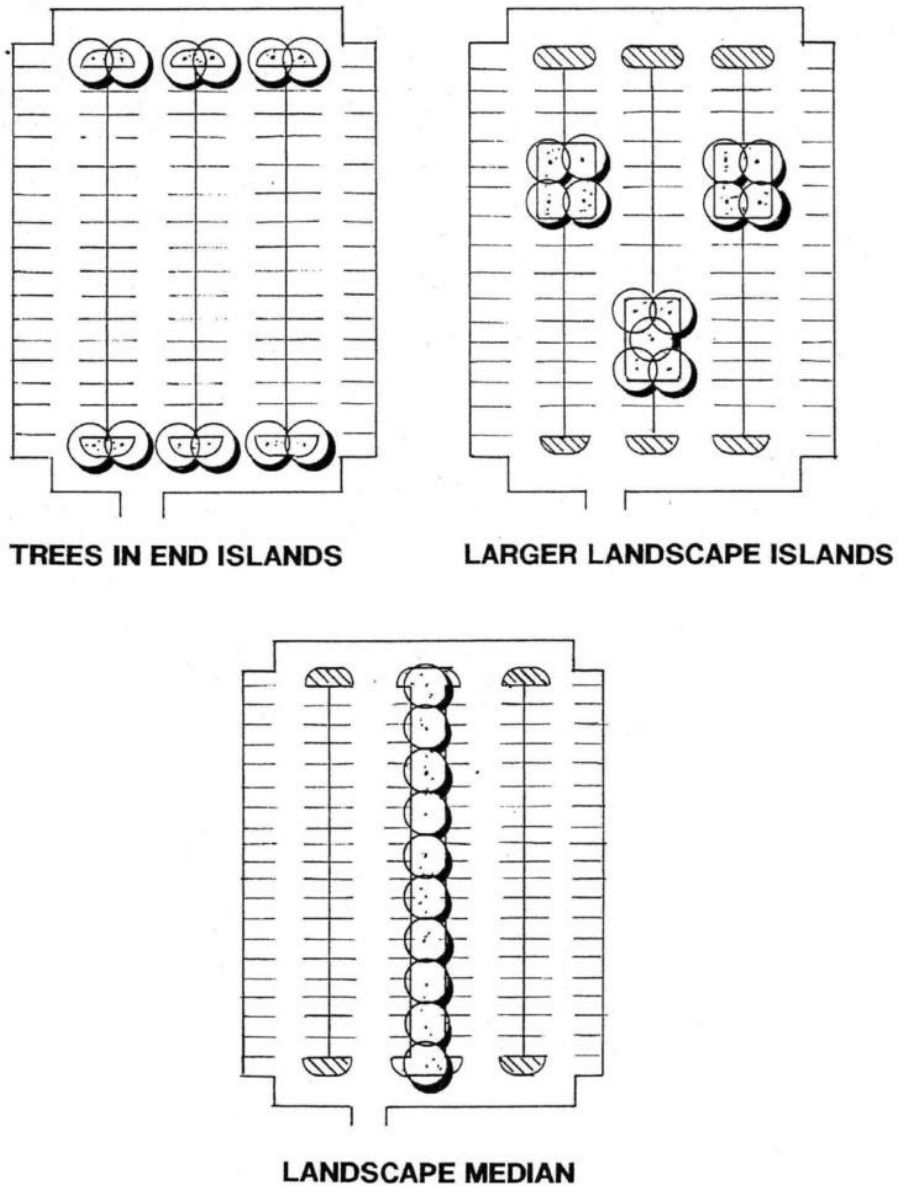
(a) The area adjacent to the road or right-of-way shall meet the requirements of §154.081(B). In addition, a 32-inch tall brick knee-wall, decorative metal fence (open or semi-open fence, ornamental in nature and not intended to provide a permanent barrier to passage, and does not include chain link fence), evergreen landscaping, or combination thereof that serves as an extension of the adjacent building shall be provided between the parking and sidewalk (see Graphic 4).

Graphic 4
Parking Lot Screening



(b) The parking lot shall meet the requirements of § 154.081(F). Additionally, no row of parking may exceed 25 spaces and shall include landscape islands to break rows of parking stalls. All islands shall be landscaped per the requirements of § 154.081(F) (see Graphic 5).

Graphic 5
Landscape Islands within Parking Lot



(4) Where possible, if the parking lot is located adjacent to a building, a five-foot wide sidewalk shall be installed between the building and the parking area.

(5) A curb of at least six inches in height shall be installed to prevent motor vehicles from being driven or parking so that any part of that 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. A freeway-type guardrail is prohibited from use in lieu of curbs or wheel chocks.

(6) Grading, surfacing, and drainage plans shall comply with city engineering standards and shall be subject to review and approval by the city DPS Director. The surface of the parking lot, access lanes, driveways, and other maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. If the maneuvering lane will be used by commercial vehicles (tractor trailers, stake trucks, panel trucks, and the like) it shall be constructed with a deep strength bituminous surface.

(7) 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.

(8) For a lot facing two streets, parking is prohibited on the corner facing the intersection.

(9) Access to parking lots shall be provided off alleys when available in order to minimize curb-cuts across pedestrian sidewalks.

(10) Loading areas shall meet the requirements of §154.070. Additionally, loading bays/docks shall be hidden from public view by walls and landscaping to the greatest extent possible. When any loading bay/dock is visible from customer or general parking areas, visible from a private or public road, or adjacent to land that is zoned or used for non-commercial uses, the loading bay/dock shall be enclosed with a solid masonry wall or live plant materials forming a solid screen a minimum of six feet in height. The wall shall be integrally designed and consistent with the style and materials of the building.

(11) Collective off-street parking. Parking for separate buildings or uses may be provided collectively subject to the following:

(a) If the parking facility is deemed to be a private collective parking lot (not for public use), the total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use.

(b) If the property owner participates with the city Downtown Development Authority in a public collective parking facility by contributing, through an easement, their property behind the rear building line, the required parking spaces for the subject building or use may be reduced by up to 20%.

(c) If a property cannot physically accommodate off-street parking and is within 300 feet of a public collective parking facility, the property owner/tenant may use the public collective parking facility to satisfy their off-street parking requirements upon the Planning Commission making a determination that the parking demands of the uses served do not overlap, or there is sufficient capacity in the off-street parking facility to accommodate the increased parking. Further, the property owner exercising this provision will contribute an annual amount, as established by the Downtown Development Authority with City Council approval (based on their parking demand) to the Downtown Development Authority Collective Parking Maintenance Fund.

(d) When required parking is located on a lot or parcel that is under different ownership from the building it serves or is not contiguous to the building site, a formal written agreement or easement assuring the continuing usage of the parking for the building must be properly drawn and executed by the parties concerned and made part of the site plan approval.

(e) Design and layout. Collective off-street parking facilities, public or privately-owned, shall comply with the following standards in addition to those contained in § 154.081(F).

1. Buildings abutting the collective parking facility shall provide connecting walks to their building and adjacent buildings. These walks shall be at least five feet in width. Walkways which connect adjacent buildings shall be setback from the building a distance sufficient to accommodate a landscape entrance area between the walkway and the building.

2. Rows of parking shall include landscape islands at each end. The landscape islands shall be a minimum of ten feet wide with a length equal to the length of the parking stall(s). Further, no row of parking may exceed 25 spaces and shall include landscape islands to break rows of parking stalls. All islands shall be landscaped per the requirements of § 154.081(F).

3. Access drives into the collective parking facility shall be bounded by median islands with a minimum width of 15 feet. These median islands shall be landscaped per the requirements of § 154.081(F).

4. The primary circulation route(s) within the collective parking facility must be designed for limited access. The number of parking stalls which back directly on the primary circulation route(s) shall be minimized.

(C) *Lighting.* Lighting requirements for all parking areas, walkways, driveway, building entryways, off-street parking and loading areas, and buildings within the CBD zoning district shall comply with the requirements set forth in § 154.030, Lighting Requirements.

(D) *Signs.* Permitted signs within the CBD Zoning District shall comply with Chapter 154 of this code, Sign regulations (§§ 154.600 through 154.612).

(E) *Support service elements.* Developed property must accommodate certain support services such as electrical transformers, air conditioning units, HVAC systems, compressors, chillers, trash dumpsters, and utility meters. The following provisions address the location of these support services on the property:

(1) Mechanical equipment such as transformers, compressors, HVAC systems, and chillers shall be located on the side, top, or rear of the buildings and appropriately screened from pedestrians. Screening shall include a planting bed per § 154.081(E)(2), or a low, solid masonry screen wall consistent with the predominate materials of the building. The clearance between the screen wall and the mechanical equipment shall conform to local building codes. Ground mechanical units shall not be permitted in front of a building and shall be located in safe, convenient, and unobtrusive locations and adequately protected from vehicles.

(2) Trash dumpsters and their enclosures shall conform to the provisions of §154.032, standards for trash dumpsters.

(3) Utility meters, electrical conduit, and other service lines shall not be located on the building façade facing the street and should, when practical, not be visible from the street.

(4) Gutter downspouts shall not be located on the front building façade. If the rear of the building abuts a collective parking facility, the gutter downspout shall not discharge water on a sidewalk or other pedestrian way.

(F) *Landscaping.* Landscaping shall comply with the provisions of §§154.080 through 154.086.

(G) *Shared site access.* The used of shared site access, in conjunction with driveway spacing, is intended to preserve traffic flow along major roads and minimize traffic conflicts, while retaining reasonable access to the property. Where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side street, a shared driveway, or parking lot connection between two or more properties or uses may be required.

(Ord. 96-008, passed 12-2-96; Am. Ord. 10-015, passed 4-12-10; Am. Ord. 19-011, passed 9-23-19) Penalty, see § 154.999

§ 154.355 BUILDING DESIGN REQUIREMENTS.

The intent of these requirements is to encourage the renovation of existing buildings and the construction of new buildings in the Central Business District that follow the rules established by the majority of the existing buildings. The goal is to re-establish and build upon the visual character that once existed in order to recreate Downtown Garden City.

(A) *Building scale.* The intent of these guidelines is to encourage the construction of buildings that are in scale with the majority of the existing buildings in the Central Business District. The majority of the older buildings are narrow in width. The intent of these guidelines is not to limit building width, but to encourage the subdivision of wider façades, breaking-up the scale and mass of larger buildings, making them more compatible with existing façades.

(1) Large, long façades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments that are compatible in size and scale to existing buildings: bay width to be 16 feet to 35 feet.

(2) The height-to-width ratio of one-story buildings(including single bay façades or individual bays of multiple bay façades) is not to exceed one to two (1:2).

(3) The height-to-width ratio of two-story buildings (including single bay façades or individual bays of multiple bay façades) is not to exceed one to one (1:1).

(B) *Building height.* Buildings in the Central Business District are primarily one-story in height with some two-story buildings. The goal is to provide a variety of buildings heights to enhance the visual diversity in the Central Business District. Buildings shall be limited to a 45-foot maximum height to include all special architectural features, such as corner towers, entry treatments, and the like.

(1) The maximum one-story height shall be 24 feet.

(2) The maximum two-story building height shall be 35 feet.

(3) Special architectural features (i.e., corner towers, entry treatments, and the like) will be allowed to exceed the above height requirements if either of the following apply:

(a) The feature is located at a corner (the intersection of two public rights-of-way).

(b) The feature is deemed to be necessary to the type, use, or style of the building in question.

(4) Special architectural features shall not exceed the height of the remainder of the building by more than 30%.

(C) *Building roof types.*

(1) Unless otherwise approved by the Planning Commission, buildings shall have a flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.

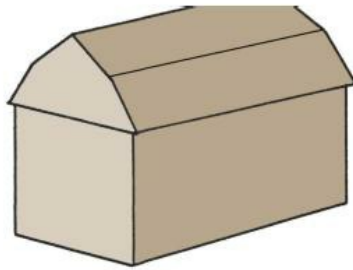
(2) Flat roofs shall be enclosed by parapets.

(3) The Planning Commission may permit a pitched roof. Mansard roofs shall not be permitted on single-story buildings. If an alternative roof type other than flat is permitted, applicant shall ensure all stormwater drainage will be maintained on the subject property.

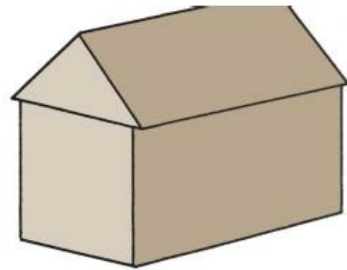
(4) Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, style, scale, and height.

(5) All rooftop-mounted equipment shall be screened from view on all sides of the building.

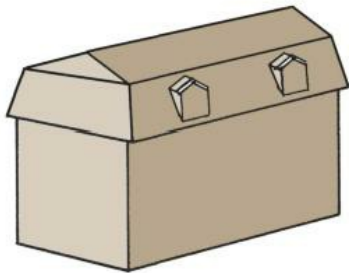
Graphic 6



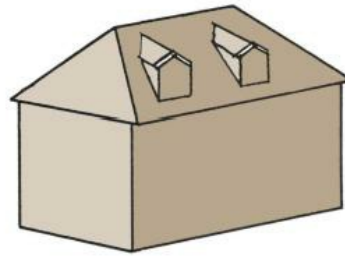
GAMBREL



GABLE

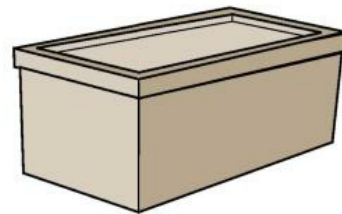


MANSARD



HIP

Roof Types



(D) *Front façade.* The majority of the existing front façades, the façades that face public rights-of-way, are comprised of common façade components. The arrangement of façade elements shall follow this model which includes the following typical components, such as façade frame, storefront opening, canopy/awning, and signs.

(1) *Façade frame.* The façade frame, or wall, shall be brick masonry, constructed principally in a single plane. The top of the parapet wall shall be flat or step slightly to accentuate end piers. The façade frame shall be capped by a stone, or simulated stone, coping with a narrow cap flashing. Brick shall be laid primarily in running bond with minimal decorative detail.

(2) *Storefront opening.* The storefront opening shall be a rectangular opening, ten to 12 feet high. The opening shall be almost entirely glass (window or showcases) with few subdivisions. The building entry is often centered in the storefront opening and is commonly recessed.

(a) The glass framing system shall be aluminum or pre-painted steel; natural-finish aluminum is a typical material and finish.

(b) Windows shall be clear or with a slight green tint only. Reflective, mirror, heavily tinted, or unusually colored glass is prohibited.

(c) Entry doors shall be one- or two-lite door that matches the storefront glass framing system.

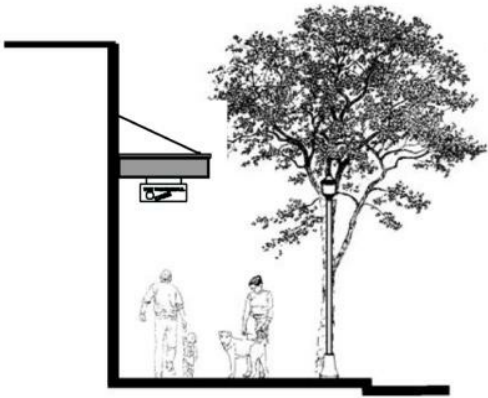
(d) Windows shall not be blocked with opaque materials or the back of shelving units.

(3) *Canopies and awnings.*

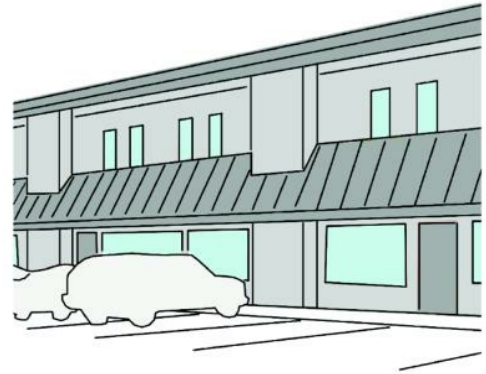
(a) For purpose of this division, the following definition shall apply (see Graphic 7):

Graphic 7

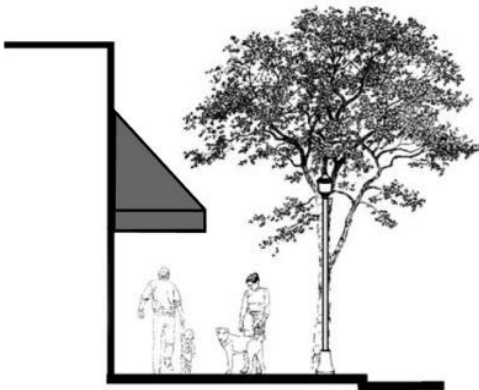
Canopy and Awnings Types



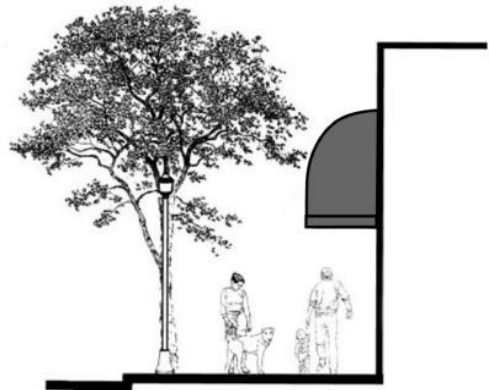
Canopy



Canopy



Awning



Awning

CANOPY or **AWNING**. An architectural feature or roof-like structure directly attached to a building that may shade a window or door opening or provide pedestrians protection from the weather. A **CANOPY** or **AWNING** is typically located over a sidewalk and may be a fixed architectural element or constructed to be raised or retracted.

(b) *Front façade canopies and awnings.*

1. Canopies and awnings shall be traditional in design, consistent with those illustrated in Graphic 7 above. Unusually shaped awnings are prohibited.
2. Canopies and awnings may project a maximum of eight feet beyond the building façade and must be a minimum of six feet from the curb line.
3. Canopies and awnings may project over a sidewalk with a minimum-eight-foot clearance provided above the sidewalk grade.
4. Canopies and awnings shall be constructed of a durable material such as canvas or other opaque fabric, metal, plastic, or rigid fiberglass. High-gloss or plasticized materials are not permitted.
5. Canopies and awnings shall not be internally illuminated. Any signs shall be illuminated by fixtures located above the awning and directed downward.
6. Canopies and awnings are not intended to be a principal means of signage. The type and amount of signage shall be limited, as set forth in § 154.355(D)(4)(d) and § 154.606(E).
7. Canopies and awnings shall be maintained in good appearance and repair.

(4) *Signs.* Permitted signs within the CBD Zoning District shall comply with Chapter 154 of this Code, Sign Regulations (§§ 154.600 through 154.612), as well as the following additional requirements.

(a) Building-mounted signs shall not exceed the width of the storefront opening.

(b) The height of building-mounted signs shall not exceed 50% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap. Projecting signs are exempt from this requirement.

(c) Projecting signs are allowed. The maximum allowable projection is 42 inches. The height of projecting signs shall not exceed 75% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap.

(d) Signs are permitted to be located on awning and canopy fascias but are prohibited on the sloping portion of awnings and canopies. The height of lettering on the fascia of an awning or canopy shall be limited to a maximum of 12 inches.

(E) *Side or rear façades.* Side or rear façades are, in many cases, as important as front façades, as they are often located adjacent to parking, and, therefore, serve as the primary entrance to the building, as illustrated in Graphic 8. Often times they must also accommodate service and delivery functions as well. Side or rear façades shall exhibit the same components as front façades wherever the façade is visible from a public street, or if the main parking area is located to the side or rear of a building. Materials and architectural features similar or complimentary to those present on the front of the building shall be used on the side or rear façade.

Graphic 8

Side or Rear Façade



(1) *Façade frame.* The façade frame, like that of the front façade, shall be constructed principally in a single plane. If a parapet is used at the side or rear façade, the top of the parapet wall shall be flat or step slightly to accentuate end piers, as illustrated. If no parapet is used, downspouts shall be located at the outer sides of the façades, not in the middle of the façade.

(2) *Storefront opening.* Like the front façade, the storefront opening shall be a rectangular or square opening, ten to 12 feet high, yet it may be a smaller portion of the width of the façade, or bay, than the front façade. The opening shall be almost entirely glass (window, showcases, or door) with few subdivisions.

(a) The glass framing system shall be aluminum or pre-painted steel; natural-finish aluminum is a typical material and finish.

(b) Windows shall be clear or with a slight green tint only. Reflective, mirror, heavily tinted, or unusually colored glass is prohibited.

- (c) Entry doors shall be one- or two-lite door that matches the storefront glass framing system.
 - (d) Windows shall not be blocked with opaque materials or the back of shelving units.
 - (e) Service delivery doors shall be solid hollow metal in color that is compatible with the colors on the building.
- (3) *Canopies, awnings and porte cocheres.*

(a) For purposes of this division the following definitions shall apply (see Graphic 7 above).

CANOPY or **AWNING**. An architectural feature or roof-like structure directly attached to a building that may shade a window or door opening or provide pedestrians protection from the weather. A **CANOPY** or **AWNING** is typically located over a sidewalk and may be a fixed architectural element or constructed to be raised or retracted.

PORTE COCHERE. A covered structure directly attached to a building that is large enough for a vehicle to pass through, typically located adjacent to a building entrance or a drive-through window, intended to provide visitors protection from the elements.

(b) *Side or rear façade canopies and awnings.*

1. Canopies and awnings shall be traditional in design, consistent with those illustrated in Graphic 7 above. Unusually shaped awnings are prohibited.

2. Canopies and awnings may project a maximum of eight feet beyond the building façade and side façade. Canopies and awnings must be a minimum of six feet from the curb line for corner lots.

3. Canopies and awnings may project over a sidewalk with a minimum-eight-foot clearance provided above the sidewalk grade.

4. Canopies and awnings shall be constructed of a durable material such as canvas or other opaque fabric, metal, plastic, or rigid fiberglass. High-gloss or plasticized materials are not permitted.

5. Canopies and awnings shall not be internally illuminated. Any signs shall be illuminated by fixtures located above the awning and directed downward.

6. Canopies and awnings are not intended to be a principal means of signage. The type and amount of signage shall be limited, as set forth in § 154.355(E)(4)(d) and § 154.606 (E).

7. Canopies and awnings shall be maintained in good appearance and repair.

(c) *Porte cocheres.*

1. Porte cocheres shall be considered a component of the principal structure and shall be subject to all setback requirements of the principal structure. Porte cocheres shall also be consistent with the architectural style of the building.

2. Porte cocheres shall be located on private property and shall not project into any adjacent right-of-way.

3. Porte cocheres shall comply with all lighting standards of §154.030.

4. Each elevation of a porte cochere shall be considered a part of the side and/or rear principal building façade and shall comply with all signage requirements as set forth in § 154.355(E)(4).

(4) *Signs.* Permitted signs within the CBD Zoning District shall comply with Chapter 154 of this Code, Sign Regulations (§§ 154.600 through 154.612), as well as the following additional requirements.

(a) Building-mounted signs shall not exceed the width of the storefront opening (entrance and windows).

(b) The height of building-mounted signs shall not exceed 75% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap. Projecting signs are exempt from this requirement.

(c) Projecting signs are allowed. The maximum allowable projection is 42 inches. The height of projecting signs shall not exceed 75% of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap.

(d) Signs are permitted to be located on awning and canopy fascias but are prohibited on the sloping portion of awnings and canopies. The height of lettering on the fascia of an awning or canopy shall be limited to a maximum of 12 inches.

(F) *Building materials.* Maintaining a consistent palette of materials is important to establish continuity within the streetscape and to improve the overall appearance of the Central Business District. The Downtown Development Authority will provide assistance in identifying acceptable materials when requested. The following are identified as acceptable building materials.

(1) *Front façade.* The following exterior finish materials are required on the front façade.

(a) All walls exposed to public view from the street or parking area shall be constructed of not less than 75% brick (including natural clay brick, panel brick, and thin brick) with common tooled joints. Brick color (commonly blond, beige, or dull red) and texture (from smooth or glazed to rough) shall be compatible with the existing façades in the Central Business District.

(b) Up to 25% of the façade may include smooth-finish stone, such as limestone or sandstone, or other masonry materials, which may include decorative concrete masonry unit (CMU).

(c) Exterior insulation finishing systems (EIFS) may be used for architectural detailing only.

(d) Aluminum, artificial stone, and precast parapet caps are permitted. Color and finish of aluminum shall match that of the window framing system or be compatible with other building materials. Stone and precast shall simulate traditional limestone and sandstone caps.

(e) The use of aluminum siding, bare metal, metal panels, mirrored glass, plastic, plywood siding, stucco, wood panels, and wood siding shall be prohibited.

(2) *Side or rear façade – Facing a public street or main parking area.* The following exterior finish materials are required on any side or rear façade facing a public street or main parking area.

(a) All walls exposed to public view from the street or parking area shall be constructed of not less than 75% brick (including natural clay brick, panel brick, and thin brick) with common tooled joints. Brick color (commonly blond, beige, or dull red) and texture (from smooth or glazed to rough) shall be compatible with the existing façades in the Central Business District.

(b) Up to 25% of the façade may include smooth-finish stone, such as limestone or sandstone, or other masonry materials, which may include decorative concrete masonry unit (CMU).

(c) Exterior insulation finishing systems (EIFS) may be used for architectural detailing only.

(d) Aluminum, artificial stone, and precast parapet caps are permitted. Color and finish of aluminum shall match that of the window framing system or be compatible with other building materials. Stone and precast shall simulate traditional limestone and sandstone caps.

(e) The use of aluminum siding, bare metal, metal panels, mirrored glass, plastic, plywood siding, stucco, wood panels, and wood siding shall be prohibited.

(3) *Side or rear façade – All others.* The following exterior finish materials are required on all other side or rear façades.

(a) Acceptable materials include brick (including natural clay brick, panel brick, and thin brick), decorative concrete masonry unit (CMU), exterior insulation finishing systems (EIFS), smooth-finish stone (such as limestone or sandstone), and other masonry materials.

(b) Aluminum, artificial stone, and precast parapet caps are permitted. Color and finish of aluminum shall match that of the window framing system or be compatible with other building materials. Stone and precast shall simulate traditional limestone and sandstone caps.

(c) Aluminum gutters and downspouts are permitted. Color and finish of aluminum shall match that of the window framing system or the primary color of the building.

(d) The use of aluminum siding, bare metal, metal panels, mirrored glass, plastic, plywood siding, stucco, wood panels, and wood siding shall be prohibited.

(G) *Building colors.* Exterior colors of all façade and roof materials shall be compatible with the colors on the same building and adjacent buildings, subject to review by the Planning Commission. All proposed colors shall be specified on the site plan. The use of natural, muted tones shall be encouraged.

(Ord. 96-008, passed 12-2-96; Am. Ord. 00-002, passed 10-2-00; Am. Ord. 10-015, passed 4-12-10; Am. Ord. 22-001, passed 1-24-22) Penalty, see § 154.999

§ 154.356 DEVELOPMENT STANDARDS.

(A) *Site plan review.* Principal uses and structures in the Central Business District shall be subject to all applicable standards and requirements set forth in §§ 154.400 through 154.405, Site Plan Review.

(B) *Special use review.* Special land uses and structures in the Central Business District shall be subject to all applicable standards and requirements set forth in §§ 154.400 through 154.405, Site Plan Review and §§ 154.415 through 154.417, Special Use Regulations.

(C) *Administrative review.* The Zoning Administrator shall review all plans in the Central Business District and provide the Downtown Development Authority the same set of plans for review and comment.

(D) *Exterior design review.*

(1) *Intent.* The exterior appearance of any building located within the Central Business District has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible, and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of the area, and will prevent attendant deterioration of conditions affecting the general welfare of the citizens of the city.

(2) *Scope of application.* Except for those items listed below, all plans submitted for site plan review and special use review shall be subject to design review requirements of this section. Those items exempt from these provisions are items

such as window replacement, antennas, roof vents, small mechanical equipment not readily visible to the public, painting to a similar color, and items of ordinary repair and maintenance.

(3) *Approval procedure.* The Downtown Development Authority shall review submitted materials concurrently with site plan review by the Planning Commission. In considering approvals of site plans in the Central Business District, the Planning Commission shall review recommendations provided by the Downtown Development Authority. The Downtown Development Authority must forward a recommendation to the Planning Commission seven days prior to the Planning Commission meeting during which the site plan will be reviewed. If no recommendation is provided by the Downtown Development Authority, the Planning Commission shall complete the site plan review and approval process.

(4) *Information required.* The Downtown Development Authority shall receive same set of plans as being reviewed by the Planning Commission and promptly review all drawings, data, plans, and specifications in the same form as submitted to the Planning Commission.

(5) *Design criteria.* In the process of reviewing the submitted materials, the Downtown Development Authority shall consider:

(a) *Site design.*

1. The site shall be planned to accomplish a desirable transition, between the building(s) with the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.

2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking area from view of public ways.

3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

(b) *Building design.* Architectural style, building mass, and placement shall be compliant with design guidelines of § 154.355.

(6) *Approval standards.* The Downtown Development Authority shall review the particular circumstance and facts applicable to each submittal in terms of preceding design criteria, and shall make a recommendation as to whether the proposal meets the following standards:

(a) The appearance, color, texture, and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.

(b) The building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.

(c) The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.

(d) The appearance of the building exterior will tend to minimize or prevent discordant and unsightly surroundings in the immediate neighborhood.

(E) *Required conditions.*

(1) *Outdoor storage prohibited; exemption; personal vehicle rental or sale.* Outdoor storage of goods, inventory, or equipment shall be prohibited unless a temporary use permit, to be issued by the Zoning Administrator. Approval shall be in accordance with under § 154.025. All permitted storage must be clearly accessory to the principal permitted use.

(2) *Exemption.* Inventory being stored, maintained, or sold as part of a business which has been granted a special use under § 154.352(B), which is part of an open air business or inventory consists entirely of personal vehicles as that term is defined herein and which personal vehicles were manufactured within the previous five years, and are for sale or rental.

(3) *Definition.* For the purpose of this definition, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSONAL VEHICLE. The term personal vehicle shall mean any automobile or light truck or van not exceeding 10,000 lbs. in gross vehicle weight (GVW) as that term is defined in the Revised Motor Vehicle Code, which vehicle is primarily designed to be used as a passenger vehicle but which may, with slight modifications (i.e., fold down seats) be used for hauling cargo.

(Ord. 96-008, passed 12-2-96; Am. Ord. 02-016, passed 8-5-02; Am. Ord. 08-004, passed 11-5-07; Am. Ord. 10-015, passed 4-12-10) Penalty, see § 154.999

VP VEHICULAR PARKING DISTRICT

§ 154.370 PURPOSE.

The intent of the VP Vehicular Parking District is to provide areas to be used solely for off-street parking as an incidental use to an abutting commercial, office, or industrial use. More specifically, the

VP district is intended to accommodate the parking needs of businesses which may have developed without adequate parking, or which have the need for additional parking due to business growth, or which have inadequate parking because of

shallow lot depth.

(Ord. 92-005, passed 2-17-92)

§ 154.371 PERMITTED USES AND STRUCTURES.

In all areas zoned VP Vehicular Parking District, the land or premises shall be used only for off-street parking, and shall be developed and maintained in accordance with the regulations set forth herein.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.372 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Except as otherwise noted, buildings and uses in the Vehicular Parking District shall comply with the following requirements.

(1) Permitted off-street parking shall be constructed and maintained in accordance with the provisions set forth in §§ 154.065 through 154.070.

(2) Off-street parking in the VP district shall be accessory to, and for use in connection with one or more business, office, or industrial uses, located in an adjoining commercial, office, or industrial district.

(3) Permitted off-street parking shall abut a nonresidential zoning district. There may be a private driveway or public alley between the off-street parking and the abutting nonresidential district.

(4) Permitted off-street parking shall be used solely for parking of city of passenger vehicles for periods of less than one day.

(5) Permitted off-street parking areas shall not be used for off-street loading, outside storage or display, or vehicular repair.

(6) No signs shall be permitted except for signs designating entrances, exits, and conditions of use of the off-street parking area.

(7) No buildings shall be erected within this district.

(8) Notwithstanding the landscaping requirements in §§ 154.080 through 154.086, off-street parking in the VP district need not be screened from the business it is intended to serve.

(9) A masonry screen wall shall be constructed along any side or rear yard of a VP district which abuts a residentially-zoned district, in accordance with §§ 154.100 and 154.101. In addition, a ten-foot setback shall be provided between the side or rear property line and the edge of the parking lot.

(10) Where a VP district is contiguous to a residentially-zoned district which has common frontage on the same road, the minimum front yard setback shall be equal to the required front yard setback for the residential district. A landscaped berm shall be required to screen the parking from view of the road, in accordance with § 154.081(C).

(B) *Site plan review.* Site plan review and approval is required for all uses in the Vehicular Parking District in accordance with §§ 154.400 through 154.405.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

PR PUBLIC RECREATION DISTRICT

§ 154.385 PURPOSE.

The intent of the PR Public Recreation District is to provide a district wherein the city's parks can be located. The district shall preserve and protect the parks from intrusion by incompatible uses.

(Ord. 97-007, passed 12-1-97)

§ 154.386 PERMITTED USES AND STRUCTURES.

(A) *Principal uses and structures.* In all areas zoned PR Public Recreation District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- (1) Public parks.
- (2) Picnicking areas.
- (3) Hiking and nature trails.
- (4) Bike paths.
- (5) Natural open space.
- (6) Swimming pools.

- (7) Golf courses.
- (8) Sports fields, courts, ice arenas/rinks and recreation areas.
- (9) Children's playground and playground equipment.
- (10) Special events.
- (11) Ancillary uses to a park including ticket booths, guard houses, comfort station/rest

rooms.

(12) Other uses not specifically listed in this subchapter, after determination by the Zoning Administrator that the use is similar to other permitted uses in this district.

(B) *Special land uses.* The following uses may be permitted, subject to the conditions specified for each use; compatibility with the adopted city-wide Master Plan and adopted Parks and Recreation Master Plan; approval of the site plan; any special conditions imposed during the course of review; the provisions set forth in the § 154.387 of this subchapter, Development Standards, and §§ 154.175 through 154.185 and §§ 154.415 through 154.417.

(1) Food or beverage facilities or equipment shops designed for the exclusive use of the patrons of the public park.

(2) Community buildings including educational, social, neighborhood, or community centers so long as the facilities serve the residents of the city and do not adversely impact adjacent residential areas. At the request of the Recreation Commission, the Planning Commission shall have the authority to determine the impacts created by any of the above uses and require measures to mitigate those impacts.

(3) Buildings used for the storage and maintenance of equipment for the parks.

(4) Wireless Telecommunication Facilities, accessory towers and accessory antennas.

(Ord. 97-007, passed 12-1-97; Am. Ord. 06-003, passed 12-19-05) Penalty, see § 154.999

§ 154.387 DEVELOPMENT STANDARDS.

(A) *Required conditions.* Unless otherwise noted, all uses within the PR Public Recreation District shall comply with the following requirements.

(1) All development shall be subject to the requirements in §154.152 of this chapter.

(2) There shall be no outside storage of any goods, inventory, or equipment except picnic tables and garbage cans. All storage must be within an enclosed building and clearly accessory to the principal permitted use.

(3) No permanent outdoor advertising shall be permitted, except for those businesses, not-for-profit groups or individuals that donate land or provide donations for the actual purchase of land or construction of the park and recreation facilities or provide donations for recreational activities and special events.

(4) No temporary signs, banners or flags shall be permitted except for those used during specific events. These temporary signs, banners or flags shall only be allowed to remain for the period of the event and must be removed immediately after the event.

(5) The need for off-street parking, whether improved or unimproved, shall be determined on a site-by-site basis. In determining the need for off-street parking, the function of the park (i.e., neighborhood, community, or regional), and the uses proposed for the site will be taken into consideration, as well as the availability for shared parking. The parking space dimensions and parking lot design shall meet the standards in §§ 154.065 through 154.070.

(6) The height, type and size of fences and walls shall be determined on a site-by-site basis. At the request of the Recreation Commission, the height and type of the fences and walls may deviate from the standards in §§ 154.100 and 154.101 when a determination is made by the Planning Commission that it is for the protection of the public's health, safety, and welfare.

(B) *Site plan review.* Site plan approval is required for all uses in the PR Public Recreation District, in accordance with §§ 154.400 through 154.405.

(C) *Area, height, bulk, and placement requirements.* Buildings and uses in the PR Public Recreation District are subject to the area, height, bulk, and placement requirements in Appendix A, Schedule of Regulations.

(Ord. 97-007, passed 12-1-97) Penalty, see § 154.999

HISTORIC STRUCTURES AND SITES DISTRICT

§ 154.390 PURPOSE.

(A) The intent of the Historic Structures and Sites District is to protect the public health, safety, and welfare by preserving the social and economic well-being of the community. The purpose is to:

(1) Enable the city, as the steward for the preservation of the city's history, to protect and preserve the city's historic and cultural resources for future generations;

(2) Promote, preserve, and protect the integrity of the city's significant historic structures and sites such as the Straight Farmhouse;

(3) Protect and enhance the historic area to attract residents, tourists, and visitors to serve as a support and stimulus to business and industry; and

(4) Foster civic pride in the beauty and accomplishments of the past.

(B) The regulations in this subchapter shall apply to the property as shown on the city's official zoning map.

(Ord. 10-001, passed 7-13-09; Am. Ord. 20-003, passed 7-6-20)

§ 154.391 PERMITTED USES AND STRUCTURES.

Principal uses and structures. In all areas zoned HS, Historic Structures and Sites District, no buildings 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:

(A) Buildings and sites that have contributed to the history of the City of Garden City;

(B) Parks and recreation facilities;

(C) Historical museum; and

(D) Uses and structures accessory to the above, subject to the provisions of §154.022.

(Ord. 10-001, passed 7-13-09; Am. Ord. 20-003, passed 7-6-20)

§ 154.392 DEVELOPMENT STANDARDS.

Required conditions. Unless otherwise noted, all uses within the HS, Historic Structures and Sites District shall comply with the following: area, height, bulk, and placement requirements: all structures in the HS Historic Structures and Sites District are subject to the standards of the R-1, One-Family Residential District in Appendix A, Schedule of Regulations.

(Ord. 10-001, passed 7-13-09; Am. Ord. 20-003, passed 7-6-20)

SITE PLAN REVIEW

§ 154.400 PURPOSE.

It is the purpose of this subchapter and the four subsequent subchapters to provide procedures and related standards for the review and regulation of land uses and uses of structures within the city.

(Ord. 92-005, passed 2-17-92)

§ 154.401 SITE PLAN REVIEW.

(A) *Site plan required.* Except as provided in division (B) of this section, the development of any new use, the construction of any new structures, or the redevelopment of any existing site that does not meet the standard for minor site modifications of § 154.406(A) shall require site plan approval by the Planning Commission prior to construction and/or occupancy pursuant to this subchapter. For example, site plan review is required for any of the following activities.

(1) Any development that would, if approved, provide for the establishment of more than one principal use on a parcel, such as a single-family site condominium or similar project where a single parcel is developed to include two or more sites for detached single-family dwellings.

(2) Development of non-single-family residential uses in single-family districts.

(3) Any use or construction for which submission of a site plan is required by any provision of these regulations.

(4) Establishment of any regulated use.

(B) *Site plan not required.* Notwithstanding the provisions of division (A) of this section, site plan approval by the Planning Commission is not required for the following activities.

(1) Construction, moving, relocating or structurally altering a single or two-family home, including any customarily incidental accessory structures.

(2) Excavating, filling, or otherwise removing soil, provided that the activity is normally and customarily incidental to single-family uses described in this section for which site plan approval is not required.

(3) A change in the ownership of land or a structure.

(4) A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations, and that the site maintains full and continuing compliance with these regulations.

(Ord. 92-005, passed 2-17-92; Am. Ord. 96-006, passed 7-1-96; Am. Ord. 20-003, passed 7-6-20) Penalty, see § 154.999

§ 154.402 SITE PLAN APPLICATIONS.

(A) *Submission of site plan for review by Planning Commission.*

(1) In order to initiate formal review by the Planning Commission, the applicant is required to submit the following materials to the Zoning Administrator.

- (a) Three completed and signed copies of an application for site plan review.
- (b) Eighteen individually folded copies of the site plan.

(c) Evidence that the plan has been submitted for review to affected county, state and federal agencies, including but not limited to the Wayne County Department of Roads, Wayne County Drain Commissioner, Wayne County Health Department, and Michigan Department of Transportation.

- (d) The required review fee.

(2) These materials must be submitted to the Zoning Administrator in sufficient time to allow review by city staff and consultants prior to the Planning Commission workshop at which the review will occur. The Zoning Administrator shall determine what is "sufficient time," based on the scope and complexity of the proposal.

(B) *Distribution of plans.* Upon submission of all required application materials and following completion of all items required by the adopted site plan review manual, the proposed site plan shall be placed on the next open Planning Commission workshop agenda. The site plan and application shall be distributed by the Zoning Administrator to appropriate city officials and the City Planner for review. If deemed necessary by the Zoning Administrator, the plans may also be submitted to the City Engineer and/or Director of Public Services for review.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.403 REVIEW AND ACTION.

(A) *Review.* The Planning Commission shall hold regular meetings, and may call special meetings to consider applications requesting action based on this section and P.A. 110 of 2006, as amended. The Planning Commission shall review the reports of the appropriate city staff and consultants and discuss the findings and recommendations with the applicant prior to making a decision.

(B) *Request for revisions.* Upon review of the site plan proposal, the Planning Commission may require the applicant to revise the plans or supply additional information. The applicant shall submit any requested revised plans for review prior to formal action being taken. All review fees must be paid prior to any review. It shall be the applicant's responsibility to consult with city staff and consultants during this revision process. Action on the site plan shall remain tabled until the applicant has provided a substantially complete plan for review by the Planning Commission.

(C) *Public hearing.* A site plan involving use(s) subject to special land use approval or Planned Development shall require a public hearing. After payment of fees, the Zoning Administrator may set the date of the public hearing for a regular or special meeting of the Planning Commission.

(D) *Submission of plans for final review.* Eighteen individually folded copies of the revised plan shall be submitted for final review at least ten days prior to the Planning Commission meeting at which review scheduled. The revised plan shall be distributed to the appropriate reviewing parties by the zoning Administrator.

(E) *Final action.* The Planning Commission is authorized to take the following final action on a site plan subject to guidelines in this chapter.

Approval

Approval with conditions

Denial

Table the site plan

(1) *Approval.* Upon determination that a site plan in full compliance with the standards and requirements of these regulations and other applicable city regulations and laws, approval shall be granted.

(2) *Approval with conditions.*

(a) Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. Conditions may include the requirement to obtain variances or to obtain approvals from other agencies. For example, as a condition of approval, the Planning Commission may delegate the responsibility for final approval of engineering and other technical issues to the City Engineer or other appropriate staff or consultants. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating full compliance with the required conditions.

(b) The Planning Commission may require that the applicant resubmit the site plan for final approval by the Planning Commission after conditions have been met. The Planning Commission may waive its right to review the revised plan, and delegate authority to the Zoning Administrator to review and approve a revised site plan on the Commission's behalf after required conditions have been addressed. The Planning Commission may require that the Zoning Administrator secure a

favorable recommendation from the City Planner and/or City Engineer prior to final approval of the revised plan.

(3) *Denial.* Upon determination by the Planning Commission that a site plan does not comply with the standards and regulations set forth in these regulations, or that the submittal requires extensive revision to comply with standards and regulations, approval of the site plan shall be denied.

(4) *Tabling.* Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a later meeting.

(F) *Recording of site plan review action.*

(1) 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.

(2) After the Planning Commission has taken final action on a site plan, the Planning Commission secretary shall clearly mark three copies of the application and final site plans "Approved" or "Denied," as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the other two copies will be kept on file by the city.

(G) *Procedure after site plan approval.*

(1) *Building permit.* Following final approval of the site plan by the Planning Commission, the applicant may apply to the city for a building permit. The issuance of a building permit shall be subject to the review of construction plans by the Building Department, and, if deemed necessary by the Building Official, the City Engineer. It shall be the responsibility of the applicant to obtain all applicable city, county, or state permits prior to issuance of a building permit.

(2) *Approval expiration.* Site plan approval becomes null and void if substantial construction has not commenced within 12 months following the final approval of the site plan by the Planning Commission, or if construction has not been completed within 12 months after it commenced following the issuance of a Building Permit. In such a case, the applicant shall file a new application. Review by the Planning Commission of the new application and site plan shall be required.

(3) *Approval extensions.* Upon written request of the applicant, prior to the expiration of a previously granted approval, the Planning Commission may review the circumstances surrounding a failure to meet the required deadlines. The Planning Commission may grant an extension of up to 12 months to an approval, if it finds that the approved site plan continues to adequately represent current conditions on and surrounding the site, and that the site plan conforms to the standards of the city regulations in affect at the time of the applicant's request for an extension.

(4) *Scanning of documents.* Prior to occupancy, city approved, stamped, "as built" plans, specifications, and all correspondence shall be scanned and transferred to an imaging system, and submitted to the Community Developer Department for storage as a digital version of the scanned record on an optical storage disc, in accordance with PA 116 of 1992, § 2, which provides for the storage and reproduction of public records. The disc shall be formatted as required by the Community Development Department.

(5) *Application for certificate of occupancy.* Following building construction and completion of site work, the applicant may apply to the city for a certificate of occupancy or a temporary certificate of occupancy from the Building Official in accordance with the procedures set forth in § 154.466. It shall be the applicant's responsibility to obtain the required certificates prior to any occupancy of the property.

(6) *Site maintenance after approval.*

(a) It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, new zoning regulations supersede the regulations upon which site plan approval was based, or a new site design is approved following Planning Commission review.

(b) Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the Planning Commission according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations.

(H) *Revocation.* An approved site plan may be revoked by the Planning Commission if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the site plan shall be placed on the agenda of a Planning Commission meeting for a public hearing. The Zoning Administrator shall cause written notice to be provided to the applicant at least ten days prior to the meeting, and shall publish notice of the hearing no later than five days prior to the date and time. The notice shall reduce all alleged inconsistencies and violations to writing. The Zoning Administrator, the Building Official, the applicant, and other interested persons shall be allowed to present information and testimony to the Planning Commission at the hearing. If the Planning Commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the Planning Commission may revoke the approval of the site plan and order the site returned to its original condition by a date certain. Failure to comply with such an order shall be deemed a violation of the use provisions of these regulations.

(I) *Modification to approved plan.* A previously approved site plan may be subsequently modified, subject to the requirements of § 154.406 Minor Site Modifications.

(Ord. 92-005, passed 2-17-92; Am. Ord. 96-006, passed 7-1-96; Am. Ord. 06-005, passed 2-13-06; Am. Ord. 09-008, passed 4-20-09; Am. Ord. 20-003, passed 7-6-20) Penalty, see § 154.999

§ 154.404 REQUIRED INFORMATION.

The following information shall be included on all site plans, where applicable.

(A) *Application form.* The application form shall contain the following information.

- (1) Applicant's name and address.
- (2) Name and address of property owner, if different from applicant.
- (3) Common description of property and complete legal description, including the parcel tax identification (sidwell) number(s).
- (4) Total gross and net acreage of the site.
- (5) Existing zoning.
- (6) Proposed use of land and of proposed development, if applicable.
- (7) Proposed buildings to be constructed, including square feet of gross floor area.
- (8) Proof of property ownership.
- (9) Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- (10) Any additional information required by the site plan review manual adopted by the Planning Commission.

(B) *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 equals 20 feet for property less than one acre, one inch equals 30 feet for property larger than one acre but less than three acres, and one inch equals 50 feet for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

- (1) Applicant's name, address, and telephone number.
- (2) Title block indicating the name of the development.
- (3) Scale.
- (4) Northpoint.
- (5) Dates of submission and revisions (month, day, year).
- (6) General location map drawn to scale with northpoint.
- (7) Legal and common description of property, including parcel identification (sidwell) number(s).
- (8) 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 parcels, the plan should indicate the boundaries of total land holding.
- (9) A schedule for completing the project, including the phasing or timing of all proposed developments, if applicable.
- (10) Identification and seal of an architect, engineer, land surveyor, licensed community planner or landscape architect who prepared the plan.
- (11) Written description of proposed land use.
- (12) Zoning classification of applicant's parcel and all abutting parcels.
- (13) Proximity to driveways serving adjacent parcels.
- (14) Proximity to major thoroughfare(s).
- (15) Notation of any variances that have or must be secured.
- (16) Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.
- (17) Any additional information required by the site plan review manual adopted by the Planning Commission.

(C) *Site data.*

- (1) Existing lot lines, building lines, structures, parking areas, and other improvements on the site and on parcels within 100 feet of the site.
- (2) Front, side and rear setback dimensioned from minimum location(s).
- (3) Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
- (4) Proposed site plan features, including building, roadway widths and names, and parking areas.
- (5) Dimensions and centerline of existing and proposed roads and road rights-of-way.

- (6) Acceleration, deceleration, and passing lanes, where required.
- (7) Proposed location of driveway entrances and on-site driveways with dimensioned minimum and maximum widths.
- (8) Typical cross-section of proposed roads and driveways, if applicable.
- (9) Location of existing drainage courses and drains, open or enclosed and with elevations and/or inverts.
- (10) Location of existing or proposed underground improvements such as storage tanks, culverts, and water gates.
- (11) Location of sidewalks within the site and within the right-of-way.
- (12) Exterior lighting locations and method of shielding.
- (13) Trash receptacle locations and method of screening, if applicable.
- (14) Transformer pad location(s) and method of screening, if applicable.
- (15) Parking spaces, including delineated handicap spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
- (16) Information needed to calculate required parking in accordance with Zoning Ordinance standards.
- (17) The location of lawns and landscaped areas, including required landscaped greenbelts. The percentage of the site used for open space.
- (18) Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material. A maintenance plan for landscaping shall be stated on the plan.
- (19) Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot above grade, before and after proposed development.
- (20) Cross-section of proposed berms.
- (21) Location, description, and County Registrar of Deeds filing identification of all easements for public right-of-way, utilities, access, shared access, and drainage.
- (22) Designation of fire lanes.
- (23) Delineation of dedicated loading/unloading area.
- (24) The location of any outdoor storage of materials and the manner by which it will be screened.
- (25) Any additional information required by the site plan review manual adopted by the Planning Commission.

(D) *Building and structure details.*

- (1) Location, height, and outside dimensions of all proposed buildings or structures.
- (2) Indication of the number of stores and number of commercial or office units contained in the building.
- (3) Building floor plans.
- (4) Total floor area.
- (5) Proposed usable floor area.
- (6) Location, size, height, and lighting information of all proposed signs.
- (7) Proposed fences and walls, including typical cross-section and height above the ground on both sides.
- (8) Architectural elevations of building facades and walls, drawn to a scale of one inch equals four feet, or another scale approved by the Zoning Administrator and adequate to determine compliance with the requirements of these regulations. Elevations of proposed buildings shall indicate type of building materials, roof design, dimensions of projections and architectural features, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers and related screening. The Zoning Administrator may permit photographs in lieu of evaluations for existing buildings where minor or no change to the facade is proposed.
- (9) Any additional information required by the site plan review manual adopted by the Planning Commission.

(E) *Information concerning utilities, drainage, and related issues.*

- (1) Schematic layout of existing and proposed sanitary sewers connections; water mains, and water service leads; hydrant locations that service the site; and the location and size or capacity of gas, electric, and telephone lines supply lines and building leads.
- (2) Location and size or capacity of exterior drains, catch basins, retention/detention areas, culverts and other facilities designed to collect, store, or transport storm or waste water. The point of discharge for all drains and pipes must be specified on the site plan. Compliance with city discharge standards must be noted.

- (3) Indication of site grading, drainage patterns, and proposed contours.
- (4) Soil erosion and sedimentation control measures.
- (5) Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
- (6) Listing of types and quantities of hazardous substances and polluting materials that will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
- (7) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.
- (8) Location of underground storage tanks.
- (9) Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.
- (10) Any additional information required by the site plan review manual adopted by the Planning Commission.

(F) *Information concerning residential development.*

- (1) The number, type and location of each type of residential unit (one-bedroom units, two- bedroom units, and the like).
- (2) Density calculations by type of residential unit (dwelling units per acre).
- (3) Lot coverage calculations.
- (4) Floor plans of typical buildings with square feet of floor area.
- (5) Garage and carport locations and details, if proposed.
- (6) Details of the pedestrian circulation system.
- (7) Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan must indicate whether proposed roads are intended to be private or dedicated to the public.
- (8) Community building location, dimensions, floor plans, and elevations, if applicable.
- (9) Swimming pool fencing detail, including height and type of fence, if applicable.
- (10) Location and size of recreation open areas.
- (11) Indication of type of recreation facilities proposed for recreation area.
- (12) Any additional information required by the site plan review manual adopted by the Planning Commission.

(G) *Additional information.*

(1) *Information related to condominium development.* The following information shall be provided with all site plans that include a development involving condominium ownership.

(a) Condominium documents, including the proposed Master Deed, condominium by-laws, restrictive covenants, and easements.

(b) Condominium subdivision plan requirements, as specified in § 66 of Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

(2) *Items not applicable.* If any of the items listed are not applicable to a particular site, the following must be provided on the site plan.

- (a) A statement of each item considered not applicable.
- (b) The reasons why each listed item is not considered applicable.

(3) *Other data that may be required.* Any additional information required by the site plan review manual adopted by the Planning Commission must be supplied. Other data may be required if deemed necessary by the Planning Commission or Zoning Administrator to determine compliance with provisions in these regulations. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.405 STANDARDS FOR APPROVAL.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved.

(A) *Adequacy of information.* The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

(B) *Site design characteristics.* All elements of the site design shall be harmoniously and efficiently organized in relation to

topography, the size and type of parcel, the character of adjoining land uses, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by these regulations.

(C) *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.

(D) *Compliance with district.* 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 Appendix A, the Schedule of Regulations, unless otherwise provided in these regulations.

(E) *Privacy.* The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

(F) *Emergency vehicle access.* All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

(G) *Ingress and egress.* Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

(H) *Pedestrian circulation.* The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

(I) *Vehicular and pedestrian circulation layout.* The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to ensure 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.

(J) *Drainage.* Appropriate measures shall be taken to insure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance pending 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 DPS Director or the City Engineer.

(K) *Soil erosion and sedimentation.* The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current county and city standards.

(L) *Exterior lighting.* Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.

(M) *Public services.* Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

(N) *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.

(O) *Danger from hazards.*

(1) 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 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.

(2) Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

(P) *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; games; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.

(Q) *Sequence of development.* All development phases shall be designed in logical sequence to ensure 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.

(R) *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.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.406 MINOR SITE MODIFICATIONS.

(A) *Determination of minor modification.* The Zoning Administrator shall determine if proposed modifications to an existing site or structure are minor in accordance with the guidelines in this section. In order to make a determination, the Zoning Administration may solicit comments and recommendations from the City Attorney, City Planner, City Engineer, and Public Safety officials, as deemed necessary. Minor modifications that require a variance, special land use approval, Planned Development, or the construction of a new principal building or structure are not considered a minor site modification and shall be subject to review and approval by the Planning Commission.

(1) *Minor modification defined.* Minor modifications include the following changes in use or site construction activities that do not detrimentally affect the character or intensity of the area.

(a) An addition to an existing building that does not increase or decrease the floor area by more than 15% or 1,000 square feet.

(b) Re-occupancy of a building by a permitted use requiring modifications to site improvements.

(c) Changes to building height.

(d) Additions or alterations to the landscape plan or landscape materials.

(e) Relocation or resizing of utility supply lines or service connections.

(f) Relocation or screening of the trash receptacle.

(g) Alterations to the internal parking layout of an off-street lot.

(h) Other building or site improvements deemed similar by the Zoning Administrator

(2) *Modifications not deemed minor.* If the modifications are not deemed minor by the Zoning Administrator, then review and approval of the changes by the Planning Commission shall be required.

(B) *Review of minor site modifications.* The Zoning Administrator shall determine if an applicant must submit a site plan consistent the requirements of § 154.404 or sketch plan consistent with the minimum information requirements of division (D) of this section. Minor modifications to an approved site plan shall be reviewed and approved by the Zoning Administrator in accordance with all standards and requirements of this zoning ordinance and all applicable city ordinances.

(C) *Required information for sketch plans.* The following information shall accompany or be included on all sketch plans.

(1) An application form as described in Sec. 154.404(A) shall be prepared and submitted with the sketch plan.

(2) Sketch plans shall consist of an overall plan for the building and site or part of a site related to the building. The plan shall be drawn to a scale of not less than one inch equals 20 feet for property less than one acre, one inch equals 30 feet for property larger than one acre but less than three acres, and one inch equals 50 feet for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following description and identification information shall be included on all sketch plans.

(a) Scale and northpoint.

(b) Name, address, and phone number of the applicant and the person preparing the drawing.

(c) Zoning classification of the subject site.

(d) Property boundary lines and dimensions; if more than one lot is included in the site, the lot lines of each lot shall be indicated.

(e) Front, side, and rear setbacks dimensioned from the minimum location(s).

(f) Existing and proposed driveways and edges of all existing and proposed paved surfaces, as required.

(g) Parking spaces for the use, of the size required by this chapter.

(h) The outline and dimensions of all existing and proposed exterior building walls on the site.

(i) All exterior site improvements or modifications proposed in conjunction with the use described on the sketch plan, including, but not limited to, building construction, new pavement, landscaping, trash receptacles, and site clearing.

(j) A written description of the proposed use.

(k) A floor plan describing the use of all interior floor space.

(Ord. 20-003, passed 7-6-20)

SPECIAL USE REGULATIONS

§ 154.415 PURPOSE.

The procedures and standards in this subchapter intended to provide a consistent and uniform method for review of Special Use proposals. Special Uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district. These review procedures and standards are intended to accomplish the following purposes.

(A) Ensure full compliance with the standards contained in this chapter and other applicable local ordinances, and state and federal laws.

(B) Achieve efficient use of the land.

(C) Prevent adverse impact on adjoining or nearby properties.

(D) Protect natural resources.

(E) Facilitate development in accordance with the city's land use objectives.

(Ord. 92-005, passed 2-17-92)

§ 154.416 PROCEDURES AND REQUIREMENTS.

Special Use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the Planning Commission, followed by optional review by the City Council. Although a site plan must be submitted with a Special Use application, approval of the Special Use is required prior to site plan approval.

(A) *Applicant eligibility.* The application shall be submitted by the owner of an interest in land for which Special Use approval is sought, or by the owner's designated agent. The applicant or a designated representative should be present at all scheduled review meetings or consideration of the proposal may be tabled.

(B) *Application forms and documentation.* The application for Special Use shall be made on the forms and according to the guidelines in the city's site plan manual, as provided by the Building or Planning Department.

(C) *Application data requirements.* A site plan shall be submitted with the Special Use application. In addition, the applicant shall complete any forms and supply any other data that may be required by the Planning Commission, City Council, or city staff to make the determination required, herein. The applicant shall provide all necessary written or graphic materials to document compliance with the standards set forth in section § 154.417, and other regulatory guidelines specified for particular Special Uses elsewhere in this chapter.

(D) *Site plan preparation.* The site plan shall be prepared in the manner specified in §§ 154.401 through 154.405, the site plan manual, and on the Special Use application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.

(E) *Submission of a completed plan.* The special use application materials, required fees, and six copies of the completed site plan shall be submitted to the Building Department for review.

(F) *Review by the city officials.* The Zoning Administrator and other appropriate city officials shall review the site plan and application materials, and prepare a written review, which shall specify any deficiencies in the site plan and application and make recommendations as appropriate.

(G) *Submission of a revised plan and special use application.* The applicant shall revise the site plan and application materials, based on the recommendations set forth in the Zoning Administrator's review. The applicant shall then submit 25 copies of the revised plan for further review by staff and the Planning Commission.

(H) *Planning Commission consideration.* After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures.

(1) *Acceptance for processing.* The application shall be placed on the agenda of the next available scheduled Planning Commission workshop and a public hearing shall be scheduled.

(2) *Public hearing.* Notice of the public hearing shall be published in a newspaper which circulates in the city, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Notification shall be made in accordance with the provisions in the Michigan Zoning Enabling Act, Act 101 of 2006, as amended.

(3) *Planning Commission review.* Following the public hearing, the Special Use proposal and plan shall be reviewed by the Planning Commission, based on the standards and regulations in this section.

(4) *Plan revision.* If the Planning Commission determines that revisions are necessary to bring the Special Use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. Following submission of revised application materials, the Special Use proposal shall be placed on the agenda of the next available scheduled meeting of the Planning Commission for further review and possible action.

(I) *Planning Commission determination.*

(1) The Planning Commission shall review the application for Special Use, together with the public hearing findings and reports and recommendations from the Building Official, City Planner, City Engineer, public safety officials, and other reviewing agencies. The Planning Commission shall then make a determination on the Special Use application, based on the requirements and standards of this chapter. The Planning Commission may approve, approve with conditions, or deny a Special Use request as follows.

(a) *Approval.* Upon determination by the Planning Commission that the final plan for Special Use is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, approval shall be granted.

(b) *Approval with conditions.* The Planning Commission may impose reasonable conditions with the approval of a Special Use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements.

1. Conditions shall be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Conditions shall be necessary to meet the intent and purpose of this chapter, related to the standards established in this chapter for the land use or activity under consideration, and necessary to ensure compliance with those standards.

(c) *Denial.* Upon determination by the Planning Commission that a Special Use proposal does not comply with the standards and regulations set forth in this chapter, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the city, the Special Use proposal shall be denied.

(2) The Planning Commission shall prepare and transmit a report to the City Council stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.

(J) *Submission of plans for City Council review.* After the Planning Commission makes its determination, the Special Use application and site plan shall be submitted to the City Council for possible consideration. The City Council shall have 20 days to formally take the application under consideration in a public meeting or to formally decide that they will consider the application at a future public meeting. If the City Council decides not to take the application under consideration, the decision by the Planning Commission shall become final. If the City Council does consider and act on the application, then the Planning Commission's decision shall be considered a recommendation and the decision by the City Council shall become final.

(K) *City Council determination.* If the City Council chooses to consider a Special Use application, the City Council shall make a determination based on review of the application and site plan, together with the findings of the Planning Commission, and the reports and recommendation from the Building Official, City Planner, 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 Special Use proposal in accordance with the guidelines described previously in division (I) of this section.

(M) *Recording of Planning Commission and City Council action.* Each action taken with respect to a Special Use shall be duly recorded in the minutes of the Planning Commission or City Council, as appropriate. The minutes shall record the findings of fact relative to each Special Use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.

(N) *Affect of approval.* Upon approval, a Special Use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Approval shall affect only the lot or portion thereof on which the proposed use is located.

(O) *Zoning Board of Appeals authority.* The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision by the City Council or Planning Commission concerning a Special Use proposal. The Zoning Board of Appeals shall have the authority to consider variances associated with a Special Use site plan which relate to setbacks and dimensional requirements.

(P) *Application for a building permit.* Prior to issuance of a building permit, the applicant shall submit proof of the following.

- (1) Final approval of the Special Use application.
- (2) Final approval of the site plan.
- (3) Final approval of the engineering plans.
- (4) Acquisition of all other applicable city, county, or state permits.

(Q) *Expiration of Special Use approval.* If construction has not commenced within 24 months of final approval, the approval becomes null and void and a new application for Special Use shall be required. Upon written request from the applicant, a 12-month extension may be granted by the body which made the final decision on the initial request, if it finds that the approved Special Use application and site plan adequately represent current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for Special Use review will be required.

(R) *Revocation of Special Use approval.* Approval of a Special Use proposal and site plan may be revoked by the body which made the final decision if construction is not in conformance with the approved plans. In such a case, the Building Official shall ask that the Special Use proposal be placed on the agenda of the Planning Commission or City Council, as appropriate. Written notice shall be provided to the applicant at least five days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The Planning Commission or City Council, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

(S) *Performance guarantee.* The Planning Commission or City Council may require that a performance guarantee be deposited with the city to ensure faithful completion of the improvements. Improvements that shall be covered by the

performance guarantee include, but are not necessarily limited to landscaping, open-space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in § 154.036.

(Ord. 92-005, passed 2-17-92; Am. Ord. 13-014, passed 9-9-13; Am. Ord. 20-003, passed 7-6-20) Penalty, see § 154.999

§ 154.417 STANDARDS FOR APPROVAL.

Approval of a Special Use proposal shall be based on the determination that the proposed use will comply with all applicable requirements of this chapter, including site plan review criteria set forth in this subchapter, applicable site development standards for specific uses set forth elsewhere in this chapter, and the following standards.

(A) *Compatibility with adjacent uses.* The proposed Special Use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to the following.

- (1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- (2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

(3) The hours of operation of the proposed use. Approval of a Special Use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

- (4) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

(B) *Compatibility with the Master Plan.* The proposed Special Use shall be consistent with the general principles and objectives of the adopted city Master Plan.

(C) *Compliance with applicable regulations.* The proposed Special Use shall be in compliance with all applicable federal, state, and local laws and ordinances.

(D) *Use of adjacent property.* The Special Use shall not interfere with the use and enjoyment of adjacent property.

(E) *Public services.* The proposed Special Use shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Special Use is completed.

(F) *Impact of traffic.* The location of the proposed Special Use shall within the zoning district shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following.

- (1) Proximity and access to major thoroughfares.
- (2) Estimated traffic generated by the proposed use.
- (3) Proximity and relation to intersections.
 - (4) Adequacy of driver sight distances.
- (5) Location of and access to off-street parking.
- (6) Required vehicular turning movements.
- (7) Provision of pedestrian traffic.

(G) *Enhancement of surrounding environment.* The proposed Special Use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to the following.

- (1) The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this chapter may be required as a condition of approval of a Special Use.
- (2) The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

(H) *Impact on public health, safety, and welfare.* The proposed Special Use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, noise, fumes, odors, dust, glare, and light.

(I) *Isolation of existing uses.* The location of the proposed Special Use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed Special Use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.

(J) *Need for the proposed use.* The Planning Commission and/or City Council shall find that a need for the proposed use exists in the community at the time the Special Use proposal is considered.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

PLANNED DEVELOPMENT PROCEDURES AND STANDARDS

§ 154.430 INTENT.

The procedures and standards in this subchapter are intended to provide a consistent and uniform method for review of planned development proposals. The planned development regulations are intended to provide design and regulatory flexibility so as to accomplish the objectives of this chapter, using innovative and effective planning. The review procedures and standards set forth in this subchapter are intended to ensure full compliance with the standards contained in this chapter, particularly §§ 154.330 through 154.336, 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.

(Ord. 92-005, passed 2-17-92)

§ 154.431 AMENDMENT REQUIRED.

The approval of a Planned Development application shall require an amendment to the Zoning ordinance to revise the zoning map and designate the subject property as Planned Development. Approval granted under this subchapter, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.432 REVIEW PROCEDURES.

Planned Development applications shall be submitted in accordance with the following procedures and requirements, which provide for detailed review of Planned Development proposals by the Planning Commission, followed by review and approval by the City Council.

(A) *Applicant eligibility.* The application shall be submitted by the owner of an interest in land for which Planned 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 proposal may be tabled.

(B) *Application forms and documentation.* The application for Planned Development shall be made on the forms and according to the guidelines specified in the city's site plan manual, as provided by the Building Department.

(C) *Site plan preparation.* The site plan shall be prepared in the manner specified in this subchapter, in the city's site plan manual, and on the Planned Development application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.

(D) *Submission of a completed plan.* The Planned Development application materials, required fees, and sufficient copies of the completed site plan shall be submitted to the Building Department for review.

(E) *Review by the city officials.* The Zoning Administrator and other appropriate city officials shall review the site plan and application materials and prepare a written review, which shall specify any deficiencies in the site plan and make recommendations as appropriate.

(F) *Submission of a revised plan and Planned Development application.* The applicant shall revise the site plan and application materials, based on the recommendations set forth in the Zoning Administrator's review. The applicant shall then submit sufficient copies of the revised plan for further review by staff and the Planning Commission. Copies of the site plan and application shall also be transmitted to the City Council for information purposes.

(G) *Planning Commission consideration.* After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures.

(1) *Acceptance for processing.* The application shall be placed on the agenda of the next available scheduled Planning Commission workshop, and a public hearing shall be scheduled.

(2) *Public hearing.* The public hearing shall be scheduled in the same manner as required for Special Uses in § 154.416 of this chapter and the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The public hearing and notice required by the division shall be regarded as fulfilling the public hearing and notice requirements for amendment of this chapter. The Planning Commission and City Council may hold a joint public hearing on a Planned Development application if they so desire.

(3) *Planning Commission review.* Following the public hearing, the Planned Development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations and consistency with the intent and spirit of the Planned Development concept.

(4) *Plan revision.* If the Planning Commission determines that revisions are necessary to bring the Planned Development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the Planned Development proposal shall be placed on the agenda of the next available scheduled meeting of the Planning Commission for further review and possible action.

(H) *Planning Commission determination.* The Planning Commission shall review the application for Planned Development, together with the public hearing findings and reports and recommendations from the Building official, City Planner, 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 chapter. The Planning Commission may recommend approval, approval with conditions, or denial as follows.

(1) *Approval.* Upon determination by the Planning Commission that the final plan for Planned Development is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the Planning Commission shall recommend approval.

(2) *Approval with conditions.*

(a) The Planning Commission may recommend that the City Council impose reasonable conditions with the approval of a Planned Development proposal, to the extent authorized by law, for the following purposes.

1. To insure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
2. To protect the natural environment and conserve natural resources and energy.
3. To insure compatibility with adjacent uses of land.
4. To promote the use of land in a socially and economically desirable manner.
5. To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
6. To achieve the intent and purpose of this chapter.

(b) In the event that the Planned Development is approved subject to conditions, the conditions shall become a part of the record of approval, and shall be modified only as provided herein.

(3) *Denial.* Upon determination by the Planning Commission that a Planned Development proposal does not comply with the standards and regulations set forth in this chapter, 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.

(I) *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 site plan and supporting materials for City Council review.

(J) *Public hearing.* Upon receipt of a Planned Development plan and application, the City Council shall schedule a public hearing, unless a joint public hearing has already occurred, in accordance with division (G) of this section. The public hearing shall be scheduled in the same manner as required for Special Uses in § 154.416 of this chapter and the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

(K) *City Council determination.* The City Council shall make a determination based on review of the final plan together with the findings of the Planning Commission, and the reports and recommendation from the Building Official, City Planner, 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 Development proposal in accordance with the guidelines described previously in divisions (H) of this section.

(L) *Recording of Planning Commission and City Council action.* Each action taken with respect 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.

(Ord. 92-005, passed 2-17-92; Am. Ord. 13-014, passed 9-9-13) Penalty, see § 154.999

§ 154.433 EFFECT OF APPROVAL.

Approval of a Planned Development proposal shall constitute an amendment to the Zoning ordinance. All improvements and use of the site shall be in conformity with the Planned Development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in § 154.006. 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 Planned Development unless an amendment is adopted by the City Council upon request by the applicant or his/her successors.

(Ord. 92-005, passed 2-17-92)

§ 154.434 ZONING BOARD OF APPEALS AUTHORITY.

The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision by the City Council or Planning Commission concerning a Planned Development proposal.

(Ord. 92-005, passed 2-17-92)

§ 154.435 APPLICATION FOR BUILDING PERMIT.

Prior to issuance of a building permit, the applicant shall submit proof of the following.

- (A) Final approval of the site plan and Planned Development application.
- (B) Final approval of the engineering plans.
- (C) Acquisition of all other applicable city, county, or state permits.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.436 EXPIRATION OF APPROVAL.

If construction has not commenced within 24 months of final approval, the approval becomes null and void and a new application for Planned Development shall be required. The City Council 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. In the event that an approved Planned Development plan becomes null and void, the city shall initiate proceedings to amend the zoning classification of the site.

(Ord. 92-005, passed 2-17-92)

§ 154.437 PERFORMANCE GUARANTEE.

The Planning Commission or City Council may require that a performance guarantee be deposited with the city to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in § 154.036.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.438 REVISION OF APPROVED PLANS.

(A) *General revisions.* An approved Planned Development proposal and plan may be revised in accordance with the procedures set forth for approval of a new proposal.

(B) *Minor changes.* Notwithstanding division (A) of this section, minor changes may be permitted by the Planning Commission, following normal site plan review procedures outlined in §§ 154.401 through 154.405, subject to the following Planning Commission findings.

- (1) The proposed changes will not affect the initial basis on which initial approval was granted.
- (2) The proposed minor changes will not adversely affect the overall Planned Development in light of the intent and purposes of the development as stated in § 154.330.
- (3) The proposed changes will not affect the character or intensity of use, the general configuration of buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.
- (4) Examples of minor changes include, but are not limited to the following.
 - (a) Additions or alteration to the landscape plan or landscape materials.
 - (b) Alterations to the internal parking layout of an off-street lot, provided that the total number of spaces does not change.
 - (c) Relocation of a trash receptacle.
 - (d) An increase in floor area of less than 20% of the initial total floor area up to 5,000 square feet.

(C) *Application data requirements.* Applications for Planned Development approval shall include all applicable data required for site plan review as specified in §§ 154.401 through 154.405 and the city's site plan manual. In addition, the application shall include the following.

- (1) An overall plan for the planned development. The overall plan shall graphically represent the development concept, using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other nonresidential use; each type of open space; community facilities and public areas; and other types of land use.
- (2) A map and written explanation of the relationship of the proposed Planned Development to the city's Master Plan.
- (3) Information concerning traffic generated by the proposed Planned Development. Sufficient information shall be provided to allow the city to evaluate the impact of the proposed development on adjoining roads. Traffic-related information which is provided shall be estimates of the volume of traffic generated by each use, the peak hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site, including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.
- (4) Analysis of the fiscal impact of the proposed Planned Development on the city and the school district.
- (5) Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This

requirement may be waived by the Planning Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.

(6) Legal documentation of single ownership or control. The documentation shall be in the form of agreements, contracts, covenants, and deed restriction which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.

(7) A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.

(8) A draft of ownership and governance documents. These documents shall include the following.

(a) Deeds of ownership.

(b) Warranties guaranteeing ownership conveyed and described in the deeds.

(c) A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the Planned Development.

(d) Association by-laws (for example, condominium association by-laws) which describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the Planned Development; and the duties of individual shareholders to manage and maintain their own units.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

VARIANCES AND APPEALS

§ 154.450 INTENT; PURPOSE.

(A) *Intent.* The purpose of this subchapter 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 these regulations or by Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended.

(B) *Purpose of variances and appeals.*

(1) *Appeals.* Generally, an appeal may be taken to the Zoning Board of Appeals by a person, or by any office, department, board, or bureau aggrieved by a decision of the Planning Commission or any Administrative Official or body charged with enforcement of these regulations.

(2) *Variances.* Where there are practical difficulties preventing a property owner from conforming with the strict letter of this chapter, or where strict enforcement of this chapter would create an unnecessary hardship, the Zoning Board of Appeals shall have the power to authorize variances from the standards in this chapter, with such conditions and safeguards as it may determine to be necessary so that the overall spirit and intent of this chapter is observed, public safety secured, and substantial justice done.

(Ord. 92-005, passed 2-17-92)

§ 154.451 STAY OF PROCEEDINGS.

An appeal to the Zoning Board of Appeals shall stay all proceedings in furtherance of the appealed action, unless the Zoning Administrator certifies to the Zoning Board of Appeals, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the circuit court,

(Ord. 92-005, passed 2-17-92)

§ 154.452 APPLICATION AND PROCEDURES.

(A) *Application to the Zoning Board of Appeals.* Variances and appeals for which Zoning Board of Appeals action is sought shall be commenced by a person filing an application to the Zoning Board of Appeals on forms as specified by the Zoning Administrator and accompanied by required fees. The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number(s) containing the standards from which a variance is sought and the nature and extent of the variance.

(B) *Plot plan requirements.*

(1) Applications involving a specific site shall be accompanied by a plot plan drawn to scale that includes the following information, where applicable.

(a) Applicant's name, address, and telephone number.

(b) Property identification (sidwell) number, scale, northpoint, and dates of submission and revisions.

(c) Zoning classification of petitioner's parcel and of all abutting parcels.

(d) Existing lot lines, building lines, structures, parking areas, driveways and other improvements on the site and within

50 feet of the site.

(e) For variances from any dimensional standard of these regulations, the plot plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is being sought.

(f) Any additional information required by the Zoning Administrator or the Zoning Board of Appeals to make the determination requested herein.

(2) Where an application to the Zoning Board of Appeals involves a variance sought in conjunction with a site plan review by the Planning Commission, the application data requirements for site plan review, as set forth in § 154.402, shall be followed.

(C) Review by the Zoning Board of Appeals.

(1) The Zoning Administrator shall forward the application, along with any supporting materials and plans, to the Zoning Board of Appeals.

(2) The Zoning Administrator or the Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or variance request, give due notice to the parties to whom real property within 300 feet of the premises in question is assessed, and to occupants of one or two-family dwellings within 300 feet, and decide the appeal or variance within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney.

(D) *Decision by the Zoning Board of Appeals.*

(1) 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 affect any variation in an ordinance adopted pursuant to Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended.

(2) The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal was taken, and may issue or direct the issuance of a permit. With an affirmative decision, the Board may impose conditions pursuant to Section 4c(2)(a) of Public act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended. The decision of the Zoning Board of Appeals shall be final, but any person having an interest affected by a decision of the Board may appeal to circuit court.

(E) *Record of decision and order.*

(1) 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 following.

(a) The relevant administrative records and the administrative orders issued thereon relating to the appeal.

(b) The notice of the appeal.

(c) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration.

(2) 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 secretary of the Board.

(F) *Approval period.* If construction has not commenced within 24 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.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.453 STANDARDS.

Variances and appeals shall be granted only in accordance with Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended, and based on the findings set forth in this subchapter. The extent to which the following criteria apply to a specific case shall be determined by the Board.

(A) *Criteria applicable to variances.*

(1) *Practical difficulties.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

(2) *Substantial justice.* Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(3) *Public safety and welfare.* The requested variance or appeal can be granted in such fashion that the spirit of these

regulations will be observed and public safety and welfare secured.

(4) *Extraordinary circumstances.* There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

(5) *Preservation of property rights.* A variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same zoning district.

(6) *No safety hazard.* The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety.

(7) *No impact on land values.* The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.

(8) *Neighborhood character.* The granting of a variance or appeal will not alter the essential character of the neighborhood.

(9) *Light and air.* The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property.

(10) *Promotes orderly development.* The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.

(11) *Traffic flow.* A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.

(12) *No nuisance impacts.* A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.

(13) *Impact on adjacent properties.* The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.

(14) *Relationship to adjacent land uses.* The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the city.

(B) *Criteria applicable to use variances.*

(1) The Zoning Board of Appeals shall not grant a use variance unless it finds that an unnecessary hardship exists, in accordance with the following criteria

(a) *Reasonable use.* The Zoning Board of Appeals must find that the property in question cannot reasonably be put to a conforming use if used in strict compliance with this chapter.

(b) *Unique circumstances.* The Zoning Board of Appeals must find that the plight of the property owner is due to unique circumstances and not general neighborhood conditions.

(c) *Essential character of the area.* The Zoning Board of Appeals must find that the use variance, if granted, will not alter the essential character of the area or neighborhood.

(d) *Self-created problem.* The Zoning Board of Appeals must find that the hardship upon which the use variance is based is not self-created.

(2) A use variance shall not be construed as a change in the zoning of the property, nor shall it be construed as an addition to the uses permitted in a district.

(C) *Criteria applicable to appeals.* The Board shall reverse an order of an enforcement official only if it finds that the action or decision appealed:

(1) Was arbitrary or capricious;

(2) Was based on an erroneous finding of a material fact;

(3) Constituted an abuse of discretion;

(4) Was based on erroneous interpretation of the Zoning ordinance or zoning law.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

PERMITS AND CERTIFICATES

§ 154.465 PERMITS.

(A) *Permit required.* A building permit or other appropriate permit shall be required as follows.

- (1) Prior to the erection, alterations repair, renovation, demolition or removal of any building or structure.
- (2) Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.
- (3) Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
- (4) Prior to any change in use of an existing building or structure to a different class or type.

(B) *Definition of alteration and repair.* For the purposes of this subchapter, the terms **ALTERATION** and **REPAIRED** shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the adopted City Building Code, the Housing Law of Michigan, Public Act 167 of 1917, as amended, being M.C.L.A. 125.401 *et seq.*, these regulations or other applicable regulations of the city.

(C) *Application requirements.*

(1) No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements conform with the provisions of these regulations and with the City Building Code.

(2) Applications for permits required by this subchapter shall be filed with the Building Official on forms prescribed by that official. Each application shall be accompanied by a written explanation of the proposed improvements, and, if applicable, a plan of the site drawn to scale. Submitted plans shall be of sufficient detail for the official to determine whether the proposed improvements conform with these regulations, the Building Code, the State Construction Code, Act Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 - 125.1531 as amended, and other applicable laws and ordinances.

(3) A site plan submitted and approved by the Planning Commission in accordance with these regulations shall satisfy the requirements of this subchapter. At a minimum, the applicant must supply the following information.

- (a) The location, dimensions and parcel identification (sidwell) number of the land parcel.
- (b) Existing buildings or structures, plus the shape, size, and location of all buildings or structures to be erected, altered, or moved.
- (c) The existing and intended use of the parcel.
- (d) On residential parcels, the number of dwelling units contained within each building.
- (e) The name and address of all persons having an ownership interest in the premises upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.
- (f) All information required by the adopted city Building Codes.
- (g) Any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of these regulations will be complied with.

(D) *Conformity with applicable ordinances and approved plans.*

(1) A building permit shall be issued only if, after thorough inspection of the application materials and plans, the Building Official finds that the proposal conforms with these regulations, the State Construction Code Act, Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 - 125.1531, as amended, city adopted codes, and other applicable laws and ordinances, except where the Building official receives written notice of a variance having been granted by the Zoning Board of Appeals or Construction Board of Appeals.

(2) A building permit issued on the basis of a site plan approved by the Planning Commission shall incorporate full compliance with the approved site plan as a condition of the issuance of the permit. Modifications to an approved site plan shall be in compliance with these regulations. Use, layout, or construction at variance with approved plans or application materials shall be deemed in violation of these regulations.

(E) *Expiration of permits.* A building permit issued pursuant to the provisions of these regulation shall be consistent with the procedures stated within the adopted Building Code of the city. Expiration and notification requirements of the applicable code shall be followed.

(F) *Inspection of completed work.* The holder of any building permit issued pursuant to the requirements in this subchapter shall notify the Building Official for a final inspection and request a certificate of occupancy upon completion of the work authorized by the permit and prior to occupancy.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.466 CERTIFICATE OF OCCUPANCY.

A certificate of occupancy shall be required prior to occupancy or re-occupancy of any use of land, building or structure. It shall be unlawful for any person, firm or corporation to hereafter occupy or re-occupy, or for any owner or agent to permit the occupation or re-occupation of any building or addition thereto, or part thereof, for any use until a certificate of occupancy has been issued by the Department of Building and Engineering. The following guidelines shall apply to certificate of occupancy.

(A) *General requirements.*

(1) *Purpose.* The purpose of a certificate of occupancy is to permit the occupancy or use of land, buildings, or structures. The certificate of occupancy can be issued only upon the determination by the Zoning Administrator and the Building Official that the site is in compliance with the provisions of these regulations, the requirements of the adopted city Building and Construction Codes, adopted city engineering standards, and that all outstanding city fees or other charges have been paid.

(2) *Certificates for new and existing buildings.* Certificates of occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land if, after inspection, the Building Official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of these regulations and other regulations of the city, and provided further that the proposed use is fully in compliance with these regulations. Failure to obtain a certificate of occupancy prior to commencing the use of property shall constitute a violation of these regulations.

(3) *Temporary certificates.* A temporary certificate of occupancy may be issued by the Building Official, upon approval of the Zoning Administrator, for a portion of a building, structure or premises prior to occupancy of the entire building or structure, provided that such portion of the building, structure or premises is in conformity with the provisions of these regulations and other applicable regulations of the city, and provided further that no threat to public safety exists. A performance guarantee may be required by an Enforcement Official in accordance with § 154.036 as a condition of obtaining a temporary certificate. No temporary certificate of occupancy shall be granted for a period in excess of six months. 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 these regulations.

(4) *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.

(B) *Period of validity.* A final certificate of occupancy shall remain in affect for the life of the building or structure, or part thereof, as long as the specific operation conducted within the building or structure or use of the land continues. A certificate of occupancy shall be required of any new occupant upon a change in occupancy of the building, structure, or land.

(C) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the Building Official. Copies of certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

(D) *Application requirements.* An application for a certificate of occupancy shall be made on forms supplied by the Building Official, and must be accompanied by the fees specified. A certificate of occupancy may be processed concurrently with an application for a building permit, if a building permit is required. The Zoning Administrator shall determine if a nonresidential occupancy change requires site plan review and approval by the Planning Commission pursuant to §§ 154.400 through 154.405.

(E) *Issuance of certificate.* The Enforcement Official shall inspect a building or structure within 15 working days after notification by an applicant of the completion of a building or structure or other improvements. The Building Official and Zoning Administrator shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land, conforms with an approved site plan and the provisions of these regulations. If the request for a certificate of occupancy is denied, the applicant shall be notified in writing of the denial and the reasons for denial.

(F) *Failure to comply with an issued certificate.* Failure to maintain and comply with the specifically permitted use and any associated conditions of an issued certificate of occupancy shall constitute a violation of these regulations and shall revoke the permission to occupy or use the land, buildings and/or structures. Such revocation shall allow the city to require the immediate evacuation from the land, buildings, and structures of all occupants and for all use of the land, buildings and structures to cease and desist once the property owner and/or occupants have received written notice of a failure to comply with the issued certificate of occupancy.

(Ord. 92-005, passed 2-17-92; Am. Ord. 21-004, passed 2-8-21) Penalty, see § 154.999

§ 154.467 ZONING PERMITS.

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this section. Zoning permits shall be subject to the following:

(A) *Building permit includes zoning permit approval.* For purposes of this section, building permits issued by the Building Department in accordance with the State Construction Code enforced by the city shall also include any zoning permit approval required under this section.

(B) *Zoning permits.* Wherever a provision of this section requires approval of a permit for work not regulated by the State Construction Code enforced by the city, zoning permit approval shall be required subject to the provisions of this section. The Zoning Administrator shall have the authority to grant zoning permits, and shall be responsible for consulting with the Building Official to verify that no building permits are required for the proposed work under the State Construction Code enforced by the city prior to issuing a zoning permit under this section.

(C) *Application.* Zoning permit applications shall be filed with the Zoning Administrator and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform to the provisions of this section. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

- (1) The location, shape, area, and dimensions of the lot involved;
- (2) The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel;
- (3) The existing and proposed use of the parcel and all structures upon it;
- (4) The location and dimensions of any existing and proposed yard, open space, and parking areas;
- (5) Proposed setbacks of structures from property lines and other structures; and
- (6) Any other information deemed necessary by the Zoning Administrator or designated agent of the city for the proper enforcement of this section.

(D) *Revocation.* The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this section, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator or designated agent of the city shall notify the owner of such revocation in writing.

(Ord. 10-014, passed 1-11-10)

ADMINISTRATION AND ENFORCEMENT

§ 154.480 OVERVIEW.

(A) The City Council or its duly authorized representative as specified in this subchapter is hereby charged with the duty of enforcing the provisions of this chapter. Accordingly, the administration of this chapter is hereby vested in the following entities.

- (1) City Council.
- (2) Planning Commission.
- (3) Zoning Board of Appeals.
- (4) Zoning Enforcement Officials, including the Building Official

(B) The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

(Ord. 92-005, passed 2-17-92)

§ 154.481 AUTHORITY OF CITY COUNCIL.

The City Council shall have the following responsibilities and authority pursuant to this chapter.

(A) *Adoption of Zoning ordinance and amendments.* In accordance with the intent and purposes expressed in § 154.001, the Preamble to this chapter, and pursuant to the authority conferred by Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended, the City Council shall have the authority to adopt this chapter, 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.*

(1) The City Council shall be given the opportunity to review and approve all Special Land Uses, in accordance with §§ 154.415 through 154.417.

(2) City Council review and approval shall be required for all Planned Developments, in accordance with §§154.430 through 154.438.

(C) *Setting of fees.* The City Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this chapter. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

(D) *Approval of Planning Commission members.* In accordance with Public Act 285 of 1931, being M.C.L.A. §§ 125.31 - 125.45, as amended, members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council.

(Ord. 92-005, passed 2-17-92)

§ 154.482 AUTHORITY OF PLANNING COMMISSION.

The Planning Commission shall have the following responsibilities and authority pursuant to this chapter.

(A) *Creation.* The Planning Commission is created pursuant to Public Act 285 of 1931, being M.C.L.A. §§ 125.31 - 125.45,

as amended, the Municipal Planning Act.

(B) *Membership and operation.*

(1) 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 285 of 1931, being M.C.L.A. §§ 125.31 - 125.45, as amended.

(2) In accordance with § 4 of Act 285, the Planning Commission 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 chapter.

(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 §§ 154.400 through 154.405. As provided for in § 154.403, 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 §§ 154.415 through 154.417, and making a recommendation to the City Council to grant approval, approval subject to revisions, or denial of approval.

(4) *Planned Development review.* The Planning Commission shall be responsible for holding hearings and review of all applications for Planned Development in accordance with §§ 154.430 through 154.438. 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 Development proposal.

(5) *Formulation of a Master Plan.* The Planning Commission shall be responsible for formulation and adoption of a Master Plan for the physical development of the city, in accordance with Public Act 285 of 1931, being M.C.L.A. §§ 125.31 - 125.45, as amended.

(6) *Review of matters referred by the City Council.* The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the City Council. The Planning Commission shall recommend appropriate regulations and action on such matters.

(7) *Report on operation of the Zoning ordinance.* The Planning Commission shall periodically prepare for the City Council a report on the operations of the Zoning ordinance, including recommendations as to the enactment of amendments or supplements to the ordinance.

(Ord. 92-005, passed 2-17-92)

§ 154.483 ZONING BOARD OF APPEALS.

The Zoning Board of Appeals (hereinafter referred to as ZBA) shall have the following responsibilities and authority pursuant to this chapter.

(A) *Creation.* The ZBA is created pursuant to Public Act 207 of 1921, being M.C.L.A. §§ 125.581 - 125.590, as amended, the City-Village Zoning Act.

(B) *Membership and operation.* The ZBA shall consist of seven members who shall be appointed in accordance with § 5 of Public Act 207 of 1921, as amended, and as follows.

(1) ZBA members shall be citizens of the United States and residents of the city for at least one year prior to their appointment.

(2) Members may be removed for cause by the Mayor, subject to approval by the City Council, or as otherwise provided by state law, after consideration of written charges and a public hearing.

(3) Vacancies on the ZBA shall be filled by appointment of the Mayor, subject to approval by the City Council. Appointments shall be for the remainder of the unexpired term.

(4) The compensation of the members of the ZBA shall be fixed by the City Council.

(5) The City Council shall also appoint two alternate members for the same term as regular members of the ZBA. Alternate members may be called on a rotating basis to sit as regular members in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals.

(C) *Secretary of the ZBA.* The City Clerk shall be the secretary of the Board. The Clerk may designate a deputy clerk to act on his/her behalf.

(D) *Meetings.* Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the City Clerk.

(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 affect any variation to this chapter.

(F) *Jurisdiction.*

(1) The ZBA shall act on all questions as they may arise in the administration of this chapter, including the interpretation of the zoning district map. The ZBA shall also hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this chapter. The ZBA shall also hear and decide matters referred to them or upon which they are required to pass under this chapter. 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 §§ 154.150 through 154.453. In the interest of complying with these requirements and furthering the objectives of this section, the ZBA may take the following actions.

(a) Interpret the zoning districts where the street layout shown on the map varies from actual conditions.

(b) Interpret the exact location of a boundary line between zoning districts shown on the map.

(c) Grant variances from off-street parking or loading space requirements, upon finding that the variances will not result in a parking or loading space deficiency or otherwise be inconsistent with the intent of the requirements.

(d) 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 variances, the ZBA shall first determine that sufficient area exists for an adequate storm water drainage, water supply, and septic system, if necessary.

(e) Grant variances from the site plan review requirements where the ZBA finds that the requirements would cause practical difficulties or unnecessary hardship do to the unique conditions on the site.

(f) Grant variances made necessary by the advances of technology being put to use in new developments, but not anticipated by the provisions of this chapter.

(2) The ZBA is not authorized to consider an appeal of any decision concerning a planned development or special land use. Notwithstanding these requirements, the ZBA shall have the power to consider variances associated with a special land use site plan which relate to setbacks and dimensional requirements.

(G) *Decision final.* The decision of the ZBA shall be final, but shall be subject to review by the Circuit Court. The Circuit Court may order the ZBA to rehear a case in the event that the Court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence which is material and with good reason was not presented to the ZBA.

(Ord. 92-005, passed 2-17-92)

§ 154.484 AUTHORITY OF ZONING ENFORCEMENT OFFICIALS.

(A) *Overview.* Certain actions necessary for the implementation of these regulations shall be administered by the Community Development Director, the Zoning Administrator, the Building Official, the City Clerk, the City Planner, and other city officials and/or the duly authorized assistants or representatives of these officials. In carrying out their designated duties, all Enforcement Officers shall be required to administer the Zoning ordinance precisely as it is written. No Enforcement Official shall make changes or vary the terms of these regulations.

(B) *Responsibilities of the Community Development Director.* The Community Development Director, or a duly authorized representative, shall be responsible for overall administration of the Zoning ordinance. The Director shall coordinate the implementation of these regulations among the City Council, the City Manager, the Planning Commission, the Zoning Board of Appeals, enforcement officials, city consultants, applicants, and the general public. These general administrative responsibilities shall include the following.

(1) Preparation and presentation of staffing plans to appropriate policy makers.

(2) Preparation and administration of budgetary matters regarding the implementation of these regulations.

(3) Resolution of problems occurring between applicants, staff, and the general public.

(4) Periodically report to city policy makers on the status of city zoning and planning administration.

(C) *Responsibilities of the Zoning Administrator.* In addition to specific responsibilities outlined elsewhere in these regulations, the Zoning Administrator or a duly authorized representative shall have the following responsibilities.

(1) Provide citizens and public officials with information relative to these regulations and related matters.

(2) Assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and

other zoning matters.

(3) Review all applications for site plan review, special land use review, and planned development, and take any action required under guidelines stated within these regulations;

(4) In cooperation with the Building Official, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable ordinances and codes are met.

(5) Forward to the Planning Commission completed applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to these regulations, and other matters that must be reviewed by the Planning Commission.

(6) Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act.

(7) Forward to the City Council all recommendations of the Planning Commission concerning matters on which action is either mandatory or discretionary on the part of the Council.

(8) Periodically report to the Planning Commission on the status of city's zoning and planning administration.

(9) Maintain the current official Zoning Map of the city and an up-to-date Zoning ordinance text by recording all adopted amendments.

(10) Review and investigate permit applications to determine compliance with the provisions of the Zoning ordinance.

(11) Initiate investigations into alleged violations of these regulations and proceed with appropriate corrective measures as required.

(12) Perform other related duties required to administer these regulations.

(D) *Responsibilities of the Building Official.* In addition to specific responsibilities related to enforcement and administration of the adopted Building Code, the Building Official or duly authorized assistants shall have the following responsibilities.

(1) Provide citizens and public officials with information relative to these regulations and related matters.

(2) Provide direction to applicants in determining and completing appropriate procedures related to site plan review, rezoning, and other zoning matters.

(3) Review applications for site plan review, special land use review, and planned development, provide recommendations regarding the content of the plans and take any action required under guidelines stated within these regulations.

(4) Issue building or other appropriate permits when all provisions of these regulations and other applicable ordinances as are met.

(5) In cooperation with the Zoning Administrator, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable ordinances and codes are met.

(6) Perform inspections of structures, and premises to ensure that the land use or improvements to the land are and will remain in compliance with these regulations.

(7) Initiate and perform investigations into alleged violations of these regulations and proceed with appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revocation of permits.

(8) Maintain records as accurately as is feasible for all nonconforming uses, structures, and lots that exist on the effective date of the zoning ordinance, updating the record as conditions affecting nonconforming status of such uses changes.

(9) Perform other related duties required to administer these regulations.

(E) *Responsibilities of the City Clerk.* In addition to specific responsibilities outlined elsewhere in these regulations, the City Clerk or duly authorized representatives shall have the following responsibilities.

(1) Publish all notices required by these regulations.

(2) Record or cause to be recorded and prepare the official minutes of all meetings of the Planning Commission and Zoning Board of Appeals.

(3) Maintain official records and file all official minutes and documents in an orderly fashion.

(4) Perform other related duties required to administer these regulations.

(F) *Responsibilities of the City Planner.* The City Planner may be a member of city staff or a firm or organization retained on a consulting basis, or the responsibilities may be shared by staff and a consultant. In addition to specific responsibilities outlined elsewhere in these regulations, upon request from the City Council, the Planning Commission, the City Manager, the Community Development Director, an authorized department head, or other authorized city body or official, the City Planner shall fulfill the following responsibilities.

(1) Prepare and administer such plans and ordinances as are appropriate for the city and its environs, within the scope of the appropriate state planning and zoning enabling acts.

(2) Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.

(3) Advise and assist the City Council, City Manager and other authorized city bodies or officials and be responsible for carrying out their directives.

(4) Provide citizens and public officials with information relative to these regulations and related matters.

(5) At request of the city, review applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines stated in these regulations.

(6) At the request of the Planning Commission or City Council, draft amendments to the Zoning ordinance and other ordinances to accomplish the planning objectives of the city.

(7) Periodically report to the Planning Commission on the status of the city's zoning and planning administration.

(8) Perform other related duties required to administer these regulations.

(Ord. 92-005, passed 2-17-92) Penalty, see § 154.999

§ 154.485 FEES.

(A) Any application for an amendment to this chapter, site plan review, review of a special land use proposal, review of a planned 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 chapter shall be subject to and accompanied by a fee as established by the City Council. 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 this chapter shall cause any permits to be suspended and reject applications for new permits directly associated with the project.

(B) The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in § 154.036.

(C) There shall be no fee in the case of applications filed in the public interest by a municipal department or city official.

(Ord. 92-005, passed 2-17-92)

§ 154.486 VIOLATIONS.

(A) *Public nuisance.* Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of these regulations are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

(B) *Violation.* Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same who fails to comply with any of the provisions of these regulations or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of these regulations by an Enforcement Official, shall be deemed in violation of these regulations.

(Ord. 92-005, passed 2-17-92)

§ 154.487 COURT ACTION; OTHER REMEDIES.

(A) The City Manager or a 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 these regulations, and to correct, remedy, or abate any noncompliance or violation. Any person aggrieved or adversely affected by any noncompliance or violation may institute suit or join the city in such an action to abate the violation.

(B) *Other remedies.* The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the city to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of these regulations, or to correct, remedy, or abate any noncompliance.

(C) *Rights and remedies preserved.* Any failure or omission to enforce the provisions of these regulations, and failure or omission to prosecute any violations of these regulations, shall not constitute a waiver of any rights and remedies provided by these regulations or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of these regulations.

(Ord. 92-005, passed 2-17-92)

§ 154.488 RECORDS.

(A) Permanent and current records of this chapter, 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.

(B) 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 Clark.

(C) 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. 92-005, passed 2-17-92)

CONDITIONAL REZONING

§ 154.520 INTENT.

It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this subsection to provide a process consistent with the provisions of § 4g of the City and Village Zoning Act (M.C.L.A. § 125.584g) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(Ord. 06-001, passed 8-29-05)

§ 154.521 APPLICATION AND OFFER OF CONDITIONS.

(A) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

(B) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this subchapter.

(C) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(D) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

(E) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this subchapter may only be commenced if all of the special land use requirements for the proposed use or uses, as outlined in §§ 154.415 through 154.417, are met.

(F) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this subchapter may only be commenced if a variance for such use or development is obtained from the Zoning Board of Appeals, prior to the proposed conditional zoning, in accordance with the provisions of this subchapter.

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

(H) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application process shall be terminated and the applicant shall re-file a new application.

(Ord. 06-001, passed 8-29-05)

§ 154.522 PLANNING COMMISSION REVIEW.

The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(Ord. 06-001, passed 8-29-05)

§ 154.523 CITY COUNCIL REVIEW.

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then Council shall, in accordance with § 4 of the City and Village Zoning Act (M.C.L.A. § 125.584), refer such amendments to the Planning Commission for a report thereon within a time specified by Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

(Ord. 06-001, passed 8-29-05)

§ 154.524 APPROVAL.

(A) If City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by Council to accomplish the requested rezoning.

(B) The Statement of Conditions shall:

(1) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to City Council.

(2) Contain a legal description of the land to which it pertains.

(3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

(4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

(5) Contain a statement acknowledging that the Statement of Conditions or an affidavit or memorandum giving notice thereof may be recorded by the city with the Register of Deeds of the county in which the land referenced in the Statement of Conditions is located.

(6) Contain the notarized signatures of all of the owners and accessory parties of the subject land, including all known potential buyers, preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

(C) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

(D) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

(E) The approved Statement of Conditions, affidavit, or memorandum giving notice thereof shall be filed by the city for recording with the Wayne County Register of Deeds.

(Ord. 06-001, passed 8-29-05)

§ 154.525 COMPLIANCE WITH CONDITIONS.

(A) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this subchapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(B) No permit or approval shall be granted under this subchapter for any use or development that is contrary to an applicable Statement of Conditions.

(Ord. 06-001, passed 8-29-05)

§ 154.526 TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE.

Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by City Council if: (1) it is demonstrated to Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2) Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(Ord 06-001, passed 8-29-05)

§ 154.527 REVERSION OF ZONING.

If approved development and/or use of the rezoned land does not occur within the time frame specified under §154.526, then the land shall revert to its former zoning classification as set forth in M.C.L.A. § 125.584g. The reversion process shall be initiated by City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

(Ord. 06-001, passed 8-29-05)

§ 154.528 SUBSEQUENT REZONING OF LAND.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to § 154.527 or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the City Clerk shall record with the Register of Deeds of the county in which the land is located a notice that the Statement of Conditions is no longer in effect.

(Ord. 06-001, passed 8-29-05)

§ 154.529 AMENDMENT OF CONDITIONS.

(A) During the time period for commencement of an approved development or use specified pursuant to §154.527 above or during any extension thereof granted by City Council, the city shall not add to or alter the conditions in the Statement of Conditions.

(B) The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

(Ord. 06-001, passed 8-29-05)

§ 154.530 CITY RIGHT TO REZONE.

Nothing in the Statement of Conditions nor in the provisions of this subchapter shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this subchapter and the City and Village Zoning Act (M.C.L.A. § 125.581).

(Ord. 06-001, passed 8-29-05)

§ 154.531 FAILURE TO OFFER CONDITIONS.

The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this subchapter.

(Ord. 06-001, passed 8-29-05)

§ 154.532 FEE SCHEDULE.

The city may establish a fee schedule for the application, processing and implementation of a request for rezoning under this subchapter.

(Ord. 06-001, passed 8-29-05)

SIGN REGULATIONS

§ 154.600 FINDINGS.

The City Council finds that signs and other visual outdoor advertising are necessary to the commerce, health, safety, and general welfare of the residents of the city. Further, it finds that failure to regulate their size, location, and construction may lead to poor identification of individual businesses, deterioration of the business and residential areas of the city, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic-control devices, and safety hazards to pedestrians and motorists.

(Ord. 10-013, passed 1-11-10)

§ 154.601 PURPOSE.

The purpose of this subchapter is to regulate signs and outdoor advertising in a manner that will minimize their harmful effect while permitting latitude for creative and effective advertising and identification. It is intended by this subchapter to give recognition to the legitimate needs of business, industry and other activities, through appropriate guidelines, in attaining their identification and informational objectives. It is a basic tenet of this subchapter that unrestricted signage does not benefit the community, or individual businesses, or property owners. To achieve this purpose, this subchapter has the following objectives:

(A) Regulate the construction, alteration, repair and maintenance of all signs with respect to structural and fire safety, location, type of sign, dimensions, height, and method of illumination;

(B) Seek removal of illegal signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this subchapter;

(C) Preserve the appearance of the city by preventing the placement of oversized and non-accessory signs that are out of scale with surrounding buildings and structures;

(D) Keep the number of signs and sign messages at a reasonable level necessary to identify a business and its products; and

(E) Avoid visual clutter that confuses or misleads traffic, obstructs vision and is potentially harmful to property values, business opportunities and community appearance.

(Ord. 10-013, passed 1-11-10)

§ 154.602 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign accessory to or associated with a use that has been discontinued or terminated for more than 30 days.

BILLBOARD OR NON-ACCESSORY SIGN. A sign that does not pertain to the primary use of the premises, or that advertises one or more businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located.

BUILDING FRONTAGE. Where sign area is based on the lineal feet of building frontage, the measurement shall be taken from the façade of the building facing the main roadway and shall be measured from exterior side-wall to exterior side wall of the building or in the case of a tenant space from interior side wall to interior side wall.

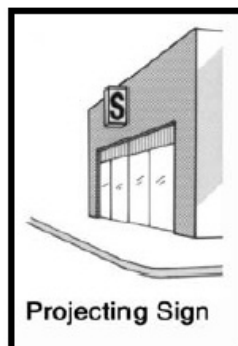
BUILDING-MOUNTED SIGN. Display sign that is painted on, adjacent to or attached to a building wall, door, and window or related architectural feature. Such signs would include, but are not limited to the following:

(1) **BUILDING DIRECTORY.** A wall sign where individual occupants of a building may display information directing visitors to their portion of the building.

(2) **CANOPY SIGN.** A sign that is painted on or attached to an awning or canopy.

(3) **NAMEPLATE.** A wall sign denoting the name of the occupant in a residential dwelling unit or denoting only the name and profession of the occupants in a commercial, public or other institutional building.

(4) **PROJECTING SIGN or MARQUEE SIGN.** A display sign attached to or hung from a structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line.



(5) **WALL SIGN.** A display sign that is painted on or attached to a building wall, door, window or related architectural feature and projecting not more than 18 inches from the wall.

(6) **WINDOW SIGN.** A sign affixed to a window or so as to be observable from the opposite side of the window to which such sign is located or affixed.

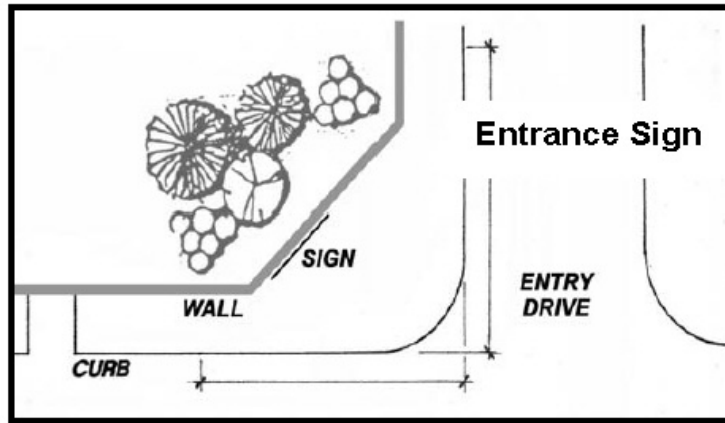
CLEARANCE. The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

DAMAGED SIGN. A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.

DECORATIVE DISPLAY. A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

DIRECTIONAL SIGN. A sign that uses arrows or words like "enter" and "exit" to regulate on-site traffic and parking.

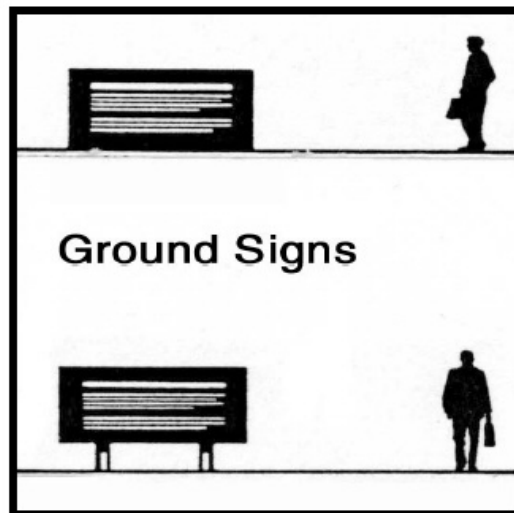
ENTRANCE SIGN/ENTRY FEATURE WITH SIGNAGE. A sign located at the entrance to the development from a thoroughfare or collector road and bearing the name, management organization or contact information for a residential subdivision, apartment community, condominium development, mobile home park, or office, business or industrial park.



FRONT FACE AREA. The area of the front wall, including doors and windows, of the principal building facing a public street where the address or primary public entrance is located. Buildings on corner parcels may have up to two front faces if each face satisfies the above criteria. If the building is devoted to two or more uses or businesses, the **FRONT FACE AREA** for each use or business shall be determined by the Zoning Administrator based upon the proportionate share of the building occupied by each use or business.

GARAGE SALE SIGN. A temporary sign for the sale of used tangible personal property and household personal belongings of the householder, conducted on an individual lot.

GROUND SIGN/MONUMENT SIGN. A freestanding sign extending up from a base or supported by one or more columns, uprights or braces in the ground surface.



ILLEGAL SIGN. A sign for which no valid permit was issued by the city at the time such sign was erected, or a sign that is not in compliance with the current zoning chapter and does not meet the definition of a nonconforming sign.

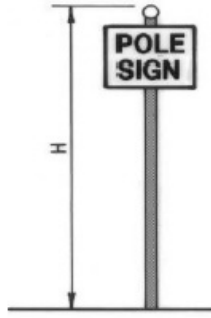
NONCOMBUSTIBLE MATERIAL. Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

NONCONFORMING SIGN. A sign for which the city issued a permit at the time such sign was erected, but which is not in compliance with current ordinance provisions for signs. Such signs must be located outside of any existing right-of-way, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. The sign face or sign copy area must be intact and illuminated signs must be capable of immediate illumination.

OPINION SIGN. A sign that addresses issues or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services, or businesses.

PARCEL. For the purpose of this subchapter, a parcel shall consist of the main building or structure; included in a main building shall be a group of stores owned by one or more owners or individual tenant spaces connected by common walls. The main building or structure may occupy more than one city lot.

POLE SIGN. A type of freestanding sign that is elevated above the ground on poles or braces.



PORTABLE SIGN. A sign and sign structure that is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another (i.e. including but not limited to an A-frame, T-frame, or trailer sign).

ROOF SIGN. A display sign that is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.

SIGN. Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention.

SIGN AREA. The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy.

SIGN COPY. Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

(1) **ANIMATED COPY.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means.

(2) **CHANGEABLE COPY.** Moveable letters or other forms of sign copy, not including animated copy that can be altered by natural, mechanical or electrical means without replacing the sign copy area.

SIGN HEIGHT. The vertical distance measured from the average grade at the sign location to the highest point of the sign.

TEMPORARY/EVENT SIGN. Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.

(1) **CONSTRUCTION SIGN.** A temporary sign identifying architects, contractors, subcontractors and material suppliers for a development, or advertising available parcels or buildings in a new development.

(2) **FESTOONS.** A string of ribbons, tinsel, small flags or pinwheels.

(3) **POLITICAL SIGN.** A temporary sign that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.

(4) **REAL ESTATE SIGN.** Signs advertising the rental, sale or lease of the property upon which they are located.

UNSAFE SIGN. A sign that is not properly secured; is in danger of falling or has otherwise been found to be in a condition that is hazardous to the public health, safety or welfare by the Building Inspector.

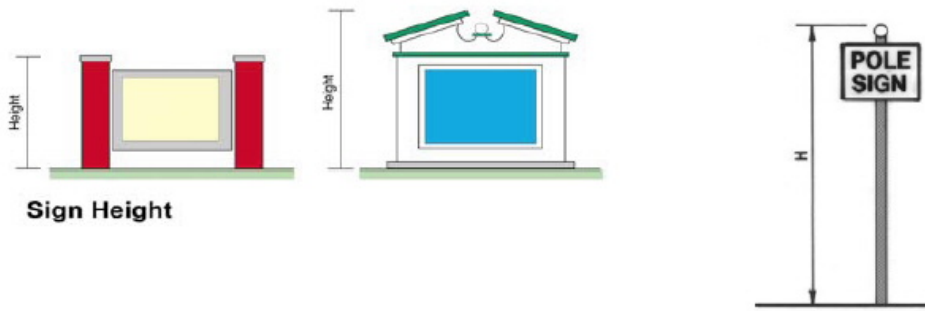
(Ord. 10-013, passed 1-11-10; Am. Ord. 17-001, passed 7-10-17; Am. Ord. 19-003, passed 2-25-19)

§ 154.603 GENERAL STANDARDS.

If there is a conflict between the requirements for signage in the CBD, Central Business District in § 154.356(D)(4) and this subchapter, the CBD district standards will apply. The following general standards shall apply to signs in all zoning districts.

(A) *Standards of measurement.* Dimensional standards and measurements for signs shall be subject to the following:

(1) *Sign height.* The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements.



Sign Height

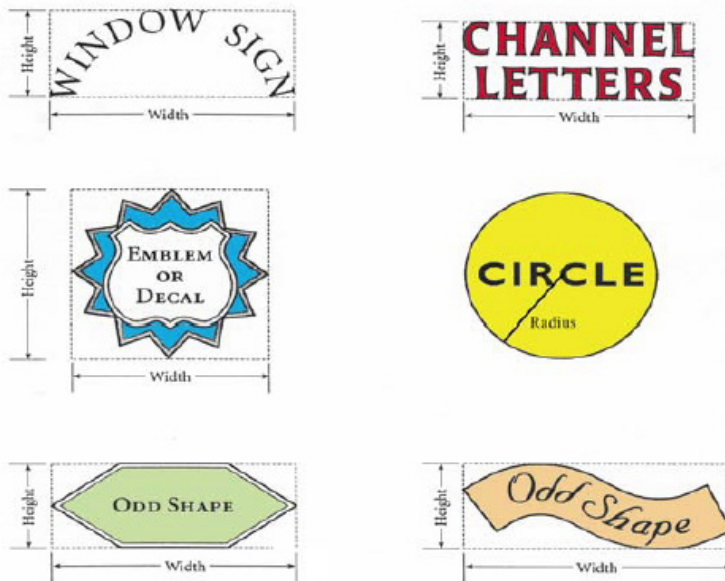
(2) *Sign setback.* Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.

(3) *Sign area.* The surface area of a sign shall include the total area within any regular geometric figure (circle, triangle, rectangle, and the like) enclosing the extreme limits of letters, symbols or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

(a) Where two sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one face.

(b) Where two sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.

(c) Where two sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.



Computation of Sign Area

(B) Construction and maintenance.

(1) All signs shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the city; shall be maintained in good repair and working order; and shall present a neat and orderly appearance and a professional appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

(2) All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure.

(C) Placement requirements. The following placement standards shall apply to all signs:

(1) No sign may extend above any parapet or be placed upon any roof surface. For purposes of this subchapter, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.

(2) No sign attached to a building, other than a permitted awning sign, marquee sign, or projecting sign, may project more than 18 inches from the building wall.

(3) Signs shall not be located within nor extend over any road right-of-way, or corner clearance area, except where specifically authorized by this subchapter.

(4) All signs shall be located at least ten feet from any utility pole, overhead wire, transformer or streetlight, except where specifically authorized by this subchapter.

(5) All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted in this subchapter.

(D) *Hazards and obstructions.* Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

(E) *Use.* Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the parcel where the sign is located, unless specifically permitted by this subchapter as a non-accessory sign. Any sign permitted by this subchapter may contain a non-commercial message. A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed 50% of the total sign area.

(Ord. 10-013, passed 1-11-10; Am. Ord. 17-001, passed 7-10-17)

§ 154.604 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts:

(A) Any sign not expressly permitted by this subchapter;

(B) Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information;

(C) Signs painted on or attached to trees, utility poles, fences or streetlights;

(D) Signs placed upon or across any public right-of-way or upon any city property, except as otherwise provided for in this subchapter;

(E) Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting unless explicitly approved by this subchapter;

(F) Exterior string lights accessory to a non-residential use unless explicitly permitted in §154.030, other than holiday decoration or when used as an embellishment to landscape plant materials;

(G) Signs that have any visible moving parts, mechanical movement, rotation or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter;

(H) Roof signs and inflatable signs;

(I) Building-mounted signs/wall signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation;

(J) Signs displayed without required permits or outside of permitted size, location or time period limitations;

(K) Abandoned or unlawful signs; and

(L) Displays of obscene material.

(Ord. 10-013, passed 1-11-10; Am. Ord. 17-001, passed 7-10-17)

§ 154.605 SIGNS PERMITTED WITHOUT A PERMIT.

The following non-illuminated signs shall be permitted accessory to a permitted use in any zoning district, without obtaining a sign permit prior to installation. Such signs shall be subject to all other applicable conditions and standards set forth in this subchapter.

(A) *Historic designation.* Historic signs designating site recognized by the State Historical Commission or local governmental body or agency.

(B) *Address numbers and nameplate.* All principal buildings shall display their assigned road number in a manner legible from the road right-of-way. In addition, one nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed two square feet in area, and shall be attached flat against the building wall.

(C) *Regulatory.* Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

(D) *Building markers.* Memorial signs, tablets or markers, and historical plaques cut into any masonry surface or constructed of bronze or other incombustible material and shall not exceed one square foot in area.

(E) *Directional.* Signs used to direct vehicular or pedestrian traffic to parking areas, loading area, subject to the following:

- (1) Directional signs shall not contain logos or other forms of advertising; and
- (2) Directional signs shall not exceed two square feet in area or four feet in height.

(F) *Real estate.* One temporary sign advertising the rent, sale, or lease of a parcel or building not exceeding eight square feet of sign face and six feet in height. Such sign shall not be placed in the public right-of-way and shall be removed within 30 calendar days from the date of rental, lease, or sale.

(G) *Community event.* Decorations or displays celebrating traditional holidays or events, school or community events that are erected on the property of the sponsor of the display or event. Signs shall not exceed 32 square feet and eight feet in height. A permit shall be required if the sign is displayed over 14 calendar days in a calendar year.

(H) *Political.* Non-illuminated temporary signs promoting political parties, candidates or proposals. Temporary political signs shall not exceed eight feet in height. All political signs must follow the city's policy on local campaign guidelines.

(I) *Governmental.* Signs of duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.

(J) *Changeable copy.* Changes to sign copy within an approved changeable copy area.

(K) *Window signs.* Temporary or permanent window signs shall not exceed 25% of the total surface area of the facade windows.

(L) *Sign repair.* Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this subchapter.

(M) *Pennants.* Pennants installed with the permission of City Council, or their designated agent, on or over public roads for aesthetic or promotional purposes. Pennants used to advertise or attract attention to a use or event shall be considered a temporary sign for the purposes of the subchapter.

(N) *"No signs".* Posting of not more than one "no trespassing," "no dumping," "no skateboarding," and other similar signs per side of a parcel when posted on private property. Each sign shall not exceed three square feet in area.

(O) *Incidental signs.* Incidental signs on vehicles, trailers, trucks, and similar vehicles used for transport in the normal course of business, provided that the primary use of shall not be for the purpose of advertising on the premises where the vehicle is parked.

(P) *Garage sale signs.* A temporary sign that must be removed within 24 hours after the end of the sale.

- (1) Sign not to exceed four square feet.
- (2) One sign permitted on the premises of the sale; two additional signs (not to exceed four square feet per sign) within ½ mile of the sale location and may be placed in the city rights-of way.
- (3) Signs must be freestanding and not attached to any poles, trees, fences, and the like.

(Q) *Time/temperature/message signs.* Time/temperature/message signs shall be permitted in commercial districts and for institutional uses, i.e. churches, schools, government office, and the like, subject to the following:

- (1) *Frequency of message change.* The message change shall not be more frequent than once every 30 seconds;
- (2) *Size.* The area of types of signs shall be included within the maximum sign area permitted on the site;
- (3) *Number.* One such sign shall be permitted per street frontage; and
- (4) *Illumination.* See illumination standards in § 154.604(F).

(Ord. 10-013, passed 1-11-10)

§ 154.606 SIGNS PERMITTED WITH A PERMIT.

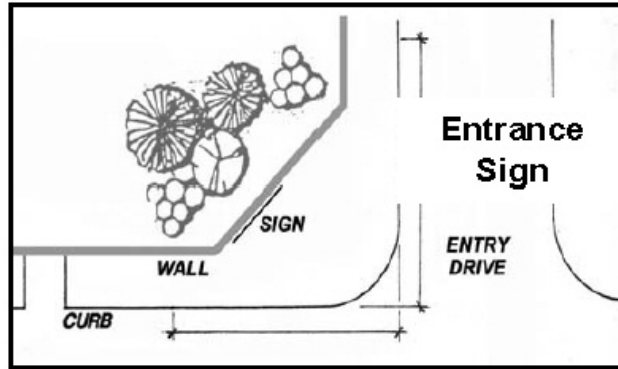
The following signs shall be permitted accessory to a permitted use in any non-residential zoning district, unless permitted by this subchapter, subject to the following:

(A) *Entry features with signage.* Architectural features with signage may be erected at each entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park or similar development from a major street, subject to the following.

- (1) *Number of signs.* Maximum of one sign on each side of the entrance from a major street.
- (2) *Sign area.* Maximum sign face area shall not exceed 36 square feet.

(3) *Height.* Maximum height of a ground sign shall not exceed six feet from grade.

(4) *Setbacks.* Site entry features with signage shall be located outside of any street setback area or corner clearance area, and shall further comply with the following minimum setback requirements:



- (a) Ten feet from any street setback or right-of-way;
- (b) Ten feet from the curb line of any internal access driveway; and
- (c) Five feet from any sidewalk or paved path.

(5) *Planning Commission review.* The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.

(B) *Building directory.* Where a single building on a parcel is occupied by more than one business, dwelling or other use above the street level façade (such as a multiple-story office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following:

(1) The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade; and

(2) The maximum sign area of the building directory shall not exceed 5% of the allowable wall sign area of the building (5% of 1.5 feet of sign area per linear foot of building frontage).

BUILDING DIRECTORY	
NAME	SUITE
BUILDING DIRECTORY	
NAME	SUITE
Terry's Bakery	101
Cannon Insurance	102
Dr. Wiedermeyer	201
Dr. Ishmael, DDS	202
Mr. Jim Smith	301
Ms. Janet Doe	302

(C) *Flags.* Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, not to exceed two flag poles per parcel. Flags used to advertise or attract attention to a use or event shall be considered a temporary sign for the purposes of the subchapter. Flag poles are allowed in all zoning districts, subject to the following.

(1) *Location.* Flagpoles shall be located in manner that prevents displayed flags from projecting into the street right-of-way or over adjacent properties at full extension. Flagpoles shall not be located on the roof of a building.

(2) *Height.* A flagpole shall be considered a structure, as defined by this subchapter, and shall conform to the height restrictions and setback requirements for structures in the district where it is located.

(D) *Gasoline sale signs.* Gasoline signs in addition to other allowable permitted signage shall be subject to the following.

(1) *Area.* Price signs shall not exceed 12 square feet in area and shall be counted as part of the total allowable signage. Price signs may be in the form of a message sign.

(2) *Canopy.* Corporate identification signs of less than five square feet each may be affixed to three sides of a canopy providing coverage to pump islands.

(E) *Canopy and awnings.* Signs on canopies and awnings in non-residential districts shall be permitted, subject to the following.

(1) *Coverage.* The total area of the lettering and logo shall not exceed 25% of the total area of the canopy or awning that is visible from the street.

(2) *Size requirements compliance.* The area of signs on awnings and canopies shall be counted as part of the building's total allowable wall signage.

(3) *Color.* Signs attached to a canopy or awning shall be one color in contrast to the background color.

(4) *Location.* Canopies shall not project more than eight feet beyond a building façade or other architectural feature nor be closer than six feet to the curb line. A minimum under clearance of eight feet shall be maintained.

(F) *Construction signs.* Temporary construction signs shall be subject to the following.

(1) *Number of signs.* Maximum of one sign per street frontage or entrance from a major street.

(2) *Sign area, height and location.* The maximum sign area shall not exceed 16 square-feet, and the maximum sign height shall not exceed six feet. Placement shall be wholly within the property boundaries to which the sign pertains.

(3) *Display period.* For non-residential construction projects, the sign shall not be erected prior to issuance of a permit for the proposed construction project, and shall be removed upon issuance of a certificate of occupancy. For residential construction projects, the sign shall not be erected prior to approval of the site plan or final preliminary plat, and shall be removed upon completion of the final phase of the project.

(G) *Temporary signs.* Temporary signs, other than those listed elsewhere in this subchapter, shall be subject to the following.

(1) *Number of permitted signs.* Individual operations and organizations shall be allowed a maximum of one temporary sign per postal address. All such addresses and locations shall be noted on the permit.

(2) *Maximum sign area.* The total sign area of any permitted temporary sign shall not exceed 24 square feet.

(3) *Maximum sign height.* The maximum height of such signs shall be six feet.

(4) *Sign removal.* A removal agreement or security bond requested by the Building Inspector or Zoning Administrator may be required to guarantee removal of such signs. Signs must be removed within seven days after completion of the activity for which they were erected.

(5) *Display period.*

(a) Such signs shall be temporarily displayed for the specific time period defined on the approved permit. One permit may be issued for multiple display periods over one calendar year. The total display period for such signs on a single parcel shall not exceed 60 days per calendar year.

(b) City Council or its designated agent may waive the requirements of this section of temporary signs based on the following:

1. The temporary signage is in support of a non-profit organization or entity;
2. The temporary signage advertises or supports the City of Garden City, its agencies, or activities; and/or
3. Sign area and height are in compliance with §154.604(D)(2) and (D)(3).

(6) *Event signs.* Grand opening, going out-of business, and one event temporary banner or sign shall be permitted, subject to the following.

(a) *Location.* The temporary banner/sign may be located on the structure or outside of the required setback area; provided that the sign does not obstruct the vision of drivers or detract from the visibility of any traffic sign or traffic control device.

(b) *Size.* The sign area shall not exceed 12 square feet in sign face or four feet in height.

(c) *Number of signs.* Maximum of one sign per road frontage of the parcel.

(d) *Display period.* The sign or banner shall not be erected prior to approval of a sign permit, and shall be removed within 30 calendar days of issuance of the permit. Only two such permits may be applied for in any calendar year by the business and/or property owner.

(7) *Portable signs.* Portable signs may be placed at the public entrances to businesses. Only in the CBD District may portable signs be located on the public sidewalk adjacent to the main entrance. All portable signs must be in accordance with the following:

(a) No sign shall be placed within ten feet of a fire hydrant, or in any location where it would imperil public safety, as determined by the Building Inspector, or the city designee, or interfere with the function of the Fire Department;

(b) The portable sign in the CBD District shall be located within four feet of the business and its location shall comply with the Americans With Disabilities Act (ADA) and not interfere with pedestrian or vehicular circulation;

(c) Each sign is permitted outside only during daylight hours that the business is open to the public;

(d) Design requirements:

1. Portable signs shall not have more than two sign faces;
2. Height shall not exceed 48 inches and a width of 24 inches; and
3. Portable signs shall be professional in appearance; and

(e) Display period. The sign or banner shall not be erected prior to approval of a sign permit, and shall be removed within 30 calendar days of issuance of the permit. Only two such permits may be applied for in any calendar year by the business and/or property owner.

(H) *Building-mounted signs.* The following shall apply to all building mounted signs accessory to a business/industrial use in any non-residential zoning district.

(1) *Sign area.* A wall sign shall be allowed at one and one-half square feet per one foot of lineal building frontage. Side wall signs shall be allowed at one-half the permitted front face wall signage if the building wall is adjacent to a parking lot; or in the case of a corner lot, each side of a building that faces a street shall be allowed a wall sign that meets the front or main road allowable sign area. The total allowable sign area of all building-mounted signs shall not exceed 150 square feet.

	<i>Type of Sign</i>			
	<i>Wall</i>	<i>Awning</i>	<i>Projecting</i>	<i>Window</i>
Permit required	Yes	Yes	Yes	No
Maximum number of sign faces per sign	1	1	2	1
Minimum height above ground (feet)		8 feet	10 feet	
May be illuminated	Yes	Yes	Yes	No
Sign face area	1 ¹ / ₂ square feet per linear feet of building or tenant space length	25% of canopy area	15 square feet per sign face	25% of window area

(2) *Painted wall signs.* Signs applied with paint or similar substance on an exterior surface of the structure shall be considered a building-mounted sign subject to the standards of this subchapter and included in the total allowable sign area. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.

(3) *Projecting signs.* signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be limited to 15 square feet of sign area per sign face and shall not extend more than six feet from the wall to which it is attached.

(4) *Location.* Building-mounted signs shall be located entirely within the street level façade(s) of a building.

(5) *Second public entrance signs.* Where a side street entrance or a back entrance from a parking lot is open to the public, additional sign area over the entrance is allowed. This extra area is limited to 25% of the sign area on the building front or main street entrance. This sign is included as part of the total building mounted sign area allowed.

(I) *Ground sign/monument signs.* The following shall apply to all ground signs accessory to a business/industrial use in any non-residential zoning district.

(1) *Maximum number of sign faces per sign.* Ground signs shall be limited to a maximum of two sign faces placed back to back not more than three feet apart.

(2) *Maximum number of signs per parcel.* A maximum of one ground sign or one pole sign shall be permitted per parcel.

(3) *Maximum sign height.* The maximum allowable sign height for a ground sign shall be six feet.

(4) *Maximum sign area.* The allowable sign area for ground or monument signs shall not exceed 48 square feet per sign face.

(5) *Setbacks.* Ground signs shall be located outside of any street setback area or corner clearance area and must be setback ten feet from any internal access driveway.

(J) *Pole signs.* The following shall apply for all pole signs accessory to a business/industrial use in any non-residential zoning district.

(1) *Number of pole signs.* One pole sign or one ground sign is allowed per parcel.

(2) *Maximum sign height.* A pole sign shall not exceed 20 feet in height.

(3) *Maximum sign face area.* A pole sign shall not exceed 48 square feet per sign face.

(4) *Location.* A pole sign shall not overhang the public road right-of-way or a public sidewalk.

(Ord. 10-013, passed 1-11-10; Am. Ord. 19-011, passed 9-23-19)

§ 154.607 BILLBOARDS.

(A) *Findings.* The city has made the following determinations related to billboard signs:

(1) Billboard signs are not appropriate in areas zoned for residential uses (R-1, R-2, R-3, and PD), because the intense commercial nature of the advertising activity would be harmful to residential property values and incompatible with the quality of life in residential areas;

(2) Billboard signs are not appropriate in the city's commercial districts (C-1, C-2, C-3, CBD, and VP) and industrial districts (M-1), because such signs would be out-of-scale with the structures and commercial/industrial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the district;

(3) Billboard signs are not appropriate in Public Recreation District (PRD) that are intended to provide for passive and active recreational needs of the residents and not designed for billboard signs that could create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians; and

(4) The placement of new billboard signs in the city is contrary to the purpose of this subchapter.

(B) *Billboards prohibited.* In accordance with the above findings, new billboard signs are hereby prohibited within the city.

(C) *Existing billboards.* Billboard signs lawfully existing in the city on the date of adoption of this subchapter shall be permitted to continue, subject to the provisions of § 154.609, Nonconforming Signs. The Building Inspector or Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the city.

(Ord. 10-013, passed 1-11-10; Am. Ord. 22-001, passed 1-24-22)

§ 154.608 PERMITS.

No person shall erect, alter or relocate a sign without first obtaining appropriate permits from the Building Inspector. The following information shall be provided with any permit application:

(A) Name, address and telephone numbers for the applicant, property owner, sign owner and sign contractor or person, firm, corporation or association erecting the sign;

(B) Street address, parcel identification number or location of the property on which the sign is to be located;

(C) Type of sign, as defined in this subchapter;

(D) *Plot plan.* A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and location all proposed and existing signs on the parcel. Elevation drawings of all buildings on the site shall be provided showing the location of all existing and proposed building-mounted signs;

(E) *Construction drawings.* Plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each sign;

(F) *License and insurance.* Every person who engages in the business of erecting, altering or dismantling signs in the city shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the city, and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. The policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the City Clerk at least 30 days prior to the date of cancellation;

(G) *Removal agreement or bond.* The Building Inspector or Zoning Administrator may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign;

(H) Copy of stress sheets and calculations showing the structure is designed in accordance with applicable dead load and wind pressure standards. The Building Inspector may require approval of the structural design by a registered architect or engineer; and

(I) Written and notarized consent of the property or sign owner, or their agent or manager, to perform the proposed work.

(Ord. 10-013, passed 1-11-10)

§ 154.609 NONCONFORMING SIGNS.

Nonconforming signs shall be permitted to continue as such until removed or altered, provided that such signs are maintained in accordance with the following.

(A) *General standards.* Nonconforming signs of shall be maintained in accordance with the requirements for all signs specified in § 154.603 (General Standards).

(B) *Expansion or relocation prohibited.* Nonconforming signs shall not be expanded or relocated.

(C) *Servicing.* Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes and the requirements for all signs specified in § 154.603 (General Standards).

(D) *Alterations.* Alterations to a nonconforming sign, including changes to the sign frame, sign copy area, panels or structural elements shall be subject to the following conditions:

(1) The sign shall be brought into compliance with the requirements for all signs specified in §154.603 (General Standards);

(2) The sign shall be brought into compliance with all applicable sign height and sign area standards for the type of sign, as specified in this subchapter;

(3) Nonconformities caused by inadequate ground sign setback at a ground sign's current location may be permitted to continue so that the existing support structure and wiring may be re-used, provided that permitted alterations will not increase this nonconformity, and provided that the ground sign is located entirely outside of all street rights-of-way and corner clearance areas; and

(4) Approval of appropriate permits by the Building Inspector.

(Ord. 10-013, passed 1-11-10)

§ 154.610 VARIANCES.

The Zoning Board of Appeals (ZBA) shall have the authority to grant a variance from the strict application of these regulations provided that such relief may be granted without substantially impairing the intent of this subchapter. Application and consideration of sign variances shall be in accordance with the following procedures and standards.

(A) *Application and review procedures.* Any party who has been denied a permit for a proposed sign may file an application for a variance to this subchapter within 21 calendar days of the decision. Applications shall be considered by the ZBA per the procedures in §154.450, Variances and Appeals.

(B) *Variance standards for signs.* The ZBA shall consider the following standards while reviewing any application for an variance from provisions of this subchapter.

(1) *Obstructions.* Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.

(2) *Visibility.* A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions.

(3) *Site features.* Construction of a conforming sign would require significant tree removal or extensive topographic changes.

(4) *Scale.* A sign that exceeds the allowable height or area standards of this subchapter would be more appropriated in scale to the building or site frontage.

(5) *Aesthetics.* The variance shall not adversely impact the character or appearance of the building or parcel or the neighborhood.

(6) *Minimal.* The variance shall be the minimum necessary to allow reasonable use, visibility or readability of the sign.

(7) *Intent.* The variance shall not significantly impair the intent and purpose of this subchapter.

(C) *Findings and conditions.* In a motion granting or denying a sign variance, the ZBA shall state the specific grounds for the decision, which shall be supported by specific findings of fact. The ZBA may attach conditions to a sign variance approval in accordance with the intent and purpose of this subchapter.

(Ord. 10-013, passed 1-11-10)

§ 154.611 SIGN REMOVAL BY CITY ACTION.

(A) *Abandoned and illegal signs.* The Building Inspector/Code Enforcement Officer shall make a determination as to whether the sign is an abandoned and/or illegal sign, as defined in this subchapter. Written notification of the determination and any order for removal shall be provided to said owner, operator or person having beneficial use of the property upon which the sign is located. Abandoned and/or illegal signs shall be removed within 30 days of the determination. When there is a question or dispute over the building officer/code enforcement officer's determination, the Zoning Board of Appeals shall have the authority to hear such a challenge and, make such determinations and to require the removal of abandoned and/or illegal signs in the city, subject to the following procedure.

(1) *Public hearing.* Such action may be taken only after a public hearing has been held in accordance with M.C.L. § 125.3103 of PA 110 of 2008, as amended, at which time the owner, operator or person having beneficial use of the property upon which the sign is located shall be given an opportunity to present evidence as to whether the sign is abandoned and/or illegal, and whether the sign should be removed.

(2) *Removal.* If the Zoning Board of Appeals orders the abandoned and/or illegal signs to be removed, the signs shall be removed within 30 days of the determination and order for removal by the Zoning Board of Appeals. All sign copy and component parts shall be completely removed, and the area where the sign was located shall be restored as nearly as possible to its original condition. Failure to remove the sign shall constitute grounds for the city to seek Circuit Court approval to remove the sign at the expense of the owner of the property upon which the sign is located. The city may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

(B) *Damaged signs.* Signs determined to be in a damaged condition by the Building Inspector shall be repaired, replaced or removed to the satisfaction of the Building Inspector by the owner, operator or person having beneficial use of the property upon which the sign is located. If the owner does not take such action within ten days, such signs may be repaired or removed by the city at the expense of the owner of the property upon which the sign is located. The city may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

(C) *Nonconforming signs.* The elimination of nonconforming signs in the city is hereby declared to be for a public purpose and for a public use. The City Council shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming signs determined to be in violation of the requirements for such signs specified in § 154.609 (Nonconforming Signs), under the power of eminent domain and in accordance with the General Law City Act, Public Act 3 of 1895, as amended. For the purpose of removal, the City Council may, at its discretion, acquire and remove nonconforming signs by purchase, condemnation or otherwise with the cost paid from general funds.

(D) *Temporary signs.* Temporary signs erected or displayed within a street right-of-way or corner clearance area, or without a valid permit, or after the expiration of a permit, may be removed by the city without notice. Signs removed shall be held by the city for a five day reclamation period, after which the sign shall be deemed abandoned and shall be discarded.

(E) *Unsafe signs.* Signs determined to be unsafe by the Building Inspector shall be immediately removed or repaired to the satisfaction of the Building Inspector by the owner, operator or person having beneficial use of the property upon which the sign is located. If the owner does not take such action within 24 hours, such signs may be removed by the city, at the expense of the owner of the property upon which the sign is located. The city may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

(Ord. 10-013, passed 1-11-10; Am. Ord. 19-003, passed 2-25-19)

§ 154.612 TABLE OF ALLOWABLE SIGNAGE.

Type of Sign*	Zoning Districts	Area (sq. ft.)	Height (ft.)	Permit Required
Address number	All	2		No
Animated	Not allowed			
Billboards	Not allowed			
Building directory § 154.606(B)	CBD, commercial	5% of sign area		Yes
Building markers	All	1		No
Canopy, awning § 154.606(E)	CBD, commercial/industrial		8	Yes
Changeable copy	CBD, commercial/industrial	Part of sign area		No
Community event	All	32	8	Yes, if event is over 14 days
Construction § 154.606(F)	All	16	6	Yes
Directional	CBD, commercial/industrial	2	4	No
Entry sign § 154.606(A)	All	36	6	Yes

Type of Sign*	Zoning Districts	Area (sq. ft.)	Height (ft.)	Permit Required
Event signs	CBD, commercial/industrial	12	4	Yes
Flags	All	(See § 154.605(M))		No
Garage sale	Residential	4		No
Gasoline sales	Commercial/industrial	(See § 154.606(D))		Yes
Governmental	All			No

Historic	All			No
Holiday displays	All			No
Incidental	All			No
Message boards	CBD, commercial/industrial	Included in area		Yes
Monument	All	48	6	Yes
Nameplate	All	2		No
"No" signs	All	3		No
Pole	Commercial/industrial	48	20	Yes
Political	All		8	No
Portable § 154.606(G)(7)	CBD, commercial/industrial		4	Yes
Projecting	CBD, commercial/industrial	24		Yes
Real estate	All	8	6	No
Roof	Not allowed			
Rear/side public entry	CBD, commercial/industrial	25% of front signage		Yes
String lights	Not allowed			
Temporary sign	All	24	6	Yes
Time/temperature § 154.605(Q)	CBD, commercial/industrial			No
Traffic control	All			No
Wall § 154.606(H)	CBD, commercial/industrial	1½ sq. ft./ building frontage		Yes
Wall - side	CBD, commercial/industrial	½ permitted front sign		Yes
Window	CBD, commercial/industrial	25%		No

* Commercial and industrial zoning districts are allowed one freestanding sign, i.e. ground/monument sign or pole sign in addition to allowable wall signage.

(Ord. 10-013, passed 1-11-10)

§ 154.613 CHANGEABLE MESSAGE STANDARDS.

(A) *Where permitted and maximum allowed.* Signs with changeable copy are permitted on lawful ground/monument signs, pole signs, and wall signs, provided not more than one changeable copy sign is permitted per address.

(B) *Maximum changeable message area.* The changeable copy area of a sign shall not exceed 50% of that sign's area.

(C) *Frequency of message changes.* The message change cycle of a changeable message sign shall not exceed one change per eight seconds.

(D) *Message change process.* The message change cycle of a changeable message sign must be completed instantaneously in one second or less. Any animation or movement, which includes flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion, is prohibited.

(E) *Illumination of changeable copy signs.* The illumination of changeable copy signs shall meet the requirements of § 154.614 and § 154.030.

(Ord. 17-001, passed 7-10-17)

§ 154.614 ILLUMINATION OF SIGNS.

Internal and external sign illumination shall be permitted in the C-1, C-2, C-3, CBD, and M-1 districts, subject to the following:

(A) *External sign illumination.* External illumination of signs shall be permitted, provided that the light source(s) shall be nonglare, fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.

(B) *Internal sign illumination.* Signs may be internally illuminated, provided that the light display must be equipped with a photocell and dimming mechanism that automatically adjusts the brightness in response to ambient light conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions. The following

brightness standards must be met:

(1) No sign may be brighter than is necessary for clear and adequate visibility;

(2) No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal, as determined by the Police Chief or his designee; and

(3) The maximum luminance level of an internally illuminated sign shall not exceed 5,000 nits, except that the luminance level shall not exceed 1,250 nits from 30 minutes before dusk until dawn, as determined by the National Oceanic and Atmospheric Association (NOAA).

(C) *Awning illumination.* Internal illumination of awnings shall be limited to one single-tube fixture (fluorescent, LED, or equivalent), provided that the fixture is recessed and the awning material is opaque except for any permitted sign copy area.

(D) *Other limitations.* Sign illumination shall be further limited as follows:

(1) Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type; and

(2) Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any road right-of-way or adjacent parcel. Such lighting may be used as an indirect light source, or if shielded by translucent panels or similar methods.

(E) *Temporary signs.* Illumination of temporary signs shall be prohibited.

(F) *String lights, tube lights, and other similar lighting around windows and architectural building features.* In addition to the regulations of this Subchapter, string lights, tube lights, and other similar lighting around windows and architectural building features are regulated in § 154.030.

(Ord. 17-001, passed 7-10-17; Am. Ord. 22-001, passed 1-24-22)

§ 154.999 PENALTY.

(A) Any violation of these regulations shall constitute a misdemeanor except as specified in division (B), below. Any person who is convicted shall be subject to punishment by a fine not exceeding \$500 or by imprisonment not exceeding 90 days for each offense, or both, at the discretion of the court. Each day a violation occurs or continues shall constitute a separate offense.

(B) Any person who violates §§ 154.001 through 154.488, inclusive, shall be responsible for a municipal civil infraction and subject to the civil fines set forth in § 41.06.

(C) Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of these regulations, may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

(D) The imposition of any sentence shall not exempt the offense from meeting compliance with the requirements of these regulations.

(Ord. 92-005, passed 2-17-92; Am. Ord. 18-016, passed 3-19-18)