

CHAPTER 27

ZONING

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ARTICLE I. IN GENERAL

Sec. 27-1. Short Title.

This Ordinance was enacted pursuant to Public Act 207 of 1921, as amended, (being City and Village Zoning Act, MCLA §125.581 *et seq.*). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to Public Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, MCLA §125.3101 *et seq.*). This Ordinance shall be known and may be cited as the City of Grosse Pointe Park Zoning Ordinance.

(Ord. No. 190, § 1, 9-10-07)

ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Sec. 27-2. Construction of Language.

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

- (1) The particular shall control the general;
- (2) In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control;
- (3) The word “shall” is always mandatory and not discretionary. The word “may” is permissive;
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary;
- (5) A “building” or “structure” includes any part thereof;
- (6) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for;”
- (7) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
- (8) 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,” “either . . . or,” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions, or events shall apply;
 - b. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;
 - c. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them;
- (10) Illustrations of certain defined terms appear at the end of Section 27-3 and shall control when consistent with the context of the use of the term so illustrated.

Sec. 27-3. Definitions.

The following defined terms are used in this Chapter.

Accessory Use, or Accessory. The words “accessory use,” or “accessory” shall mean a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.

An accessory use includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers;
- (2) Swimming pools for the use of the occupants of a residence, or their guests;
- (3) Storage of merchandise normally carried in stock in connection with a business use, unless such storage is excluded in the applicable district regulations;
- (4) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
- (5) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
- (6) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Alley. The word “alley” shall mean any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations. The word “alterations” shall mean any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Apartment. The word “apartment” shall mean a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family.

Automobile Repair. The term “automobile repair” shall mean the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Basement. The word “basement” shall mean that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Block. The word “block” shall mean the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Municipality.

Building. The word “building” shall mean any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind.

Building Height. The term “building height” shall mean the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of

mansard roofs; and to the average height between eaves and ridges for gable, hip, and gambrel roofs, providing that the actual vertical distance measured from the established grade to the highest point or ridges of gable, hip, and gambrel roofs shall not in any event exceed five (5) feet in excess of the maximum footage applicable to the district in which the structure so measured is located.

(Ord. No. 170, § 1, 11-24-98)

Building Line. The term “building line” shall mean a line formed by the face of the building, and for the purpose of this Ordinance, a minimum building line is the same as a front setback line.

Club. The word “club” shall mean an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Development. The word “development” shall mean the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District. The word “district” shall mean a portion of the incorporated area of the Municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-Through. The term “drive-through” shall mean an establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry-out and consumption or use after the vehicle is removed from the premises.

Dwelling Unit. The term “dwelling unit” shall mean a building, or portion thereof designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, One-Family. The terms “dwelling, one—family” and “one family dwelling” shall mean a building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family. The terms “dwelling, two family” and “two family dwelling” shall mean a building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Terrace. The terms “dwelling, terrace” and “terrace dwelling” shall mean a group of six (6) or more dwellings intended for owner-occupancy attached to form a single building, and separated from one another as required by the Michigan Building Code.

(Ord. No. 189, §7, 1-31-06)

Dwelling, Multiple-Family. The terms “dwelling, multiple family” and “multiple family dwelling” shall mean a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Dwelling Unit, Manufactured. The terms “dwelling unit, manufactured” and “manufactured dwelling unit” shall mean a dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling Unit, Site Built. The terms “dwelling unit, site built” and “site built dwelling unit” shall mean 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 precut materials, and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Erected. The word “erected” shall mean built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection. As this definition pertains to signs, it shall include build, construct, attach, hang, place, suspend, affix or paint.

Essential Services. The term “essential services” shall mean the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation. The word “excavation” shall mean any breaking of ground, except common household gardening and ground care.

Exception. The word “exception” shall mean a use permitted only after review of an application by the Board of Appeals or Legislative Body or a modification in the standards of this Ordinance specifically permitted after review by the Board of Appeals, Planning Commission or Legislative Body; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

Family. The word “family” shall mean one (1) or two (2) or more persons interrelated by blood, adoption or marriage and living together in a room or rooms comprising a single housekeeping unit. A person’s domestic employee, if living on the premises, is a part of the family of such person. Each dwelling unit shall be occupied only by a family as hereinbefore defined, except that no more than two (2) unrelated persons may share a dwelling unit.

Floor Area, Residential. The term “floor area, residential” is determined as follows: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive to areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable (for the purposes of computing parking). The term “usable floor area” shall mean that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or, for utilities or sanitary facilities, shall be excluded from this computation of “Usable Floor Area.” Measurement of

usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage, Private. The term “private garage” shall mean an accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Service. The term “service garage” shall mean any premises used for the storage or care of motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Gasoline Service Station. The term “gasoline service station” shall mean a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade. The word “grade” shall mean the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Loading Space. The term “loading space” shall mean an offstreet space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. The word “lot” shall mean a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot, Corner. The term “corner lot” shall mean a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Interior. The term “interior lot” shall mean any lot other than a corner lot.

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

Lot, Zoning. The term “zoning lot” shall mean a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Lot Area. The term “lot area” shall mean the total horizontal area within the lot lines of the lot.

Lot Coverage. The term “lot coverage” shall mean the part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth. The term “lot depth” shall mean the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines. The term “lot lines” shall mean the lines bounding a lot as defined herein:

- (1) *Front Lot Line.* The term “front lot line,” in the case of an interior lot, is that line separating said lot line from the street. In the case of a through lot, is that line separating said lot from either street;
- (2) *Rear Lot Line.* The term “rear lot line” shall mean that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot;
- (3) *Side Lot Line.* The term “side lot line” shall mean any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record. The term “lot of record” shall mean a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width. The term “lot width” shall mean the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Main Building. The term “main building” shall mean a building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare. The term “major thoroughfare” shall mean an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

Master Plan. The term “master plan” shall mean the Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public

buildings, and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may be adopted by the Planning Commission as a future planning document but otherwise has no further force or effect.

Mezzanine. The term “mezzanine” shall mean an intermediate floor in any story occupying to not exceed one-third (1/3) of the floor area of such story.

Mobile Home. The term “mobile home” shall mean any vehicle designed, or constructed so as to permit its being used as a conveyance upon the public streets or highways, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

Municipality. The word “Municipality” shall mean The City of Grosse Pointe Park, Michigan.

Nonconforming Building. The term “nonconforming building” shall mean a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Use. The term “nonconforming use” shall mean a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Noncombustible Material. The term “noncombustible material” as it pertains to signs shall mean any material which will not ignite at or below a temperature of twelve hundred degrees (1,200°) Fahrenheit and will not continue to burn or glow at that temperature.

Nursery, Plant Materials. The terms “nursery” and “plant materials” shall mean a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Offstreet Parking Lot. The term “offstreet parking lot” shall mean a facility providing offstreet vehicular parking spaces and drives or aisles for the parking of more than three (3) vehicles.

Open Front Store. The term “open front store” shall mean a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term “open front store” shall not include automobile repair or gasoline service stations.

Parking Space. The term “parking space” shall mean an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Principal Use. The term “principal use” shall mean the main use to which the premises are devoted and the principal purpose for which the premises exist.

Public Utility. The term “public utility” shall mean a person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state

or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

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

Setback. The word “setback” shall mean the distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

Sign. The word “sign” shall mean any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content, or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. “Sign” shall include any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

- (1) *Ground Sign.* The term “ground sign” shall mean a display sign supported by one (1) or more columns, uprights or braces in the ground surface.
- (2) *Marquee Sign.* The term “marquee sign” shall mean a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
- (3) *Projecting Sign.* The term “projecting sign” shall mean a sign which is affixed to any buildings or structures, other than a marquee or awning or canopy sign, and any part of which extends beyond the building wall more than twelve (12) inches.
- (4) *Roof Sign.* The term “roof sign” shall mean a display sign which is erected, constructed, and maintained above the roof of the building.
- (5) *Temporary Sign.* The term “temporary sign” shall mean a display sign, banner, or other advertising device 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.
- (6) *Wail Sign.* The term “wall sign” shall mean a display sign which is painted on or attached directly to the building wall.
- (7) *Decorative Display.* The term “decorative display” shall mean a decorative temporary display designed for the entertainment or cultural enrichment of the public and having no direct sales or advertising content.

- (8) *Awning Signs.* The term “awning sign” shall mean a display sign which is painted on or attached directly to an awning.
- (9) *Canopy Sign.* The term “canopy sign” shall mean a display sign which is painted on or attached directly to a canopy.

Sign, Accessory. The term “accessory sign” shall mean a sign which pertains to the principal use of the premises.

Sign Area. The term “sign area” shall mean the gross surface area within a single continuous perimeter enclosing the extreme limits of a sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural or framing elements, lying outside the limits of such sign, and not forming an integral part of the display. For computing the area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all the letters and descriptive matters.

Sign, Nonaccessory. The term “nonaccessory sign” shall mean a sign which does not pertain to the principal use of the premises.

Sign, Portable. The term “portable sign” shall mean a sign and sign structure which are designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing.

Story. The word “story” shall mean that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

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

Street. The word “street” shall mean a dedicated public right-of-way, other than an alley which affords the principal means of access to abutting property.

Structure. The word “structure” shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Temporary Use or Building. The term “temporary use of building” shall mean a use or building permitted by the Board of Appeals to exist during a specified period of time.

Use. The word “use” shall mean the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance. The word “variance” shall mean a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship in the case of use variances or practical difficulties in the case of nonuse variances owing to circumstances unique to the individual property on which the variance is granted. A

variance is not an exception. A nonuse variance is a variance which relates to the dimensional requirements of this Ordinance or to any other nonuse-related standard in the Ordinance. A use variance is a variance which relates to any use related standard in this Ordinance.

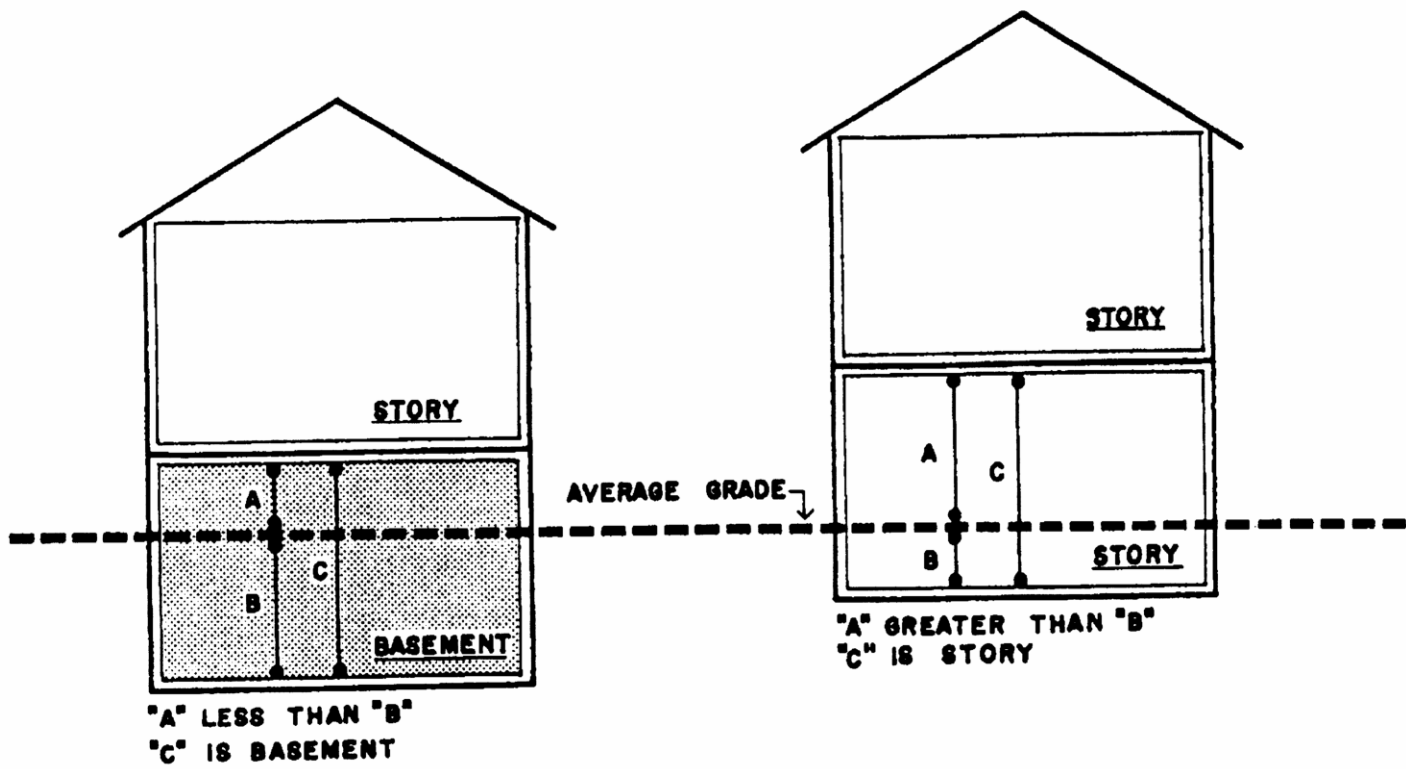
(Ord. No. 190, § 1, 9-10-07)

Wall, Obscuring. The term “obscuring wall” shall mean a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

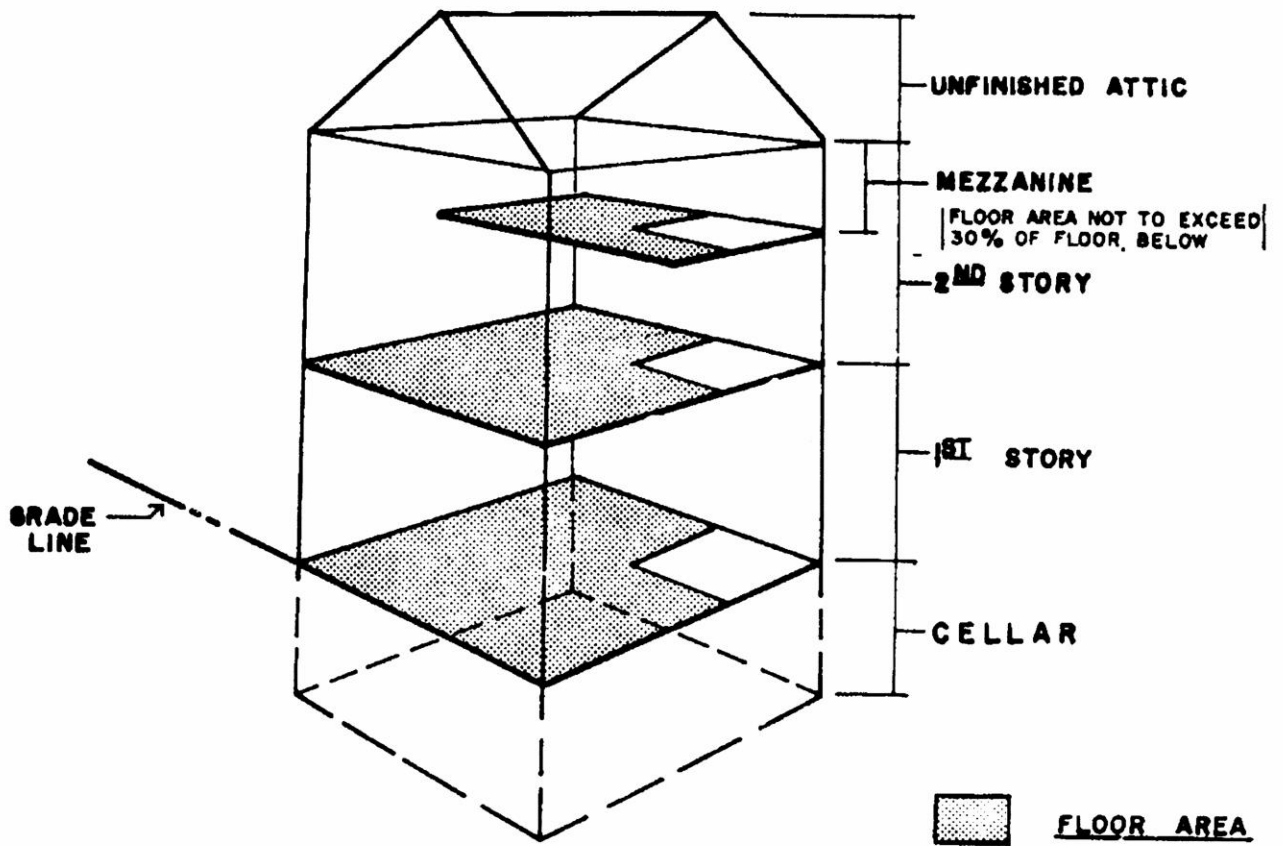
Yards. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- (1) *Front Yard.* The term “front yard” shall mean an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Rear Yard.* The term “rear yard” shall mean an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street front age.
- (3) *Side Yard.* The term “side yard” shall mean an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

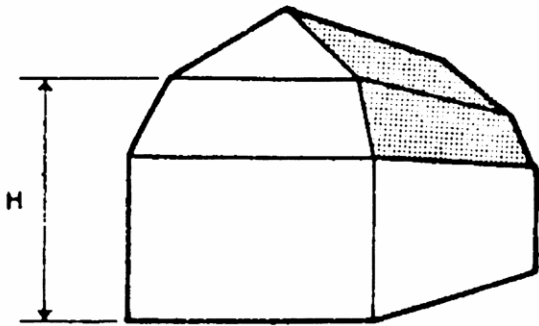
Secs. 27-4. -- 27-10. Reserved.



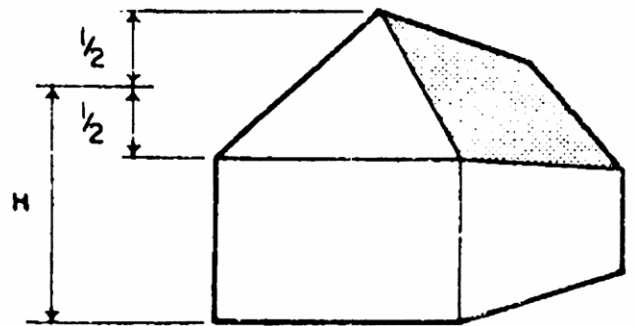
BASEMENT & STORY



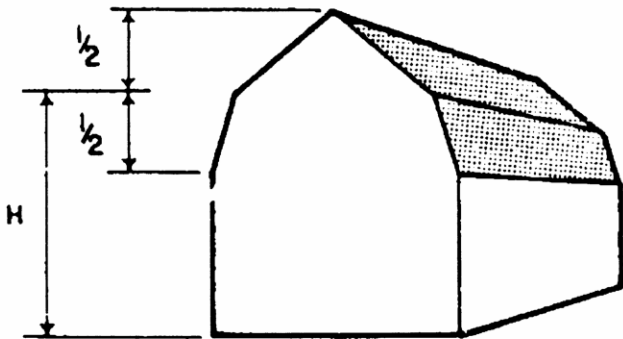
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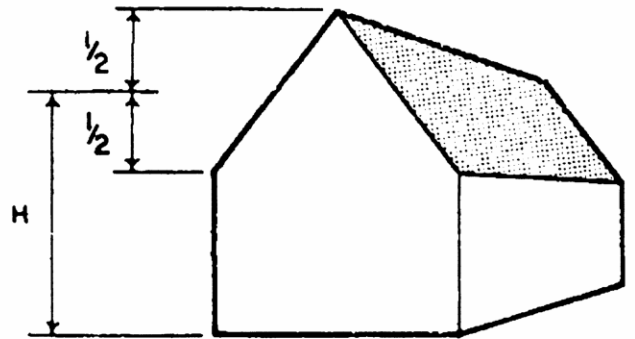
MANSARD ROOF



HIP ROOF



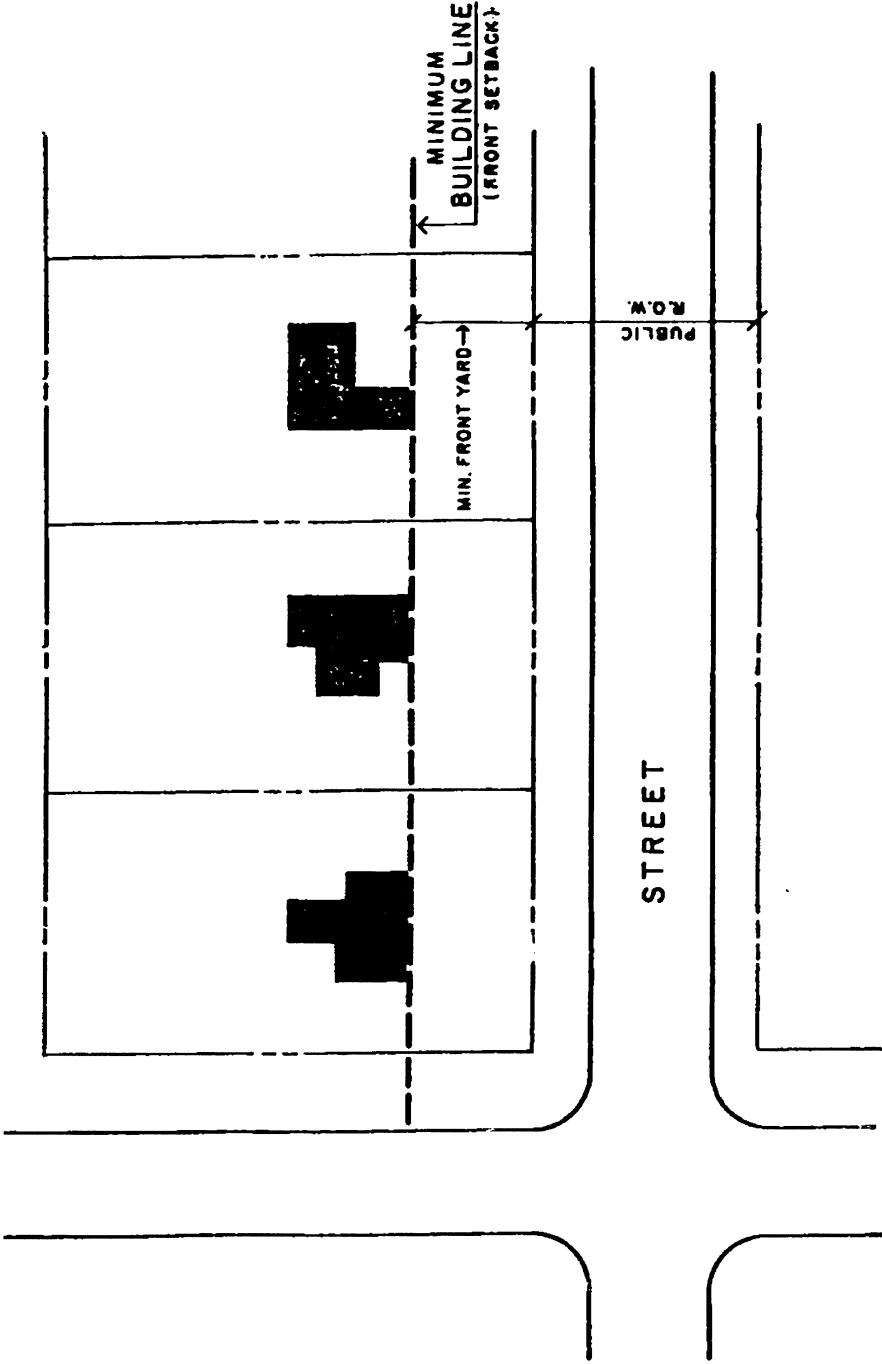
GAMBREL ROOF



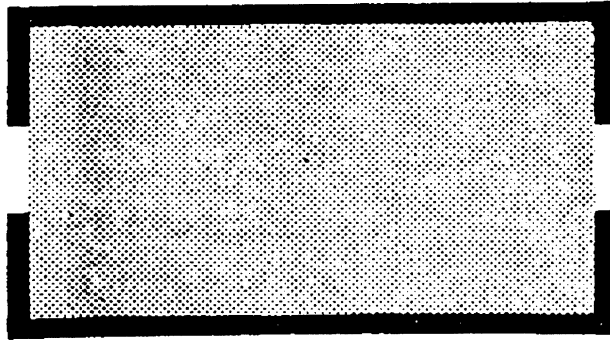
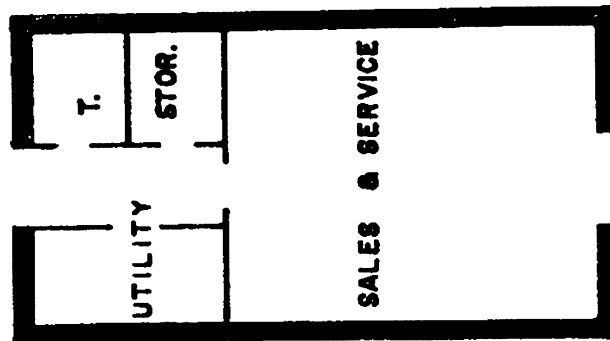
GABLE ROOF

H = HEIGHT OF BUILDING

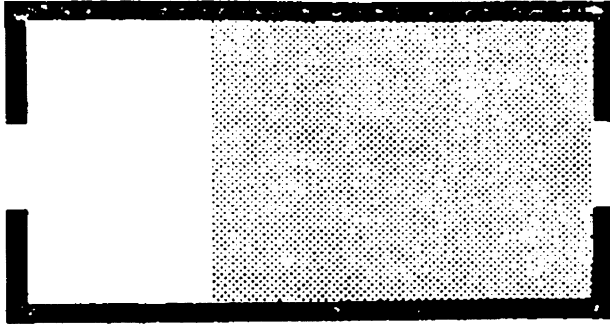
BUILDING HEIGHT



BUILDING LINE

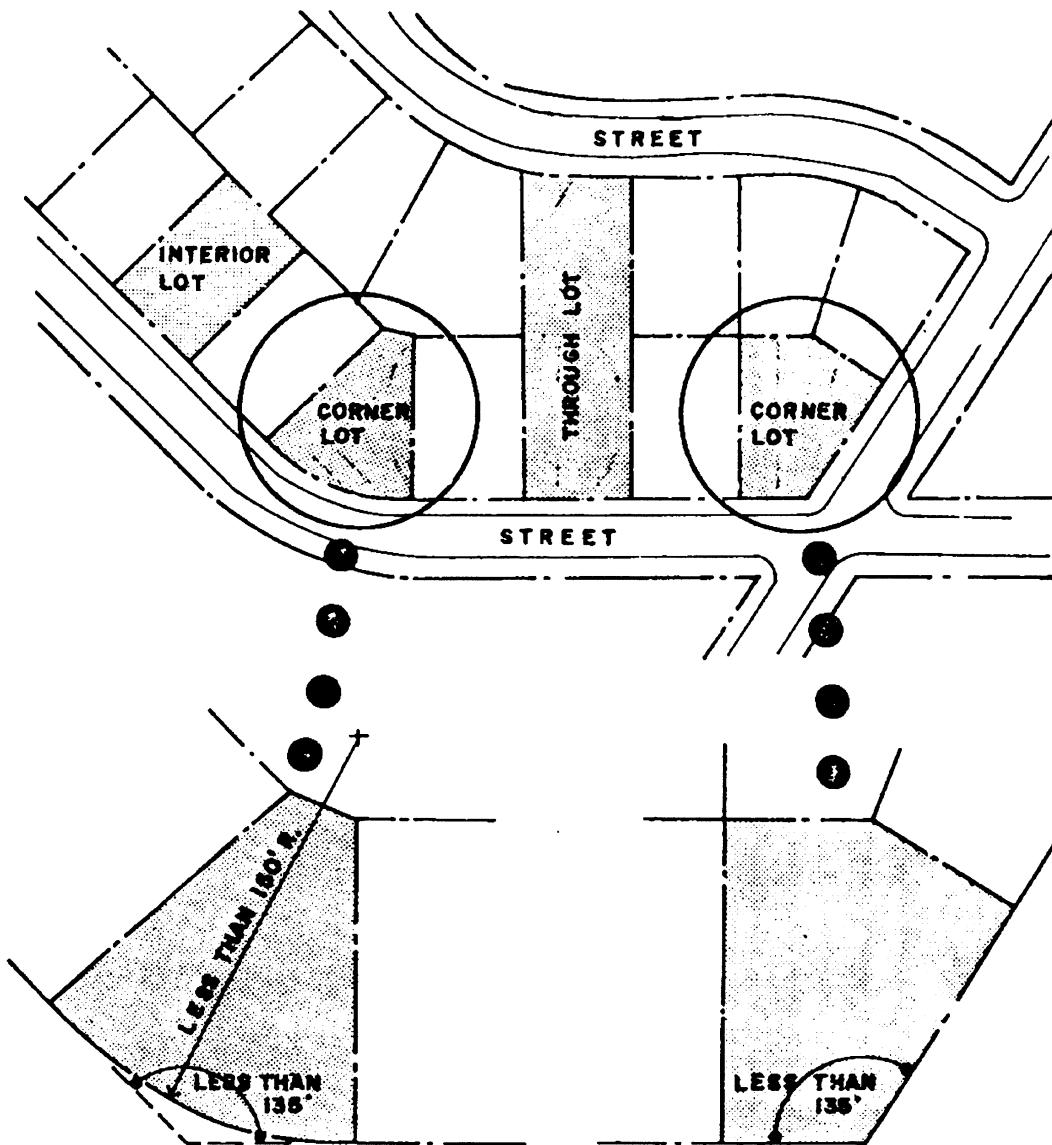


TOTAL FLOOR AREA

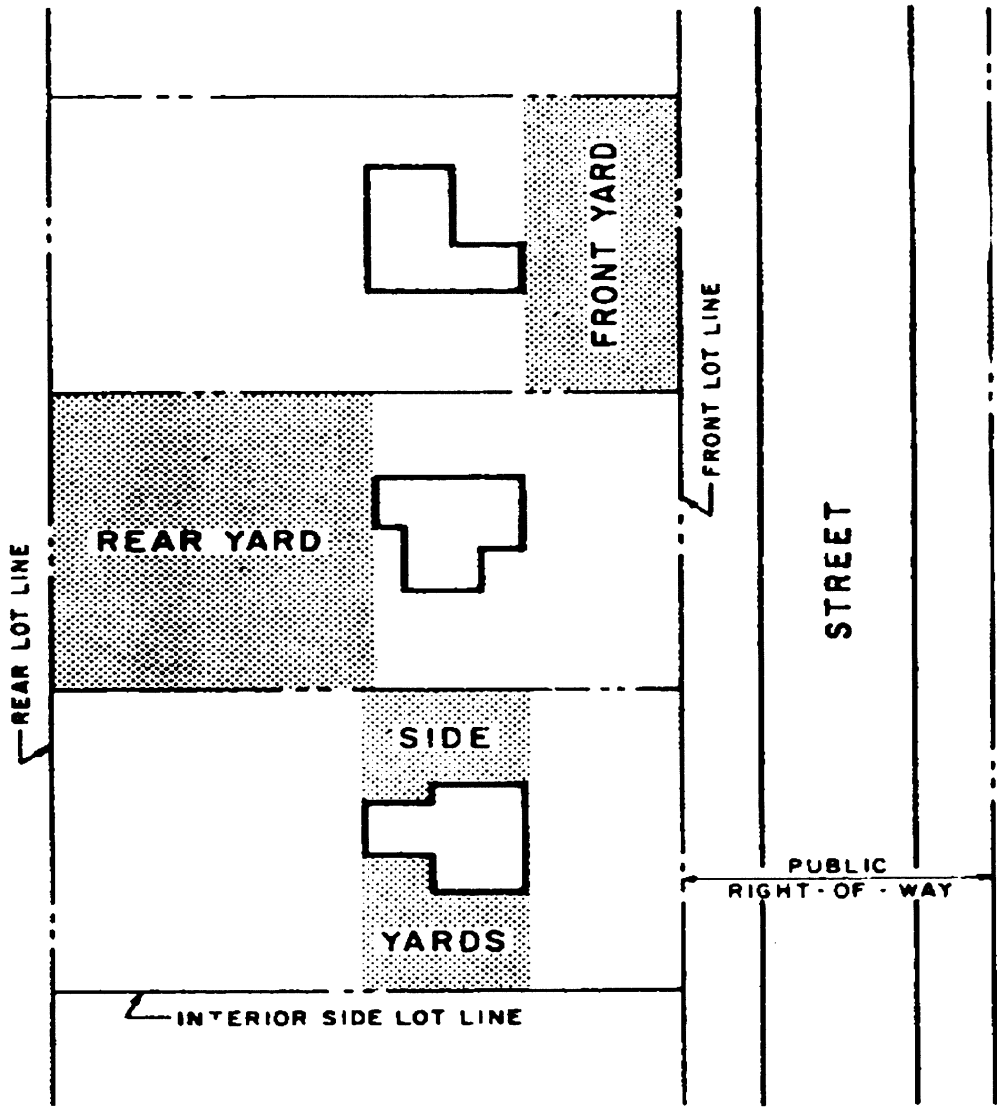


**USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)**

FLOOR AREA



INTERIOR, THROUGH & CORNER LOTS



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ARTICLE III. ZONING DISTRICTS AND MAPS

Sec. 27-11. Districts Established.

For the purpose of this Ordinance, the City of Grosse Pointe Park is hereby divided into the following districts:

RESIDENTIAL DISTRICTS

- R-A One-Family Residential District
- R-B One-Family Residential District
- R-C Two-Family Residential District
- R-D Two-Family Residential District

NONRESIDENTIAL DISTRICTS

- OS-1 Office Service District
- B-1 Local Business District
- B-2 General Business District
- P-1 Vehicular Parking District

Sec. 27-12. District Boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Grosse Pointe Park Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

Sec. 27-13. District Boundaries Interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following city limits shall be construed as following city limits;

- d. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline;
- e. Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map;
- f. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections (1) through (5) above, the Board of Appeals shall interpret the district boundaries;
- g. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Sec. 27-14. Zoning of Vacated Areas.

Whenever any street, alley or other public way within the City of Grosse Pointe Park shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

Sec. 27-15. District Requirements.

All buildings and uses in any District shall be subject to the provisions of Article XI, General Provisions and Article XII, General Exceptions.

Secs. 27-16. -- 27-20. Reserved.

ARTICLE IV. R-A and R-B RESIDENTIAL DISTRICTS

Sec. 27-21. Intent.

The B-A and R-B Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with certain other residentially related facilities which serve the residents in the district and are appropriate and harmonious with the residential environment. The specific intent of this section is:

- (1) To encourage the construction of and the continued use of the land for single-family dwellings;
- (2) To prohibit any use which would substantially interfere with development or maintenance of single-family dwellings in the districts;
- (3) To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets;

- (4) To discourage any use which, because of its character or size, would create requirements and costs for public services such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the districts were developed solely for single-family dwellings.

Sec. 27-22. Principal Uses Permitted.

In an R-A or R-B Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- (1) One-family detached dwellings, site built;
- (2) Publicly owned and operated libraries, parks, parkways and recreational facilities; and
- (3) Accessory buildings and uses, customarily incident to any of the above permitted uses.
- (4) When adjoining OS-1, P-1, B-1 or B-2 districts developed with residential units, parking for those residential units may be permitted subject to the requirements of Section 27-96.

(Ord. No. 189, §8, 1-31-06)

Sec. 27-23. Principal uses Permitted Subject to Special Conditions.

(a) The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use, including the review and approval of a site plan by the Planning Commission, and subject further to a public hearing held in accord with Section 27-145.

- (1) Churches, with accessory facilities customarily incidental thereto, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Article X, Schedule of Regulations, may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed;
 - b. Nursery schools, day nurseries and child care centers (not including dormitories) may be located within a church provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty-five hundred (2,500) square feet and shall be fenced and screened from any adjoining lot in any residential district.

- (2) Elementary, intermediate or secondary schools offering courses in general education, not operated for profit;
- (3) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the city;
- (4) Manufactured one-family detached dwellings subject to the following conditions:
 - a. Such dwelling units shall conform to all applicable City codes and ordinances;
 - b. Such dwelling units shall be permanently attached to an approved foundation;
 - c. Such dwelling units shall be provided with exterior finish materials similar to the site- built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R District;
 - d. Such dwelling units shall be provided with roof designs and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R District;
 - e. Such dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (1), or is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R District.

The Planning Commission, in reviewing any such proposed dwelling unit with respect to items c, d, and e above shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Planning Commission may require the applicant to furnish such plans, elevations, and similar documentation as it deems necessary to permit a complete review and evaluation of the proposal.

- (1) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (2) Private swimming pools shall be permitted as an accessory rear yard only, provided they meet the following requirements:
 - a. Private swimming pools shall not require Planning Commission review and approval;

- b. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply if greater than ten (10) feet;
- c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot;
- d. No swimming pool shall be located less than thirty-five (35) feet from any front lot line or any existing dwelling unit on abutting property;
- e. No swimming pool shall be located in an easement;
- f. For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.

(3) Mortuary establishments, when adequate assembly areas and required parking are provided offstreet for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required offstreet parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

(Ord. No. 168, § 1, 9-25-98)

Sec. 27-24. Area and Bulk Requirements.

See Article X, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

Sec. 27-25. Limitations on Accessory Uses.

(a) None of the following activities shall be deemed to be accessory uses customarily incident to a permitted use and none of such activities shall be carried on in a R-A or R-B Residential District:

- (1) The storage or maintenance of equipment, supplies or merchandise for commercial use or sale;
- (2) The practice of any business, trade, profession or occupation;
- (3) The furnishing, for compensation, of meals or lodging or both to any person who is not a member of the family as defined in Section 27-3 of this Code;
- (4) The sale of personal property, except as provided in Section 27-26 of this Code.

(b) The first violation of Section 27-25(a) within thirty-six months shall be a civil

infraction with a maximum penalty of a \$50 fine. The second violation of Section 27-25(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 27-25(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 27-25(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.
(Ord. No. 195, § 17, 10-13-08)

Sec. 27-26. Sale of Personal Property in a Residential District.

(a) No person shall advertise or offer to sell or sell personal property on or from premises in a residence district, without first complying with the following conditions:

- (1) Such person shall obtain a sale permit from the Department of Public Service and pay a fee therefore of ten dollars (\$10.00);
- (2) Such person shall certify in writing to the Department of Public Service that:
 - a. Such sale will only include property then owned by him and/or other persons resident on the premises, which has been acquired by them for personal use and not for purpose of resale; and
 - b. No more than one such sale has been conducted on or from the premises by applicant for at least one (1) year before the proposed date of sale.
- (3) Such person shall agree in writing that the proposed sale will not be conducted for more than three (3) days and will not be advertised except by word of mouth, by one sign on the premises, provided by the Department of Public Service, by mailing lists owned by or available to such person, or by newspaper advertisements. In the event such proposed sale is adversely affected by bad weather or other circumstances, the Department of Public Service may permit the sale to be conducted on one (1) additional day.

(b) Any sale permit granted may be immediately revoked by the Department of Public Service, in the event the holder's certificate is false or the holder violates the covenants of subsection (a)(3) above.

(c) The provisions of Section 27-26(a) and (b) shall not be applicable to the causal sale of individual major items originally purchased for personal use by the seller, such as an automobile, boat, suite of furniture or appliance, through the placing of newspaper for sale advertisements.

(d) The first violation of Section 27-26(a) within thirty-six months shall be a civil

infraction with a maximum penalty of a \$50 fine. The second violation of Section 27-26(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 27-26(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 27-26(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.
(Ord. No. 195, §18, 10-23-08)

Secs. 27-27. -- 27-30. Reserved.

ARTICLE V. R-C AND R-D RESIDENTIAL DISTRICTS

Sec. 27-31. Intent.

The R-C and R-D Residential Districts are designed to provide for one-family dwellings and two-family dwellings. The intent is to provide for an environment of medium density dwellings along with certain other residentially related facilities which serve residents in the districts and are appropriate and harmonious with the residential environment. It is the further intent of this Section to insure that only such residential uses as can be properly designed and built will be allowed in these districts so as to not overcrowd the land, cause parking or traffic congestion, or to have injurious effects on adjacent single-family and two-family residential dwellings. The specific intent of this Section is:

- (1) To encourage the construction of and the continued use of the land for single-family dwellings and two-family dwellings;
- (2) To prohibit any use which would substantially interfere with development or maintenance of single-family dwellings and two-family dwellings;
- (3) To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets;
- (4) To discourage any use which, because of its character or size, would create requirements and costs for public services such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the districts were developed solely for single-family dwellings and two-family dwellings.

Sec. 27-32. Principal Uses Permitted.

In R-C and R-D Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- (1) All uses permitted as Principal Uses Permitted in the one-family Residential Districts;
- (2) Two-family dwellings; and

- (3) Terrace dwellings in a R-D district only, subject to the following conditions:
 - a. The multiple family dwelling shall be located on a zoning lot which contains not less than 10,000 square feet in area;
 - b. Dwelling unit density on the zoning lot shall not exceed the applicable standard set forth on the schedule in Section 27-81;
 - c. Outdoor parking spaces on driveways serving parking spaces which abut any residential district shall be screened from abutting residential district and from public streets or alleys by a green belt or well constructed and maintained under the standards set forth in Sections 27-98 and 27-99 of this Chapter; and
 - d. Building elevation drawings and landscape plans shall be submitted for approval and be approved by the Planning Commission and any building permits shall require compliance with approved site plans, building elevation drawings and landscape plans.
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 189, §9, 1-31-06)

Sec. 27-33. Principal Uses Permitted Subject to Special Conditions.

The following uses may be permitted by the Planning Commission, subject to the conditions hereinafter imposed for each use and including the review and approval of a site plan by the Planning Commission, and subject further to a public hearing held in accord with Section 27-146:

- (1) All uses permitted in Section 27-23 as “principal uses permitted subject to special conditions” in the one-family residential districts and subject to all standards and conditions specified in Section 27-23;
- (2) Multiple-family dwellings, in an R-D district only, subject to the following conditions:
 - a. The multiple family dwelling or dwellings shall be located on a zoning lot which contains not less than forty thousand (40,000) square feet in area and is located on a street designated as a County Primary Road pursuant to MCL § 247.655;
 - b. Dwelling unit density on the zoning lot shall not exceed the applicable standard set forth on the schedule contained in Section 27-81;

- c. All minimum parking, height, setback, lot area coverage, and building ground floor area requirements of the R-D district shall be complied with;
 - d. Outdoor parking spaces or driveways serving parking spaces which abut any residential district shall be screened from the abutting residential district and from public streets or alleys by a greenbelt or wall constructed and maintained under the standards set forth in Sections 27-98 and 27-99 of this Ordinance;
 - e. Exterior building design shall be compatible with the residential character of the community; and
 - f. Building elevation drawings and landscape plans shall be submitted for approval and approved by the Planning Commission and any building permits shall require compliance with approved site plans, building elevation drawings, and landscape plans.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 158, § 1, 12-23-94)

Sec. 27-34. Area and Bulk Requirements.

See Article X, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

Sec. 27-35. Limitations on Accessory Uses.

None of the activities listed in Section 27-25 shall be deemed accessory uses or permitted in a R-C or R-D Residential District, except as otherwise stated in Section 27-25.

Secs. 27-36. -- 27-40. Reserved.

ARTICLE VI. OS-1 OFFICE SERVICE DISTRICTS

Sec. 27-41. Intent.

In order that the City may remain strictly a suburban residential community, business and commercial uses of property are limited to those inoffensive, noncongestive uses which directly support residential activities and demands, and, which by reason of necessity or great convenience, must be located within or close by dwelling areas which they serve.

The OS-1 Office Service Districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between major thoroughfares and residential districts.

Sec. 27-42. Principal Uses Permitted.

In an Office Service District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained below in Section 27-44, Required Conditions;
2. Public buildings, properties and facilities;
3. Banks, credit unions, savings and loan associations, and similar uses;
4. Personal service establishments including barber shops and beauty shops;
5. Offstreet parking lots;
6. Uses similar to those above enumerated and consistent with the maintenance of the suburban residential nature of the community, provided the Board of Appeals shall have made a finding that such use is in fact similar and so consistent;
7. Terrace dwellings subject to the following conditions:
 - (a) The terrace dwellings shall be located on a zoning lot which contains not less than 15,000 square feet in area and located on a street designated as a County Primary Road pursuant to MCLA §247.655;
 - (b) Dwelling unit density on the zoning lot shall not exceed the applicable standard set forth on the schedule in Section 27-81;
 - (c) Outdoor parking spaces or driveways serving parking spaces which abut any residential district shall be screened from the abutting residential district and from public streets or alleys by a greenbelt or wall constructed and maintained under the standards set forth in Sections 27-98 and 27-99 of this Chapter; and
 - (d) Building elevation drawings and landscape plans shall be submitted for approval and be approved by the Planning Commission and any building permits shall require compliance with approved site plans, building elevation drawings and landscape plans.
8. Accessory structures and uses customarily incident to the above permitted uses.

(Ord. No. 189, §10, 1-31-06; Ord. No. 204, 9-26-16)

Sec. 27-43. Principal Uses Permitted Subject to Special Conditions.

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and including the review and approval of a site plan by the Planning Commission and subject further to a public hearing held in accord with Section 27-146:

1. An accessory use customarily related to a principal use authorized by this section, such as but not limited to a pharmacy or apothecary shop, or optical service, may be permitted;
2. Mortuary establishments, when adequate assembly area is provided offstreet for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required offstreet parking area. A caretaker's residence may be provided within the main building of mortuary establishments;
3. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations; and
4. Automobile dealerships subject to the following:
 - (a) Body, paint and bump shops shall not be a part of such dealership;
 - (b) A site of not less than one (1) acre shall be provided; and
 - (c) All storage of new and used automobiles, parking of vehicles repaired or awaiting repair, and employee and customer parking shall be provided on the site.
5. Medical, dental, and physical therapy offices, including clinics, that are open to the public only between 7:30 a.m. and 7:00 p.m. on Mondays through Fridays, and Saturdays between 7:30 a.m. until 4:00 p.m., and which do not have overnight patients.

(Ord No. 204, 9-26-16)

Sec. 27-44. Required Conditions.

1. No interior display shall be visible from the exterior of the building.
2. The outdoor storage of goods or material shall be prohibited.
3. Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

Sec. 27-45. Area and Bulk Requirements.

See Article X, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Secs. 27-46. -- 27-50. Reserved.

ARTICLE VII. B-1 LOCAL BUSINESS DISTRICTS

Sec. 27-51. Intent.

In order that the City may remain strictly a suburban residential community, business and commercial uses of property are limited to those inoffensive, noncongestive uses which directly support residential activities and demands, and which, by reason of necessity or great convenience, must be located within or close by dwelling areas which they serve.

The B-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

Sec. 27-52. Principal Uses Permitted.

In a Local Business District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and uses permitted subject to special conditions in the OS-1 Office Service District;
2. Retail establishment for the sale of new goods at retail excluding establishments that sell alcoholic beverages;
3. Catering establishments, not including catering halls;
4. Dry cleaning establishment;
5. Florist shop;
6. Restaurant, including establishments serving alcoholic beverages;
7. Shoe repair shop;
8. Tailor shop;
9. Any retail business or service establishment permitted in OS-1 and B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions;
10. Business or commercial schools;
11. Electrical repair shops;
12. Cleaning or laundry establishments;
13. Painting and decorating shops;
14. Plumbing shops;
15. Print shops;
16. Private clubs and lodge halls;

17. Upholstering shops;
18. The repair, conversion, alteration, finishing, assembling, servicing, fabrication, otherwise processing or storage of goods primarily as a custom service or for the sale at retail on the premises, provided the foregoing are incidental to the retail function when not a custom service.

There shall not be in connection therewith any operation of machinery or the conduct of any process or activity, the display or storage of goods or facilities in such a manner as to be noxious or offensive by reason of odors, fumes, dust, smoke, waste, vibration, noise, lighting, advertising or manifest unsightliness;

19. Uses similar to those above enumerated and consistent with the maintenance of the suburban residential nature of the community, provided the Board of Appeals shall have made a finding that such use is in fact similar and so consistent.

(Ord No. 204, 9-26-2016)

Sec. 27-53. Required Conditions.

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
2. All business, servicing or processing, except for offstreet parking or loading, shall be conducted within a completely enclosed building.
3. Business uses shall not conduct retail trade between the hours of 2:00 a.m. and 5:00 a.m. in any zoning district which is located within three hundred (300) feet of any residential district.

Sec. 27-54. Area and Bulk Requirements.

See Article X, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Secs. 27-55. -- 27-60. Reserved.

ARTICLE VIII. --- RESERVED ---

(Ord No. 204, 9-26-16)

ARTICLE IX. P-1 VEHICULAR PARKING DISTRICTS

Sec. 27-71. Intent.

The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for offstreet parking of private passenger vehicles as a use incidental to a principal use.

These districts will generally be provided by petition or request to serve a use district which has developed without adequate offstreet parking facilities.

Sec. 27-72. Principal Uses Permitted.

Premises in vehicular districts shall be used for parking subject to the conditions listed in Section 27-73 and for all uses permitted within an abutting business or residential district subject to the conditions applicable for the abutting districts.

(Ord. No. 189, §11, 1-31-06)

Sec. 27-73. Required Conditions.

(a) The parking area shall be accessory to, and for use in connection with one or more businesses lawfully existing or located in adjoining business districts, or in connection with one or more existing professional or institutional office buildings or institutions.

(b) Such parking lots shall be contiguous to an R-C, R-D or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and above listed districts.

(c) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day and shall not be used as an offstreet loading area.

(d) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

(e) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.

(f) No building other than those for shelter of attendants shall be erected upon the premises and they shall not exceed fifteen (15) feet in height.

(g) Applications for P-1 District rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with Sections 27-95 and 27-96.

Sec. 27-74. Minimum Distances and Setbacks.

(a) *Side and rear yards.* Where the P-1 District is contiguous to the side or rear lot lines of premises within a residentially zoned district, an obscuring wall shall be located along said lot line.

(b) *Front yards.* Where the P-1 District is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district or a minimum of twenty (20) feet, or whichever is the greater. An obscuring wall shall be located on this minimum setback line unless, under

unusual circumstances, the Planning Commission finds that no good purpose would be served. The land between said setback and street right-of way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

Sec. 27-75. Parking Space Layouts Standards, Construction and Maintenance.

P-1 Vehicular Parking Districts shall be developed and maintained in accordance with the requirements of Article XI, General Provisions.

Secs. 27-76. -- 27-80. Reserved.

ARTICLE X. SCHEDULE OF REGULATIONS

Sec. 27-81. Schedule limiting height, bulk, density, and area by zoning district.

<i>Zoning Districts</i>	<i>Minimum Zoning Lot Size Per Unit Area in Square Feet</i>	<i>Maximum Height of Structures (in feet)</i>	<i>Minimum Yard Setback (Per Lot in Feet)</i>			<i>Maximum Percentage of Lot Area Covered by Buildings</i>	<i>Minimum Ground Floor Area of Building in Square Feet</i>
			<i>Front</i>	<i>Each Side</i>	<i>Rear</i>		
R-A Residential	10,000 (c)	35 (n, o)	25 (d)	5 (h, p)	30 (f, g, k)	35%	1,200
R-B Residential	7,200 (c)	35 (n, o)	20 (d)	4 (h, p)	25 (f, g, k)	35%	750
R-C Residential	5,000 (a, c)	35 (n, o)	15 (e)	3 (h, p)	25 (f, g, k)	65%	600
R-D Residential	3,000 (b, c, m)	35 (n, o, q)	15 (e)	3 (h, p)	15 (f, g, j, k)	65%	500
OS-1 Office Service	(m)	30 (q)	(1)	(i, 1)	20 (j)	-	-

B-1 Local Business	(m)	25 (q)	-	(I)	20 (j)	-	-
B-2 General Business	(m)	30 (q)	-	(I)	20 (j)	-	-

Sec. 27-81. Footnotes to Schedule of Regulations

(a) A lot area of not less than three thousand six hundred (3,600) square feet per dwelling unit shall be required for two-family dwellings in a Residential C District.

(b) A lot area of not less than two thousand five hundred (2,500) square feet per dwelling unit shall be required for two-family dwellings in a Residential D District.

(c) In any case where at least fifty (50) percent of the frontage in the block on the same side of the street is occupied by residences, no dwelling shall be erected or used on any lot having a frontage of less than ninety (90%) percent of the average lot frontage nor having an area of less than ninety (90%) percent of the "average lot area" in the block. Such "average lot frontage" shall be determined by taking the average of the frontage of the improved residence lots in the block on the same side of the street, but in determining said average, the largest improved lots, in number not to exceed one-quarter (1/4) of the total improved lots, may be excluded.

(d) Where, at the time of passage of this Ordinance, more than fifty (50%) percent of the lots on one (1) side of a street between two (2) intersecting streets within a Residential A or B District are occupied by dwellings having a front yard of greater depth than twenty (20) feet, any dwelling thereafter erected on any one of such lots shall have a front yard not less in depth than the average front yard of such existing dwellings, but this shall not require a greater depth than fifty (50) feet in any case.

(e) Where, at the time of passage of this Ordinance, more than fifty (50%) percent of the lots on one (1) side of a street between two (2) intersecting streets within a Residential C or D District are occupied by dwellings having a front yard of greater depth than fifteen (15) feet, any building thereafter erected on any one (1) of such lots shall have a front yard not less in depth than the average front yard of such existing dwellings; but this shall not require a greater depth than thirty five (35) feet in any case.

(f) On a lot occupied by a church or other building in which persons congregate, or which is designed, arranged, remodeled, or normally used for the congregation of persons in numbers in excess of twenty-five (25), the depth of the rear yard shall be not less than forty (40) feet.

(g) The depth of a rear yard abutting upon a street shall be not less than the depth of the front yard required for a building of the same size and kind on an adjoining lot fronting on such rear street.

(h) The width of a side yard abutting upon a street shall be not less than the minimum front yard depth required on an adjoining interior lot within the same or a less restricted district fronting upon such side street, but this shall not reduce the buildable width of any lot of record at the time of passage of this Ordinance to less than twenty-five (25) feet at the ground story level. Provided, however, that where the sidewall of a building exceeds fifty (50) feet in depth, the width of the side yard opposite the portion in excess shall be not less than ten (10) feet.

(i) No side yards are required along the interior side lot lines of an Office Service, Local Business, or General Business District, except as otherwise specified in the Building Code, provided that if walls facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

(j) One-half ($\frac{1}{2}$) the width of an alley may be utilized for required rear yard setbacks in any zoning district.

(k) Yard setbacks on the lake side of a lot shall not be less than the average setback of the residential buildings located on the adjacent lots on each side of such lot. Where no residential buildings exist on either of the adjacent lots on each side of such lot, said lake side setback shall be not less than the average setback of the nearest residential buildings on each side of such lot.

(l) Any lot within an Office Service District and located in a block also containing lots within an Residential A District shall have a yard fronting on the street abutting such block not less in depth than the average front yard of existing buildings on such block, but this shall not require a greater depth than fifty (50) feet in any case.

(m) A lot area of not less than two thousand two hundred and fifty (2,250) square feet per dwelling unit may be allowed for multiple family dwellings in a Residential D District.

(n) Where more than fifty (50%) percent of the lots on both sides of a street between two (2) intersecting streets or other boundary ending a street and within a residential district are occupied by dwellings, any dwelling unit thereafter erected shall have a building height of not less than ninety percent (90%) of the average of the existing dwellings in such area

(o) Where more than fifty percent (50%) of the lots on both sides of a street between two (2) intersecting streets or other boundary ending a street and within a residential district are occupied by dwellings, any dwelling unit thereafter erected shall have a building height no greater than the lesser of (i) that allowed by this Code or (ii) either one hundred and ten percent (110%) of the average of the existing dwellings in such area or thirty (30) feet, whichever is higher.

(p) The required side yard setback for each side of a zoning lot in a residential district shall be not less than: (a) the applicable number of feet provided in the schedule of regulations, or (b) a total of one foot for each ten feet of the length of the front lot line of such lot up to sixty (60') feet, plus one and one half (1.5') feet for each ten feet of the length of the front lot line of such lot up to sixty (60') feet, providing that the maximum required side yard setback in a Residential D District shall be fifteen (15) feet.

(q) When located on a street designated as a County Primary Road, the maximum height for any terrace dwelling shall be 65 feet, when located on a street designated as a major street or a

secondary street adjacent to a city boundary, the maximum height for any terrace dwelling shall be 55 feet, when located on a street designated as a secondary street not adjacent to a city boundary, the maximum height for any terrace dwelling shall be 45 feet. such height as limited in this footnote (q) shall be measured as actual height and not as mean height.

(Ord. No. 190, §1, 10-1-07)

Sec. 27-82. Street Access.

No dwelling shall be built unless on a lot fronting upon a public street or upon a permanent unobstructed easement of access to a public street, which easement shall have a width throughout of not less than thirty (30) feet at the end thereof, and at intermediate intervals of not more than five hundred (500) feet turnaround not less than forty (40) feet in width.

Sec. 27-83. Storage of Recreational Vehicles

- (a) As used in this Section the term recreational vehicle means and includes the following:
 - (1) Aircraft means all types of airborne vehicles.
 - (2) Boat and boat trailer include boats, personal watercraft, floats and rafts, plus the normal equipment to transport such vehicles on the highway.
 - (3) Folding tent trailer means a canvas or plastic folding structure mounted on wheels and designed for travel and vacation uses.
 - (4) Motor home means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
 - (5) Pickup camper means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
 - (6) Snowmobile and all-terrain vehicle mean snowmobiles, all-terrain vehicles and the normal equipment to transport such vehicles on the highway.
 - (7) Travel trailer means vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation and vacation uses.
 - (8) Utility trailer means a vehicle with an open or enclosed platform built on a chassis, designed to be used for the transport of goods and materials.
- (b) Recreational vehicles shall not be occupied or considered a legal use in any district.
- (c) No recreational vehicle shall be parked or stored on a site unless it is enclosed within a garage.
- (d) The Department of Public Service may issue a permit for the parking or storage of a recreational vehicle in a driveway for up to 72 hours, upon application showing good cause and

payment of such permit fee as may be set by resolution of the city council. No more than one permit shall be issued with respect to any zoning lot in any calendar month. The permit shall be displayed in the lower left-hand corner of the front windshield of the recreational vehicle.

(Ord. No 190, § 1, 10-1-07)

€ The first violation of Section 27-83(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Section 27-83(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 27-83(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 27-83(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Ord. No. 195, § 19, 10-23-08)

Sec. 27-84. Special Regulations for Front Yards.

No more than twenty five percent (25%) of a front yard in a residential district shall be covered by either:

- (a) Any driveway or other area devoted to vehicular access; or
- (b) Any material which is substantially impervious to water.

Sec. 27-85. Special Regulations for Air Conditioning Units.

Refrigerating systems or units used for central air conditioning purposes and installed outside of dwellings in a residential zone shall be located to the rear of such dwellings no less than three (3) feet within the plane(s) established by the side(s) of such dwelling and more than fifteen (15) feet from an adjoining dwelling unit, except that such system or unit may be installed immediately to the side of a dwelling and within fifteen (15) feet of an adjoining dwelling if the person proposing to build such system or unit has notified the immediately adjoining property owner and obtained their written consent to such installation within a period of sixty (60) days preceding the issuance of a permit for the installation.

(Ord. No. 173, § 1, 1-1-99)

Sec. 27-86. Emergency Electrical Generators

Emergency generators may be permanently installed and utilized in all zoning districts within the City, subject to the following terms and conditions:

- (a) A permit must be obtained from the Building Department prior to the commencement of any construction or installation of a generator.
- (b) As soon as construction has been completed, the property owner must obtain a final inspection to ensure compliance with all the terms and conditions of this ordinance, and the generator shall not be used prior to receiving final inspection approval.
- (c) No generators shall be permitted in any side or front yard areas of a dwelling.

The generator must be permanently located on a concrete slab or prefabricated equivalent located a minimum of three (3) feet from any lot line and at least twenty five (25) feet from an adjoining dwelling unit.

(d) The generating unit and muffler must be enclosed within a sound attenuated cabinet. Sound produced at full load shall be less than seventy two (72) dBA at any property line. The enclosure service doors on the cabinet must be locked to prevent access by unauthorized persons. Any and all exhaust gases must be in compliance with the State of Michigan ICE Emissions Regulations.

(e) Only fully ATS “automatic transfer switch gear (double throw disconnect switch gear) is to be installed. Transfer panels must be locked to prevent unauthorized access to switch gear. Panels must be approved by a recognized certification agency such as UL or CSA and must comply with all applicable electrical requirements adopted by the City.

(f) Property owners are responsible for keeping the electrical generator installation within all applicable codes and ordinance requirements. Automatic maintenance exercise (testing) is limited to not more than ten (10) minutes per week, Monday through Friday, between the hours of 9:00 a.m. and 6:00 p.m.

(g) Generators are to be used only in emergencies when the normal power source to the residence has been disrupted. As soon as normal power has been restored, the owner shall cease operation of the generator.

(Ord. No. 189, §4, 1-4-06)

Secs. 27-87. -- 27-90. Reserved.

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ARTICLE XI. GENERAL PROVISIONS

Sec. 27-91. Conflicting Regulations.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Sec. 27-92. Scope.

No building or structure, or part thereof, shall thereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Sec. 27-93. Regulations for Nonconformance.

(m) *Intent.* It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

- (1) It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land, and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
- (2) Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (3) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.
- (4) To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal

shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(n) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district; provided the yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

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

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- (3) If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

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

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity;
- (2) Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of its market value established by the City Assessor based on current assessment rolls exclusive of foundations, it shall be reconstructed only in conformity with the provisions of this Ordinance;
- (3) Should such structure be moved for any reason for any distance whatever,

it shall thereafter conform to the regulations for the district in which it is located after it is removed.

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

- (1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use;
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
- (5) When a nonconforming use of a structure or structures and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;
- (6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land;

- (7) Existing structures and land used for nonconforming residential office and business purposes may be maintained and improved upon application and permit from the Zoning Board of Appeals.

(r) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

(s) *Building restoration.* Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(t) *Uses permitted under special conditions, not nonconforming uses.* Any existing use which is permitted subject to special conditions in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(u) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

Sec. 27-94. Accessory Residential Buildings and Uses.

Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building;
- (2) Accessory buildings and portions thereof not exceeding one (1) story or fifteen (15) feet in height may occupy not more than fifty percent (50%), and if not exceeding two (2) stories or thirty (30) feet in height may occupy not more than twenty-five percent (25%) of the required rear and side yard space. No portion of an accessory building located in rear yard space shall approach nearer to a side or rear lot line than three (3) feet. An accessory building located in a side yard shall comply with existing side yard setbacks applicable to the lot upon which it is located. Where a rear yard abuts for its full width upon a street, accessory buildings shall not occupy any of the minimum required rear yard space. On a corner lot, accessory buildings shall not occupy any of the minimum required side yard space abutting upon a street nor any of that portion of the rear yard lying nearer to the street than the width of side yard required on such lot and abutting on such street. Where any building or portion of a building on a lot is used as a dwelling, there shall be left between it and all accessory buildings on such lot, a space of the size prescribed in the Michigan building code.

(Ord No. 189, § 1, 1-4-06)

- (3) When an accessory building or structure is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals unless the accessory building or structure is located only in a rear yard, has a floor area of 120 square feet or less, is no greater than 12 feet in height, and is intended for use as a storage building, a gazebo, a children's play house, or a similar structure.

(Ord No. 189, § 2, 1-4-06)

Sec. 27-95. Off Street Parking Requirements.

(a) There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile offstreet parking space, with adequate access to all spaces. The number of offstreet parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- (1) Offstreet parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback, unless otherwise provided in this ordinance. Offstreet parking shall not be permitted within a front yard nor within a minimum side yard setback unless otherwise provided in this ordinance;
- (2) Offstreet parking for other than residential use shall be either on the same lot or within two hundred (200) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the offstreet parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant;
- (3) Required residential offstreet parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and subject to the provisions of Section 27-94, Accessory Residential Buildings and Uses, of this Ordinance;
- (4) Parking spaces on residential lots shall be provided to service only those dwellings located on such lots. In no instance shall parking spaces on residential lots be leased to other than occupants of the lot on which they are located, unless such parking spaces exceed the minimum number required for parking for such lot;
- (5) Minimum required offstreet parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere;
- (6) Offstreet parking existing at the effective date of Ordinance No. 150, 5-15-93, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar

new building or new use;

- (7) Two (2) or more buildings or uses may collectively provide the required offstreet parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately;
- (8) In the instance of dual function of offstreet parking spaces where operation hours of buildings do not overlap, the Board of Appeals may grant an exception;
- (9) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited;
- (10) For those uses not specifically mentioned, the requirements for offstreet parking facilities shall be in accord with a use which the planning commission considers is similar in type;
- (11) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space;
- (12) For the purpose of computing the number of parking spaces required, the definition of “floor area, usable...” in Article II, Section 27-3, Definitions, shall govern;
- (13) Offstreet parking facilities shall provide spaces for the handicapped in accordance with the provisions of Act 230 of the Public Acts of 1972;
- (14) The minimum number of offstreet parking spaces by type of use shall be determined in accordance with the following schedule:

<u>Use</u>	<u>Minimum Number of Off-Street Parking Spaces Per Unit of Measure</u>
(a) Residential:	
(1) One and two family dwellings	Two (2) for each dwelling unit.
(2) Terrace dwellings	One and one-half (1 ½) for each dwelling unit.
(b) Institutional:	
(1) Churches or temples	One (1) for each five (5) seats five (5) feet of pews in the main unit of worship.

<u>Use</u>	<u>Minimum Number of Off-Street Parking Spaces Per Unit of Measure</u>
(2) Private clubs or lodge halls	One (1) for each four (4) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(3) Theaters and auditoriums	One (1) for each five (5) seats, plus one (1) for each two (2) employees.
(4) Nursery school, day nurseries or child care centers	One (1) for each two hundred and fifty (250) square feet of usable floor area.
(c) Business and commercial:	
(1) Auto wash (self-service or coin-operated)	Five (5) for each washing stall, in addition to the stall itself.
(2) Beauty parlor or barber shop	Three (3) for each of the first two (2) beauty or barber chairs and one and one-half (1 ½) for each additional chair.
(3) Establishment for sale and consumption on the premises, of beverages, food or refreshments	One (1) for each fifty (50) square feet of usable floor space or one (1) for every two (2) persons allowed within the maximum occupancy load established by local or state health codes whichever is greater.
(4) Furniture and appliance, house hold equipment, repair shops, showroom of a plumber decorator, electrician or similar trade, and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor area.
(5) Gasoline service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump and one (1) for each hundred and fifty (150) square feet of usable floor space devoted to a retail sales area.
(6) Laundromats and coin-operated dry cleaners	One (1) for each four (4) washing and dry-cleaning machines.
(7) Mortuary establishments	One (1) for each one hundred (100) square feet of usable floor area.

<u>Use</u>	<u>Minimum Number of Off-Street Parking Spaces Per Unit of Measure</u>
(8) Retail stores, except as otherwise specified herein	One (1) for each three hundred and fifty (350) square feet of usable floor area.
(9) For establishments primarily serving customers over a counter or through a window such as food carryouts, dry cleaner pick-ups, meat markets, bakeries, shoe repair shops and similar establishments.	One (1) for each thirty (30) square feet of usable floor area devoted to customer assembly and/or waiting area.
(d) Offices	
(1) Banks	One (1) for each two hundred (200) square feet of usable floor area.
(2) Business office or professional offices, except as indicated in the following item (3)	One (1) for each three hundred (300) square feet of usable floor area.
(3) Professional offices or doctors, dentists or similar professions	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.

(b) The first violation of Section 27-95(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Section 27-95(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 27-95(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 27-95(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

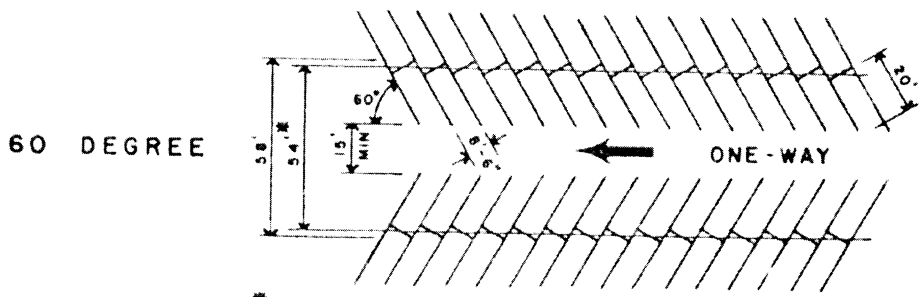
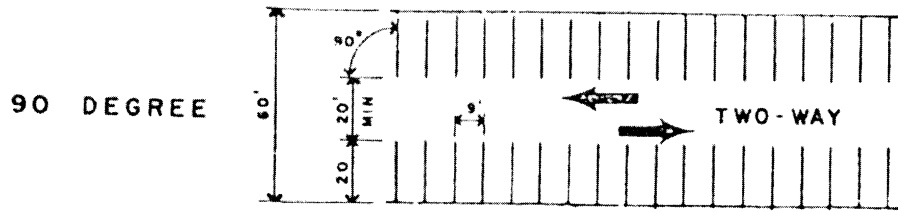
(Ord. No. 150, § 1, 5-15-93; Ord. No. 189, §6, 1-31-06; Ord. No. 195, § 20, 10-13-08)

Sec. 27-96. Offstreet Parking Space Layout, Standards, Construction and Maintenance.

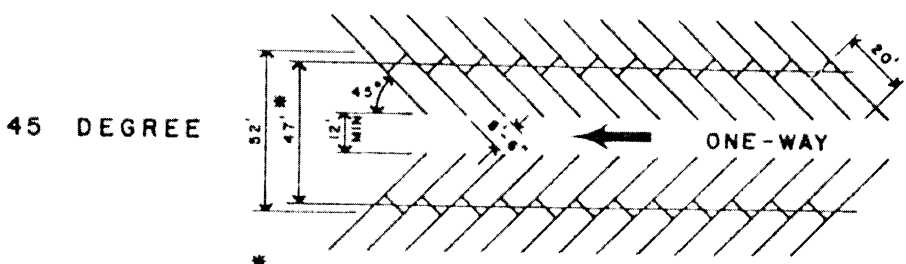
Whenever the offstreet parking requirements in Section 27-95 above require the building of an offstreet parking facility, or where P-1 Vehicular Parking Districts (Article IX) are provided, such offstreet parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefore is issued by the Director of Public Service. Applications for a permit shall be submitted to the Director of Public Service in such form as may be

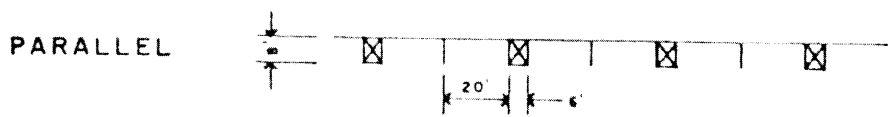
determined by the Director of Public Service and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with;



* OVERLAPPING DIMENSION



* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)



PARKING LAYOUTS

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	22 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

- (2) Plans for the layout of offstreet parking facilities shall be in accord with the following minimum requirements:
- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited;
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use;
- (5) All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two way movement;
- (6) Each entrance and exit to and from any offstreet parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single family residential district;
- (7) The offstreet parking area shall be provided with a continuous and obscuring wall (in accord with Section 27-99) not less than four (4) feet six (6) inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district;
- (8) The Planning Commission may allow the substituting of greenbelts and/or earth berms (developed in accord with Sections 27-99 and 27-99) where it can be shown that the area can be effectively screened by such greenbelts and/or earth berms;
- (9) When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse

and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance;

- (10) The entire parking area, including parking spaces and maneuvering lanes required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued;
- (11) Offstreet parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings;
- (12) All lighting used to illuminate any offstreet parking area shall be so installed as to be confined within and directed onto the parking area only;
- (13) In all cases where a wall extends to an alley which is a means of ingress and egress to an offstreet parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area;
- (14) The Board of Appeals, upon application by the property owner of the offstreet parking area may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section;
- (15) The amount of parking area required by Subsection (12) of Section 27-95 shall be a prima facie requirement. The Board of Appeals may, in connection with any new building or enlargement or change of use, reduce the amount of required parking area or eliminate the requirement or may do so subject to appropriate conditions, in any case where it determines after a hearing that such requirement is clearly excessive or unduly burdensome for any of the following reasons:
 - a. The use of the property will generate relatively little parking demand;
 - b. Public owned parking facilities have been provided nearby;
 - c. Suitable arrangements have been made for sharing parking space by two or more uses the parking demands of which occur at different hours;
 - d. No economic use of the property can otherwise be made and no other property is available nearby for the provision of parking space.

Any condition of Section 27-95 may be waived or modified by the Board of Appeals in any case where it determines after a hearing that, on account of the particular circumstances of the case, compliance with said condition would serve no useful purpose. Decisions of the Board of Appeals hereunder shall be final a decision reducing such required parking area shall automatically lapse if the building or enlargement is not under way within six (6) months of the decision or, if under way, is not diligently prosecuted to completion or, in the case of an altered use, if the new use is not in operation within such six (6) month period. A decision waiving or modifying any of said conditions shall automatically lapse if the parking area is not established within six (6) months of such decision or, if established, whenever the same is discontinued.

Sec. 27-97. Off Street Loading and Unloading.

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

Sec. 27-98. Greenbelts and Plant Material.

(a) Whenever a greenbelt or planting screen is required under the provisions of this Ordinance, such greenbelt or planting screen shall be subject to the following conditions:

- (1) The required greenbelt or planting screen shall be planted with permanent living plant materials within six (6) months from the date of occupancy and shall thereafter be maintained in a presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests;
- (2) The selection, spacing and size of plant material shall be such as to create, within a five (5) year period from the date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area and a vertical obscuring effect of such height as is determined adequate by the Planning Commission for proper, screening between land uses;
- (3) The minimum horizontal dimensions of required greenbelt shall be as set forth under the provisions of this Ordinance for the respective land uses and districts indicated;
- (4) In no instance shall the minimum dimensions of plant materials at initial planting be less than the following:
 - a. Deciduous shrubs two (2) feet in height;
 - b. Deciduous trees one and one-half (1½) inches in caliper;
 - c. Evergreen shrubs two (2) feet in height;

- d. Evergreen trees four (4) feet in height.
- (5) Where under the provisions of the Ordinance an option is provided to the developer relative to the substitution of a greenbelt for a required wall or berm, the minimum starting height of plant materials in said greenbelt shall be equivalent to the required wall or berm height.

<i>SUGGESTED PLANT MATERIALS</i>		
Evergreen trees:		
Juniper Spruce Fir	Hemlock Pine Douglas Fir	Minimum five (5) feet in height
Narrow evergreens:		
Column Hinoki Cypress Blue Columnar Chinese Juniper Pyramidal Red Cedar Swiss Stone Pine Pyramidal White Pine Irish Yew Douglas Arborvitae Columnar Giat Arborvitae		Minimum three (3) feet in height
Tree-like shrubs:		
Flowering Crab Mountain Ash Redbud Hornbeam Magnolia	Russian Olive Dogwood Rose of Sharon Hawthorn	Minimum four (4) feet in height
Large deciduous shrubs:		
Honeysuckle Mock Orange Lilac Cotoneaster Euonymus Buckthorn	Viburnum Forsythia Ninebark Hazelnut Privet Sumac	Minimum six (6) feet in height
Large deciduous trees:		
Oak Hackberry Planetree (Sycamore) Ginkgo Sweet Gum	Linden Hard Maple Birch Beech Honeylocust Hop Hornbeam	Minimum eight (8) feet in height

- (b) Whenever a greenbelt or planting screen is required under the provisions of this

Ordinance, a site plan of the parcel to be developed, together with a detailed planting plan of said greenbelt, shall be submitted to the Planning Commission for approval prior to the issuance of a building permit. The site plan shall indicate, to scale, the proposed location and height of buildings and other structures, the location of public walks, roadways and utilities, and the proposed location of offstreet parking, loading, service, and outside storage areas and points of ingress/egress to the site. The planting plan shall indicate, to scale, the location, spacing, starting size, and description for each unit of plant material proposed for use within the required greenbelt area, together with the finished grade elevations proposed therein.

- (c) The Planning Commission shall review said planting plan relative to:
 - (1) The proper spacing, placement, and location of plant materials relative to the length and width of greenbelt so as to insure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved;
 - (2) The choice and selection of plant materials so as to insure that root systems will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way, or to abutting property owners;
 - (3) The proposed relationship between deciduous and evergreen plant materials so as to insure a maximum obscuring effect will be maintained throughout the various seasonal periods;
 - (4) The size of plant material (both starting and ultimate) to insure adequate maturity and optimum screening effect of proposed plant materials.

Sec. 27-99. Walls and Berms.

(a) For all OS-1, B-1, B-2 and P-1 Zoning Districts, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall as required below. An earthen berm or obscuring greenbelt may be utilized in place of a wall subject to the review and approval of the Planning Commission. See items (b) through (f) of this Section 27- 99 and Section 27-98 for requirements.

(b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

(c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may

be approved by the Chief of Police and the Director of Public Service. All walls herein required shall be constructed of materials approved by the Director of Public Service to be durable, weather resistant, rustproof and easily maintained; and wood or wood products shall be specifically excluded.

(d) Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty percent (20%) of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Director of Public Service.

(e) The requirement for an obscuring wall between offstreet parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

(f) The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four (4) feet six (6) inches in height.

(1) In consideration of a request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

(2) In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period to not exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinabove described, for each subsequent waiver prior to the granting of such waiver by the Board.

(g) Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the Director of Public Service. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one (1) foot of vertical rise; to three (3) feet of horizontal distance.

(1) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy growing

condition.

- (2) A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the Planning Commission. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant materials contained herein.

Sec. 27-100. Fences.

- (a) *Definitions.* For the purpose of this Section:

Fence. The word “fence” means any structure of posts and boards, of palings or pickets, or rails, or of one or more strands of wire or lengths of pipe, or of woven wire or other material, any masonry wall without a roof, or anything similar to the foregoing not made of growing material, which is above ground and acts as a barrier to free and unobstructed passage, but a fence does not include any guardrail.

Front of Lot. In the case of a lot in a residential district at the intersection of two streets, the front yard line or similar data shown on the recorded plat shall determine which street the lot faces and fronts upon; where such determination cannot be made from the recorded plat, the lot shall be considered as facing and fronting upon that one of the intersecting streets which, in the block in question, has the greater length. Any yard required to be maintained adjoining the street on which the lot so faces shall be treated for purposes of this section as the front yard.

Height. Height shall be measured from the general level of the ground in the immediate vicinity. Where the level is different on either side of a fence, the average between the two shall be used.

- (b) *Location and Height.* No fence shall be constructed or maintained on any part of a front yard. A fence on the real lot line or a fence constructed within the area of the lot on which a building can be constructed shall not exceed six (6) feet in height. No fence along any side lot line shall exceed four (4) feet in height, except that a fence along the side lot line may be up to six (6) feet in height if: (i) such proposed fence is along a side lot line adjacent to a street or alley; or (ii) the resident proposing to build such fence has notified his immediately adjoining property owners of his intention to construct such fence and has obtained their written consent thereto within a period of (sixty) 60 days preceding the issuance of a permit for the construction of such fence.

(Ord. 172, § 1, 1-1-99)

- (c) *Fences Construction and Maintenance.*

- (1) The supporting framework of any fence shall not face adjacent properties or streets.
- (2) Fences shall not be attached to existing fences, *i.e.* cyclone fence attached to wooden fence.
- (3) No fence shall have barbed wire, razor wire, electrical current, concertina wire or other similar material.

- (4) The owner of any fence shall maintain their fences in accordance with the Code of Ordinances provisions.
- (5) All fences shall be maintained plumb and true with adequate support in a safe manner. The owner of a fence shall remove and/or repair a fence that is dangerous, dilapidated or otherwise in violation of the Code of Ordinances.
- (6) Any person who erects, builds and/or constructs any fence upon property which such person owns and/or leases, shall be responsible for the repair, upkeep and maintenance of the fence.
- (7) Any person who owns property upon which a fence has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence.
- (8) It shall be the responsibility of the person installing the fence to ensure such fence is placed on or within their own property line.

(Ord. No. 190, §1, 10-1-07)

(d) *Fence Projections and Barbed Wire Prohibited.* No owner, lessee or occupancy of any building in the City shall erect or maintain on or about the entrance of such building, or on or about its exterior, any railing, fence, guard or other protection from which there shall project any spike, nail or other pointed instrument of any kind or description. No owner, lessee or occupant of any premises in the City shall construct or maintain a barbed wire fence nor any wall or other form of fence to which any barbed wire shall be affixed or from which there shall project any spike, nail or other pointed instrument.

(e) *Permit Required for Fence Construction.* No person shall construct any fence anywhere in the city without first applying to the director of public service for a permit, the application to be in writing and to be accompanied by a description of the fence and of its location in detail sufficient to enable the director to determine whether or not said fence will comply with the provisions of this section. The permit shall be issued upon payment of a fee of two dollars (\$2.00) if the fence so complies.

(f) *Nonconforming Fences.* Nothing in this Subchapter shall require the demolition or alteration of any fence existing prior to April 1, 1960, if such fence is in a state of good repair and if such fence, when constructed, conformed to the ordinances of the City in force at the time. Whenever any such nonconforming fence shall fall into a state of disrepair, or whenever the same or any material portion thereof is to be replaced for any reason, the replacement shall conform to the requirements of this Section.

(g) *Exceptions.* The limitations of Section 27-100(b) shall not apply to fences on or bounding premises occupied by a church or a public or private school; nor shall they apply to fences on or bounding a playground, park or other property operated by the City of Grosse Pointe Park. In any case where, upon appeal to and hearing by the Board of Appeals, it appears to the satisfaction of the Board of Appeals that the limitations of Section 27-100 do not promote

public health, safety or general welfare, nor reduce the hazards to life or property, the Board of Appeals may relax said limitations, in whole or in part, and permit what would otherwise be prohibited by said Section.

Sec. 27-101. Signs.

The following conditions shall apply to all signs erected or located in any use district:

- (a) General requirements for all signs:
 - (1) *Wind pressure and dead load requirements.* Ground, projecting, wall and marquee signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area and shall be constructed to receive dead loads as required elsewhere in the City Code;
 - (2) *Illumination.* Internally and externally lighted reflectorized, glowing, and other forms of illumination shall be permitted on all signs. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. The illumination of any sign or any part of such illumination cannot be other than a steady, continuously burning bulb or light. The flashing part thereof is prohibited, with the exception of that part of any sign which indicated time or temperature;
 - (3) *Obstructions to doors, windows, and fire escapes.* No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape;
 - (4) *Signs to not cause a traffic hazard.* No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic. At street intersections, no signs other than municipal traffic controls signs shall be located within eight (8) feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines at the corner lot;
 - (5) *Face of sign shall be smooth.* No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may

extend over the top and in front of the advertising structures;

- (6) *Removal of certain signs.* Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product, or entertainment, service, or commodity offered or sold on the lot, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which said sign shall be found sixty (60) days after written notice from the Director of Public Service.

(b) Signs in office and business zones:

- (1) *Ground signs.* Every ground sign over fifty (50) square feet in total surface area and/or more than eight (8) feet in height shall have a surface or facing of noncombustible material;

- a. *Letters, etc., to be secured.* All letters, figures, characters, or representations in cut out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure;

- b. *Height and area limitations.* It shall be unlawful to erect any ground sign to a height greater than the height of fifteen (15) feet above the level of the street upon which the sign faces. No ground sign shall have a single surface area exceeding one (1) square foot of sign area for each one (1) lineal foot of building frontage for single face signs and shall have no more than two (2) square feet of sign area for each lineal foot of building frontage for signs with two (2) faces. In the case of a corner lot, only the frontage on the business street may be used in calculating business frontage. Such sign shall be placed on the same parcel of property as the building or use to which it is accessory;

- c. *Anchorage and support.* All ground signs shall be securely built, constructed, and erected upon posts (other than wood) and standards sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. A lightning grounding device shall be provided;

- d. *Number of signs.* Not more than one (1) ground sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties, tenants, or uses contained therein.

(2) Wall signs.

- a. *Materials required.* All wall signs of a greater area than fifty (50) square feet shall have a surface or facing of noncombustible

material;

- b. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached;
 - c. *Projection.* No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached. Wall signs may project over the public right-of-way to the limits set forth in this section;
 - d. *Height.* No wall sign shall extend higher than whichever of the following is the lowest:
 - 1. Twenty-five (25) feet above grade;
 - 2. The top of the sills of the first level of windows above the first story;
 - 3. The lowest point of the roof, except in the case of a one story building with a continuous horizontal parapet above the roof, in which case a sign may be as high as the top of the parapet. Signs should not be attached to roofs, chimneys, smoke stacks, elevator towers, penthouses and mechanical covers.
 - e. *Area limitations.* The total surface area of wall signs placed on the front, side or rear of a building shall not exceed one (1) square foot of total signage for each one (1) lineal foot of building frontage;
 - f. *Two or more businesses.* Where a single principal building is devoted to two (2) or more businesses, or commercial uses, the operator of each such use may install a front wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted for the front wall of the building;
 - g. *Supports and attachments.* All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
- (3) *Window signs.* No sign shall be permitted to be affixed on the inside, outside or within three feet of any glass window or any similar transparent window within the City if said sign occupies more than ten percent (10%) of the total area of said window or if, when considered with other signs in

connection with said window, the total area of the several signs exceeds ten percent (10%) of the total window area. If more than one (1) pane of glass or other transparent material are placed together so as to create the effect of one window, they shall be treated in the same manner as one window for purposes of this Section;

- (4) *Projecting signs.* Projecting signs shall be prohibited;
- (5) *Marquee signs.*
 - a. *Material required.* Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of noncombustible materials;
 - b. *Height and area limitations.* No marquee sign shall have a total surface area exceeding thirty (30) square feet nor shall be of a greater overall height than four (4) feet; and
 - c. *Bracing, anchorage and supports.* Every marquee sign shall be thoroughly secured to the building by iron or metal anchors bolts, supports rods or braces.
- (6) *Awning or canopy signs.* Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:
 - a. *Lettering projection.* Lettering or letters shall not project above, below or beyond the physical dimensions of the awning or canopy. Such sign shall be limited to location only on the skirt of such awning or canopy for awnings or canopies which project more than twelve (12) inches beyond the wall of the building;
 - b. *Letter size.* Lettering or letters shall not be larger from top to bottom than nine (9) inches for awnings or canopies which project more than twelve (12) inches beyond the building wall;
 - c. *Awning projection.* Awnings or canopies which project less than twelve (12) inches beyond the building wall may utilize not more than ten percent (10%) of the surface area of the awning for letters or lettering; and
 - d. *Letter content.* Lettering or letters shall not denote other than the name and address of the business conducted on the premises.
- (7) *Special regulation on "For Sale" or "Lease" signs.* For sale or rental of individual units, there shall be no more than one (1) such sign, except that on a corner lot two (2) signs, one facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area, and no such sign shall be illuminated. All such signs shall be removed within two (2) weeks after a

lease or sale contract has been signed.

(8) *Temporary signs.* The following regulations shall be applicable to all temporary signs placed or situated at any place other than inside a “building” as defined in this Ordinance:

- a. *Permits required.* Permits are required to erect any temporary sign in excess of two (2) square feet;
- b. *Display period.* Cloth or canvas signs, pennants or banners may be erected for a period of not to exceed thirty (30) days in any six (6) month period. Temporary signs may be displayed for any new business or owner, for period of time not to exceed three (3) months, except as otherwise permitted by the City Council;
- c. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by City Council;
- d. *Area and height.* No temporary sign may have a single face greater than allowed by subsection (b) (2) d. Wall Signs, of this Section, nor be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground;
- e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided for above;
- f. *Damaged signs.* Any temporary sign found by the Director of Public Service to be in a torn, damaged or unsafe condition must be removed by the owner within three (3) days after his receipt of notice to do so from the Director of Public Service; and
- g. *Number of signs.* The number of temporary signs permitted shall be limited to one (1) per building, per twelve (12) month period.

(9) *Temporary signs (inside buildings).* Temporary signs may be placed on the interior of a building subject to the following:

- a. *Location.* Such signs shall be allowed only in B Business Districts and may be provided as window displays;
- b. *Construction.* Temporary signs inside buildings shall be of light weight material such as cardboard, paper, cloth or plastic material and shall only be utilized for special events such as sales or notices;
- c. *Size.* Such signs shall not exceed ten (10) square feet or one-

quarter (1/4) of the display window area, whichever is the greater;

- d. *Time period.* Such sign shall not be displayed for more than fourteen (14) days in any thirty (30) day period;
- e. *Permit.* A permit shall not be required for temporary signs inside a building.

- (10) *Signs advertising buildings under construction.* Such signs may be erected for the period of construction and shall not exceed a face area of sixty-four (64) square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building, or materials and equipment used.

(c) *Signs in residential areas.* Ground and wall type signs are permitted in residential zone districts and shall satisfy the following conditions:

- (1) *Materials.* Signs in these districts may not be constructed of combustible materials;
- (2) *Banners and pennants.* No cloth pennants, banners, or advertising devices of a similar nature may be erected in these districts;
- (3) *Sign advertising the rental, sale or lease of the property upon which it is located.* One sign pertaining to the sale, lease or use of a lot or building may be placed on such lot or building if such sign does not exceed six (6) square feet in area. All such signs shall be removed within seven (7) days after sale or lease of such property;
- (4) *Dwelling nameplate.* For each dwelling unit, one (1) nameplate, not exceeding two (2) square feet in area, indicating name of occupant;
- (5) *Signs advertising the lots and/or buildings erected in any one subdivision or multiple family development.* It shall be permissible for a real estate broker or builder to erect one (1) sign not to exceed a total surface area of sixty-four (64) square feet nor an overall height of ten (10) feet, the lower edge of which shall not be less than eighteen (18) inches above the surrounding ground level, to advertise the lots and/or buildings erected in any one (1) subdivision, provided that said real estate broker or builder owns, has listed for sale, or has the owner's permission to sell a minimum of ten (10) lots in said subdivision. No such sign or billboard shall be erected or maintained within one hundred (100) feet of any occupied residence unless the written consent of the owner and occupant of such residence is first obtained;
- (6) *Multiple family residential units.* Any person owning or operating any multiple-family residential unit may erect a sign bearing the name of the residential unit, such sign not to exceed fifty (50) square feet in area and

not to exceed an overall height of ten (10) feet above the ground level, which sign shall be made of noncombustible material and may be lighted during the hours of darkness, and which shall contain no advertising or information other than the name of the residential unit and status of occupancy. No more than one (1) sign may be erected for each development entrance;

- (7) *Open house signs.* Two (2) “Open House” signs pertaining to the sale, lease, or use of a building shall be permitted. No such sign shall exceed six (6) square feet in area and no such sign shall be illuminated. Such signs shall be displayed on Sundays only from 2:00 P.M. to 5:00 PM. Such signs shall only be located in the public right-of-way adjacent to the traveled portion thereof and within fifty (50) feet of the corner of the intersection. No such sign shall be placed at the corner of an intersection if four (4) “Open House” signs have already been placed at that intersection. No such sign shall be placed on a corner of an intersection if another “Open House” sign has already been placed at that corner.

(d) *Parking area signs.* Signs in areas designated as P-1 District or accessory lot parking areas shall meet the following requirements:

- (1) *Entrance designation.* One (1) wall or ground sign may be erected to designate such entrance to or exit from a parking area; each sign shall be no more than three (3) square feet in area; and
- (2) *Designation of use.* One (1) wall or ground sign designating the conditions of use shall be permitted for each parking area; each such sign shall be limited to a maximum area of nine (9) square feet, but shall be screened from adjoining property.

(e) *Signs accessory to churches, schools or nonprofit institutions.* Churches, colleges, schools, buildings housing governmental functions and utilities of the city, county or state or a subdivision thereof are permitted to erect a sign. Such signs, when of a permanent nature, shall be constructed of noncombustible material and shall meet all the requirements as stated under Section (b) except as provided hereafter:

- (1) *One sign allowed.* There shall be no more than one (1) sign;
- (2) *Placement.* Such signs shall be set back from the lot line at least one—third (1/3) of the distance from the lot line to the nearest building, but need not be set back more than one hundred (100) feet from the property line; and
- (3) *Size.* No sign shall exceed twenty (20) feet in area unless the sign is located more than fifty (50) feet behind the property line, then said sign may be increased by five (5) additional square feet for each additional ten (10) feet of set back, but in no event shall such sign exceed fifty (50) square feet in area.

(f) *Permits required.* It shall be unlawful for any person to erect, repair, paint, alter or relocate any sign within the City as defined in this Ordinance, without first obtaining a permit from the Director of Public Service, with the exception of the following:

- (1) Signs for which a permit is not required;
 - a. *Name plates and occupational signs.* Wall signs which are used as nameplates not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two (2) square feet in area;
 - b. *Bulletin boards.* Bulletin boards not over twenty (20) square feet in area for religious institutions; provided, however, if said signs are electrically illuminated, an electrical permit must be obtained;
 - c. *Memorials and building names.* Memorial signs or tables, names of buildings, and date of erection when cut into any masonry surface or when constructed on bronze or aluminum;
 - d. *Municipal signs.* Traffic or other municipal signs, legal notices, danger and such temporary emergency or nonadvertising signs as may be approved by the Director of Public Service;
 - e. *Rental signs.* Sign advertising the rental, sale or lease of the property upon which it is located, if such sign does not exceed eight (8) square feet; and
 - f. *Certain window signs.* A permit is not required for window signs which comply with Section (b) (3).
- (2) *Application for Permit.* Applications for permits shall be made upon forms provided by the Director of Public Service and shall contain or have attached thereto the following information:
 - a. *Basic data.* Name, address and telephone number of the applicant;
 - b. *Location.* Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
 - c. *Position.* Position of the sign or other advertising structure in relation to nearby buildings or structures;
 - d. *Blueprints.* Two (2) blueprints or drawings of the plans and specifications and method of construction and attachments to the building or in the ground;

- e. *Stress sheets and calculations.* Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City. Provided further, that where the Director of Public Service deems it advisable, he may require the approval of the structural design by a registered engineer;
 - f. *Owner.* Name of person, firm, corporation or association erecting the structure;
 - g. *Consent.* Written consent of the owner where the sign is to be erected on vacant land;
 - h. *Wiring.* In all cases where wiring is to be used in connection with the structure, it shall comply with the National Electrical Code. The Electrical Inspector shall approve and affix his signature to said permit;
 - i. *Insurance.* Insurance policy or bond as required in Section I;
 - j. *Other.* Such other information as the Director of Public Service shall require to show full compliance with this and all other Ordinances of the City Code.
- (3) *Permit issued if application is in order.* It shall be the duty of the Director of Public Service, upon the filing of an application for an erection permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all requirements of the City Code, he shall then issue the erection permit. In the case of illuminated signs, both an electrical permit and an erection permit must be issued simultaneously;
- (4) *Permit fee.* It shall be unlawful in the City of Grosse Pointe Park for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Director of Public Service for such erection or alteration and a permit paid to the City Treasurer according to the schedule as shall be established from time to time by resolution of the City Council;
- (5) *Permit revocable at any time.* All rights and privileges acquired under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

(g) *Licenses for sign erectors.* Every person, firm or corporation engaged in the business of erecting or installing signs for which permits are required by this Ordinance (excluding the general maintenance or painting thereof) shall obtain a license, hereinafter referred to as a sign erector's license, from the Director of Public Service;

- (1) *Renewal.* The sign erector's license shall be renewed annually;
- (2) *License Fee.* Every applicant before being granted a Sign Erector's License shall pay to the City Treasurer the fees as established from time to time by resolution of the City Council; and
- (3) *Revoking of Licenses.* The Director of Public Services shall revoke the license of any sign erector who does not comply with the requirements of this Ordinance.

(h) *Nonconforming signs.* All existing signs, other than oscillating or flashing signs, that do not conform to the provisions of this Ordinance shall be permitted to continue as nonconforming signs until such time as they are removed or until any changes are necessary, at which time, they shall conform to the provisions of this Ordinance;

(i) *Political campaign signs.* Signs announcing the candidacy of persons running for public office or issue to be voted upon at an election and other information pertinent thereto must be removed within two (2) days after the election to which they pertain. There shall be a service charge of five dollars (\$5.00) to the owner of each political sign removed by the City after the two (2) day time limit has expired;

(j) *Prohibited signs.* The following signs are prohibited within the City:

- (1) *Public right of way.* No sign or banner shall be placed across any public right-of-way except by permission of the City Council;
- (2) *Obscene, indecent, immoral signs.* It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter;
- (3) *Flashing lights.* Signs which incorporate in any manner any flashing or moving lights;
- (4) *String lights.* String lights used in connection with business premises for commercial purposes, other than Christmas decorations;
- (5) *Portable signs.* Portable signs and signs mounted on trailers;
- (6) *Electrical movement.* Any sign which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical or mechanical means;

- (7) *Unlawful installation.* Any sign unlawfully installed, erected or maintained;
 - (8) *Off-premise signs.* Any sign which directs attention to a business, entertainment, service or commodity unless such business, entertainment, service or commodity shall be offered, conducted or sold on the premises on which the sign is located, except real estate signs;
 - (9) *Trees and poles.* Signs on trees or utility poles, whether public or private;
 - (10) *Park benches.* Signs on park-type benches; and
 - (11) *Roofs.* Any sign on the roof of any building.
- (k) *Enforcement.* This Ordinance shall be enforced by the Director of Public Service. In the event of violation, the proprietor shall be notified in writing to remove or eliminate the violation within ten (10) days after service of notice upon him or as otherwise provided in a specific section. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the Director of Public Service where bona fide efforts are in progress to remove, repair or eliminate the violations. Such notice shall not be required in repeated cases of the same violations by the same proprietor.
- (1) Unsafe, damaged and unlawful signs:
 - (2) *Unsafe Signs.* When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, upon receipt of a written notice from the Director of Public Service, forthwith in the case of immediate danger, and in any case not more than ten (10) days, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. If the order is not complied with within ten (10) days, the Director of Public Service may remove such sign at the expense of the owner or lessee;
 - (3) *Damaged Signs.* Any sign or advertising structure or supporting structure which is torn, damaged, defaced or destroyed shall be repaired, replaced or removed within ten (10) days of the damage. If a sign or structure is torn, damaged, defaced or destroyed and not replaced or repaired within ten (10) days of said casualty, the Director of Public Service shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement or removal within twenty (20) days. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Director of Public Service is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed.

(l) *Sign Maintenance.* The Director of Public Service may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

- (1) *Maintenance.* All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion resistant, noncombustible materials shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.
- (2) *Housekeeping.* It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
- (3) *Time and temperature.* Signs which indicate the time or temperature must indicate the correct information to public view.

(m) *Appeals.* Any person who shall feel aggrieved by any action or order taken under the terms of this Ordinance shall have the right of appeal to the Board of Appeals. Notice of such appeal shall be filed with the Director of Public Service and shall be heard by the Board of Appeals at their next regular meeting.

(n) *Penalty.* Violation of any section of this Ordinance, including failure to comply with the notice of the Director of Public Service within the time allowed, shall be punishable upon conviction thereof by a fine to not exceed one hundred dollars (\$100.00) and the cost of prosecution, or by imprisonment for a term to not exceed thirty (30) days.

Sec. 27-102. Satellite Dish Antennas.

- (a) *Definition.*

Satellite Dish Antenna. The term “satellite dish antenna” shall mean an electronic device parabolic in shape which can collect electromagnetic waves transmitted from a satellite for conversion into television or sound.

- (b) *Permit Required.*

All satellite dish antennas which are to be constructed, placed or established in the open and not contained within a building shall be considered structures subject to the provisions and terms of the Zoning Ordinance of the city and a permit for such installation shall be obtained from the Department of Public Service prior to the installation of any satellite antennas.

- (c) *Requirements For Permit.*

- (1) Applications for a permit to install a satellite antenna shall be submitted to the Department of Public Service. The application shall include a site plan showing the proposed location of the installation; including building locations on the site and on any contiguous lot, a picture or sketch of all the elements of the antenna which would be exposed to view from adjacent properties and the dimensions of all buildings, lot lines and set back lines as established in the zoning regulations.
- (2) The Department of Public Service shall submit all applications for a permit to install a satellite dish antenna to the Planning Commission, together with recommendations concerning screening, landscaping, fencing or other matters having an impact on adjoining properties. The Planning Commission shall establish a date for a public hearing on the application and shall cause a notice of said hearing to be sent to the owners of property located within three hundred (300) feet of the lot or parcel upon which the installation is proposed.
- (3) The Planning Commission, after the public hearing where interested property owners shall have the opportunity to be heard, may grant the request, may deny the request if it is found to be injurious to the surrounding neighborhood, or may grant the request subject to conditions. Such conditions may relate to the location, size, elevation, screening, landscaping, fencing or other matters having impact upon adjoining properties. No permit shall be approved for an installation within any front yard, any side yard set back area or if such installation would exceed yard coverage established for buildings. A petitioner may appeal a determination of the Planning Commission to the City Council acting as a Board of Appeals. Upon approval of the application, the Department of Public Service shall issue a permit for such installation.

(d) *Prior Nonconforming Installation.*

Satellite dish antennas in existence on the effective date of these regulations shall be deemed to be nonconforming and shall not be moved or relocated without securing a permit for installation as provided in this Section.

(e) *Roof Installations.*

The provisions of this section shall not be applicable to satellite antennas having a diameter of thirty-six (36) inches or less and mounted upon the roof of a building.

Sec. 27-103. Flagpoles.

No more than one flagpole may be erected or maintained on any lot including any required front yard. No such flagpole shall have a diameter greater than three (3) inches or a height in excess of twenty-five (25) feet above the average grade level of such lot. No flagpole shall be located within fifteen (15) feet of any lot line, provided that with respect to any lot in an R-A, R-B, R-C or R-D district, such fifteen (15) foot limit shall be reduced (i) with respect to side lot lines by

one-half (½) foot for each foot by which the width of any such lot is less than forty (40) feet, and (ii) with respect to front lot lines to one-half (½) of the distance between the building line and the front lot line.

Sec. 27-104. Commercial Antennas.

(a) Commercial radio, television, cable TV, cellular and other transmitting, receiving or relay antenna towers or poles housing one or more antennas are permitted subject to the provisions of this Section, in Article VIII, B2 General Business Districts, and on property used or committed for other than residential or school purposes, subject to the provisions of this section.

(b) Application for a special use permit for placement of a commercial antenna in any district shall be made to the City Planning Commission in accordance with procedures established by the City Administration.

(c) The City Planning Commission shall hold a public hearing with notice pursuant to Section 4a of Act No. 207 of the Public Acts of Michigan of 1921 (MCL §125.581, et seq., MSA §5.2931, et seq.) as amended.

(d) In making its determination of whether or not to recommend approval of the application, the City Planning Commission shall consider the following criteria:

- (1) Whether the requested use is essential or desirable to the public convenience or welfare;
- (2) Whether the proposed antenna tower or pole is of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent properties and/or zoning districts;
- (3) In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the City, co-location, or the provision of more than one facility at a single location shall be encouraged by the City Planning Commission. In this regard the applicant may be required to provide information regarding the feasibility of location at proposed sites. Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:
 - a. respond to any requests for information from another potential shared use applicant;
 - b. negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable; and
 - c. make no more than a reasonable charge for a shared use lease.

(e) If the City Planning Commission determines that the applicant has met the above criteria, it may recommend to the City Council that the application be approved.

(f) The City Council may grant the permit if it determines that the following standards have been met:

- (1) A one hundred percent (100%) fall zone shall be required for any antenna tower or pole. Fall zone percentage means the distance relative to the height of the antenna, tower or pole, as measured from surrounding grade to the uppermost element of the antenna, which the tower or pole must set back from all adjacent property lines;
- (2) All transmission lines related to and serving any antenna tower or pole shall be placed underground;
- (3) Antenna towers or poles may be on owned or leased premises, on top of or adjacent to existing buildings, steeples or other towers, subject to setback standards as measured from surrounding grade for freestanding towers and poles;
- (4) Antenna towers, poles and related equipment shelter buildings shall be subject to site plan review as provided in this Chapter. Equipment shelter buildings shall be constructed of face brick on all sides with gable roof;
- (5) Equipment shelter buildings shall be considered as accessory buildings to the principal use (i.e., antenna tower or pole) and shall comply with applicable building setback and height standards; and
- (6) Antenna towers shall not exceed one hundred and fifty (150) feet in height as measured from surrounding grade.

(g) A permit may include reasonable conditions for the protection of the health and safety of the public, including requiring periodic structural and safety inspections or reports. A permit may also require the holder to provide a cable television or telecommunications carrier with nondiscriminatory access to the antenna or pole if there is sufficient capacity and there is no safety or reliability reason to deny access under generally applicable engineering standards. Violation of any such reasonable condition shall be grounds for revocation of a permit by the City Council after notice to the holder and an opportunity for hearing.

(h) On application for a permit, a fee shall be paid in accordance with a commercial antenna schedule established from time to time by resolution of the City Council.

(i) Issuance, amendment or renewal of a permit shall not limit or impair the right of the City to acquire any property, right or interest by eminent domain proceedings.
(Ord. No. 169, § 1, 11-24-98)

Secs. 27-105. -- 27-120. Reserved.

ARTICLE XII GENERAL EXCEPTIONS

Sec. 27-121. Area, Height and Use Exceptions.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

Sec. 27-122. Essential Services.

Essential services serving the City of Grosse Pointe Park shall be permitted as authorized and regulated by law and other ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive the review and approval, after a public hearing, of the Board of Appeals. Such review of the Board of Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the city.

Sec. 27-123. Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Sec. 27-124. Height Limit.

The height limitations of this Ordinance shall not apply to chimneys, church spires or other public monuments; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Sec. 27-125. Lot Area.

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district where such lot is located, other than conditional uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

Sec. 27-126. Lots Adjoining Alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

Sec. 27-127. Yard Regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

Sec. 27-128. Porches.

An open and unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet provided that the covered portion of such porch shall not exceed 80 square feet in area.

(Ord. No. 189, § 3, 1-4-06)

Sec. 27-129. Projections into Yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Sec. 27-130. Access Through Yards.

For the purpose of this Ordinance, 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. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall, for the purpose of this Ordinance, not be considered to be a structure, and shall be permitted in any required yard.

Sec. 27-131. Lots Having Water Frontage.

Those residential lots or parcels having water frontage shall maintain the yard on the water side as an open unobscured yard, excepting that a boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals.

(Ord. No. 190, § 1, 1-10-07)

Sec. 27-132. Canopies.

Canopies that project over public sidewalks in OS-1, B-1 and B-2 zones may be permitted provided no supports are required in the public sidewalks. In those instances where supports are required, such canopy shall receive the review and approval of the Board of Appeals and shall be subject to such conditions as the Board imposes to assure public safety to pedestrians.

Secs. 27-133. -- 27-140. Reserved.

ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT

Sec. 27-141. Enforcement.

The provisions of this Ordinance shall be administered and enforced by the Director of Public Service or by such deputies of his department as the Director of Public Service may delegate to enforce the provisions of this Ordinance.

Sec. 27-142. Duties of Director of Public Service.

(a) The Director of Public Service shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his

duties in the enforcement of this Ordinance. It shall be unlawful for the Director of Public Service to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

(b) The Director of Public Service shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 27-93.

Sec. 27-143. Plot Plan.

The Director of Public Service shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location and dimensions of the lot;
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate; and
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Sec. 27-144. Permits.

The following shall apply in the issuance of any permit:

(a) *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance;

(b) *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use;

(c) *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use; and

(d) *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City of Grosse Pointe Park, Building

Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Sec. 27-145. Certificates.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (1) *Certificate Not to be Issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance;
- (2) *Certificates Required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure;
- (3) *Certificates Including Zoning.* Certificates of occupancy, as required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, also shall constitute certificates of occupancy as required by this Ordinance;
- (4) *Certificates for Existing Buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance;
- (5) *Record of Certificates.* A record of all certificates issued shall be kept on file in the office of the Director of Public Service and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved;
- (6) *Certificates for Dwelling Accessory Buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings;
- (7) *Application for Certificates.* Application for certificates of occupancy shall be made in writing to the Director of Public Service on forms furnished by that Department, and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land, is in accordance with the provisions of this Ordinance;
- (8) *Denials* If such certificate is refused for cause, the applicant therefore

shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

Sec. 27-146. Public Hearing.

Whenever any Section of this Ordinance refers to this Section 27-146, notice of a public hearing shall be given in accordance with Public Act 107 of 2006, as amended.
(Ord. No. 190, § 1, 9-10-07)

Sec. 27-147. Final Inspection.

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Director of Public Service immediately upon the completion of the work authorized by such permit, for a final inspection.

Sec. 27-148. Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Director of Public Service in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

ARTICLE XIV. BOARD OF APPEALS

Sec. 27-151. Creation and Membership.

The Legislative Body of the City shall, in accordance with Act 110 of 2006, as amended, act as a Board of Appeals on zoning, which in addition to the general duties and powers conferred upon it by law, may, in specific cases and subject to appropriate conditions and safeguards, vary or modify the application of the regulations herein established in harmony with their general purpose and intent of this Ordinance.

(Ord No. 190, § 1, 9-10-07)

Sec. 27-152. Meetings.

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The City Clerk, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four (4) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Sec. 27-153. Appeal.

(a) An appeal may be taken to the Board of Appeals by any person, firm or corporation aggrieved by a decision of the Director of Public Service, or by any officer, department, board or bureau. Such appeal shall be taken within such time as shall be prescribed

by the Board of Appeals by general rule, by filing with the Director of Public Service and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Director of Public Service shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director of Public Service certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life of property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

(Ord. No. 190, § 1, 9-10-07)

(b) The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Sec. 27-154. Fees.

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice of appeal is filed, said fee shall be paid to the Secretary of the Board of Appeals, which the Secretary shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the City of Grosse Pointe Park.

Sec. 27-155. Jurisdiction.

(a) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and the laws of the State of Michigan. Said powers include:

- (1) *Administrative Review.* To bear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Director of Public Service or any other administrative official in carrying out or enforcing any provisions of this Ordinance;
- (2) *Variance.* To authorize, upon an appeal, use variances and non-use variances from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in unnecessary hardship in the case of a use variance or practical difficulties in the case of a non-use variance upon

the owner of such property provided such relief may be granted without a non-use variance upon the owner if such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. A vote of 2/3 of the members of the Board is required to approve a use variance. In granting use variances and non-use variances, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. The Board shall state the grounds upon which it justifies granting or denial of use variances and non-use variances.

(Ord. No. 190, § 1, 10-01-07)

- (3) *Exceptions and Special Approvals.* To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:
- a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid;
 - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission;
 - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements;
 - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification or permit such modifications when such matter is directed to the Board of Appeals for the review and consideration under the Ordinance; and
 - e. Permit temporary buildings and uses for specific time periods.

(b) In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Grosse Pointe Park. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Director of Public Service, or to decide in favor, of the applicant in any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the City Council of the City of Grosse Pointe Park, in the manner provided by law.

Sec. 27-156. Orders.

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Director of Public Service from whom the appeal is taken. Any decision made by the Board shall be incorporated in a statement of findings and conclusion which specifies the basis for the decision and any conditions imposed.

(Ord. No. 190 § 1, 9-1-07)

Sec. 27-157. Notice.

The Board shall issue no order or decision except in a specific case and after a public hearing conducted by the Board. It shall, by general or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of property within three hundred (300) feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

Sec. 27-158. Miscellaneous.

(a) No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(b) No order of the Board permitting a use of a building or premise for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Secs. 27-159. -- 27-160. Reserved.

ARTICLE XV. ZONING COMMISSION

Sec. 27-161. Designation.

The Planning Commission is hereby designated as the Commission specified in section 301, Act 2006 of the Public Acts of 2006, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.
(Ord. No. 190, § 1, 9-10-07)

Secs. 27-162. -- 27-165. Reserved.

ARTICLE XVI. PLANNING COMMISSION APPROVAL

Sec. 27-166. Approval.

(a) In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

(b) The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

(c) The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

(d) Any approval given by the Planning Commission, under which premises are not used or work is not started within six (6) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

Secs. 27-167. -- 27-170. Reserved.

ARTICLE XVII. CHANGES AND AMENDMENTS

Sec. 27-171. Changes and Amendments.

The City Council may, from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006, as amended.
(Ord. No. 190, § 1, 9-10-07)

Secs. 27-172. -- 27-175. Reserved.

ARTICLE XVIII INTERPRETATION

Sec. 27-176. Interpretation.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Secs. 27-177. -- 27-180. Reserved.

ARTICLE XIX. VESTED RIGHT

Sec. 27-181. Vested Right.

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

Secs. 27-182. -- 27-185. Reserved.

ARTICLE XX. ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Sec. 27-186. Violations.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution or, in default of the payment thereof shall be punished by imprisonment in the County Jail for a period to not exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

Sec. 27-187. Public Nuisance Per Se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Sec. 27-188. Fines, Imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Sec. 27-189. Each Day a Separate Offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Sec. 27-190. Rights and Remedies Are Cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXI SEVERANCE CLAUSE

Sec. 27-191. Severance.

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.